
SENATE BILL 5028

State of Washington 56th Legislature 1999 Regular Session

By Senators Swecker, Goings and Rossi

Read first time 01/11/1999. Referred to Committee on Judiciary.

1 AN ACT Relating to dangerous dogs; and amending RCW 16.08.080.

2 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

3 **Sec. 1.** RCW 16.08.080 and 1989 c 26 s 3 are each amended to read
4 as follows:

5 (1) A city or county animal control authority that seeks to declare
6 a dog within its jurisdiction, as defined in subsection (7) of this
7 section, to be dangerous must serve notice upon the dog owner in person
8 or by regular and certified mail, return receipt requested.

9 (2) The notice must state: The statutory basis for the proposed
10 action; the reasons the authority considers the animal dangerous; a
11 statement that the dog is subject to registration and controls required
12 by this chapter, including a recitation of the controls in subsection
13 (6) of this section; and an explanation of the owner's rights and of
14 the proper procedure for appealing a decision finding the dog
15 dangerous.

16 (3) The authority must make a final determination regarding the dog
17 within thirty days of the date of delivering or mailing the notice.
18 Before the final determination, the owner may request a meeting with
19 the authority and at that meeting present reasons the dog should not be

1 declared dangerous. If the owner requests a meeting, the authority
2 must schedule one within the twenty-day period following the date of
3 delivering or mailing the notice. The authority must issue its final
4 determination in a written order including: Citation of the statutory
5 basis for the action; a brief statement of the facts supporting the
6 final determination; and the signature of the person who made the
7 determination. The authority must deliver the order to the owner in
8 person or mail the order to the owner by regular and certified mail,
9 return receipt requested.

10 (4) If the local jurisdiction has provided for an administrative
11 appeal of the final determination, the owner must follow the appeal
12 procedure set forth by that jurisdiction. If the local jurisdiction
13 has not provided for an administrative appeal, the owner may appeal a
14 municipal authority's final determination that the dog is dangerous to
15 the municipal court, and may appeal a county animal control authority's
16 or county sheriff's final determination that the dog is dangerous to
17 the district court. The owner must make such appeal within twenty days
18 of receiving the final determination. While the appeal is pending, the
19 authority may order that the dog be confined or controlled in
20 compliance with RCW 16.08.090. The owner may pay all costs of
21 confinement and control.

22 (5) It is unlawful for an owner to have a dangerous dog in the
23 state without a certificate of registration issued under this section.
24 This section and RCW 16.08.090 and 16.08.100 shall not apply to police
25 dogs as defined in RCW 4.24.410.

26 ((+2)) (6) The animal control authority of the city or county in
27 which an owner has a dangerous dog (~~shall~~) may issue a certificate of
28 registration to the owner of such animal if the owner presents to the
29 animal control unit sufficient evidence of:

30 (a) A proper enclosure to confine a dangerous dog and the posting
31 of the premises with a clearly visible warning sign that there is a
32 dangerous dog on the property. In addition, the owner shall
33 conspicuously display a sign with a warning symbol that informs
34 children of the presence of a dangerous dog;

35 (b) A surety bond issued by a surety insurer qualified under
36 chapter 48.28 RCW in a form acceptable to the animal control authority
37 in the sum of at least fifty thousand dollars, payable to any person
38 injured by the vicious dog; or

1 (c) A policy of liability insurance, such as homeowner's insurance,
2 issued by an insurer qualified under Title 48 RCW in the amount of at
3 least fifty thousand dollars, insuring the owner for any personal
4 injuries inflicted by the dangerous dog. Nothing in this section
5 limits a local authority in placing additional restrictions upon owners
6 of dangerous dogs. This section does not require a local authority to
7 allow a dangerous dog within its jurisdiction.

8 ((+3+)) (7)(a) If an owner has the dangerous dog in an incorporated
9 area that is serviced by both a city and a county animal control
10 authority, the owner shall obtain a certificate of registration from
11 the city authority;

12 (b) If an owner has the dangerous dog in an incorporated or
13 unincorporated area served only by a county animal control authority,
14 the owner shall obtain a certificate of registration from the county
15 authority;

16 (c) If an owner has the dangerous dog in an incorporated or
17 unincorporated area that is not served by an animal control authority,
18 the owner shall obtain a certificate of registration from the office of
19 the local sheriff.

20 ((+4+)) (8) Cities and counties may charge an annual fee, in
21 addition to regular dog licensing fees, to register dangerous dogs.

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