

SENATE BILL REPORT

SB 6087

**AS REPORTED BY COMMITTEE ON AGRICULTURE & WATER RESOURCES,
FEBRUARY 7, 1992**

Brief Description: Regulating domestic animals.

SPONSORS: Senators Skratek, Barr, Madsen, Oke, Rasmussen and Nelson

SENATE COMMITTEE ON AGRICULTURE & WATER RESOURCES

Majority Report: That Substitute Senate Bill No. 6087 be substituted therefor, and the substitute bill do pass.

Signed by Senators Barr, Chairman; Anderson, Vice Chairman; Bailey, Gaspard, and Hansen.

Staff: Ben Barnes (786-7465)

Hearing Dates: January 31, 1992; February 7, 1992

BACKGROUND:

In 1987, the Legislature enacted provisions that regulate dangerous dogs and allow local jurisdictions to regulate potentially dangerous dogs. Local animal control authorities are the entities that decide whether a dog is potentially dangerous or dangerous. At present, there is no hearing process which allows the dog owner to challenge the determination of the animal control authority.

Classification of a dog as potentially dangerous or dangerous is based on the animal's behavior, not the breed. However, in 1989 the State Supreme Court upheld a Yakima ordinance which banned pit bull terriers within the city limits. Yakima also required licensing for those pit bull dogs within the city limits prior to the effective date of the ordinance.

Other municipalities in this state have also adopted ordinances that ban pit bull terriers. Some dog owners feel that the bull terrier and Staffordshire terrier breeds are being unfairly maligned and singled out by these breed-specific laws. In addition, there is a concern that other dog breeds may eventually be prohibited by local ordinances.

SUMMARY:

The state of Washington preempts the field with respect to the regulation of potentially dangerous or dangerous dogs. Local jurisdictions may enact only those ordinances and penalties relating to potentially dangerous or dangerous dogs that are consistent with state law. Local laws and ordinances that are inconsistent with state law are preempted and repealed.

A local ordinance cannot, on the basis of the dangerousness or potential dangerousness of a dog, restrict the transporting of any dog through the local jurisdiction if the dog is safely confined within a vehicle while traveling through the jurisdiction.

The animal control authority is required to classify potentially dangerous dogs and dangerous dogs. The authority may determine a dog to be potentially dangerous or dangerous if an animal control officer has probable cause to believe that the dog falls within the definitions set forth under the existing dangerous dog statute. If the owner or keeper of the dog objects to the determination that the dog is potentially dangerous or dangerous, the owner or keeper may petition the municipal or district court for a hearing to determine whether the dog is potentially dangerous or dangerous.

The hearing to determine whether a dog is potentially dangerous or dangerous must be held within no less than 15 working days nor more than 45 working days after service of notice upon the owner or keeper of the dog.

The owner or keeper of a dog which is believed to be potentially dangerous or dangerous is liable to the city or county where the dog is impounded for the costs and expenses of keeping the dog.

It is illegal for an owner of a "pet animal" to permit the animal to be outside of the owner's property except under the following circumstances: (1) the pet animal is physically restrained by a responsible person; or (2) such person and the pet animal are jointly engaged in an activity for which the state has issued a license, stamp, or permit. The phrase "pet animal" is defined. Local jurisdictions are required to enact ordinances to enforce this prohibition. Such ordinances may impose charges for catching, transporting, maintaining, and disposing of pet animals. The owner of any dangerous or potentially dangerous dog who violates this prohibition shall be guilty of a misdemeanor, and the dog shall be immediately confiscated by the animal control authority.

The Department of Licensing is required to conduct an evaluation of commercial breeders of pet animals and make recommendations to the Legislature in January of 1993 as to the appropriateness of regulating commercial breeding of pet animals. In conducting the evaluation, the department is required to consult with all relevant state agencies, local governments, and interested groups involved in commercial breeding of pet animals. If the department determines that it is in the public interest to regulate commercial breeding of pet animals, the department shall prepare a legislative proposal to implement such recommendation.

EFFECT OF PROPOSED SUBSTITUTE:

The definition of "pet animal" is clarified.

The requirement that the Department of Licensing evaluate the appropriateness of regulating commercial breeding of pet animals is eliminated.

Additional refinements in language are added.

Appropriation: none

Revenue: none

Fiscal Note: requested January 23, 1992

TESTIMONY FOR:

A hearing procedure should be adopted in order to provide a fair process for determining whether a dog is potentially dangerous or dangerous. The state should also preempt the field with respect to the regulation of potentially dangerous or dangerous breed-specific dog bans. Breed-specific ordinances can be very arbitrary, as an entire breed may be banned because of the actions of a single dog. These ordinances are hard to enforce because many breeds are difficult to distinguish, especially when crossed with other breeds. When a dog is classified as dangerous because of its breed, vicious dogs of other breeds are often allowed relative immunity. Breed-specific ordinances fail to address the most important issue -- owner responsibility.

TESTIMONY AGAINST:

Over the last several years, a number of jurisdictions have passed ordinances banning pit bull terriers as there is evidence that injuries sustained by persons and domestic animals as a result of pit bull terrier attacks are much more severe than those inflicted by other breeds. A local jurisdiction's authority to enact ordinances that ban specific dog breeds was upheld by a recent Supreme Court decision. Local jurisdictions should be able to retain this authority so that a community can address any significant problems associated with a particular breed.

TESTIFIED: Jeanne Werner, Humane Society (pro); Larry Mathews, Citizens for Accountable Responsible Government (con); Susan Trout, Responsible Dog Owners of the Western State (pro); Dr. Charles Root, Washington State Veterinary Medical Association (pro); Bert Tabayoyon, City of Yakima (con); Dave Frei, We're Accountable Guardians (pro); Bally Bishop, We're Accountable Guardians (pro); Michael Weight, City of Everett (con); Jon Clark, Department of Licensing (pro); Deirdre Dewan Johnson (con); David Lee (pro); Victoria Loveley (pro); Tony Singleton, Puget Sound Poodle Club (pro); D. Mycki Fulda, NW K-9 Connection (pro); Gail Alenick (pro)