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HOUSE BILL 2675

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State of Washington

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By Representatives Upthegrove, Delvin, Barlean, Rockefeller, Cooper, McDermott, Dunshee, Jackley, Lovick, Chase, Darneille, Romero, Kagi and Campbell

Read first time 01/23/2002. Referred to Committee on Natural Resources.

1 AN ACT Relating to the private possession of dangerous wild  
2 animals; adding a new chapter to Title 16 RCW; and prescribing  
3 penalties.

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

5 NEW SECTION. **Sec. 1.** It is the intent of the state of Washington  
6 to protect the public against the health and safety risks that  
7 dangerous wild animals pose to the community and to protect the welfare  
8 of individual animals held in private possession. By their very  
9 nature, these animals are wild and inherently dangerous and, as such,  
10 do not adjust well to a captive environment.

11 NEW SECTION. **Sec. 2.** The definitions in this section apply  
12 throughout this chapter unless the context clearly requires otherwise.

13 (1) "Animal control authority" means an entity acting alone or in  
14 concert with other local governmental units for enforcement of the  
15 animal control laws of the city, county, and state, and the shelter and  
16 welfare of animals. "Animal control authority" includes, but is not  
17 limited to the following individuals: Animal control officers, local  
18 law enforcement agents, and county sheriffs.

1 (2) "Animal control officer" means an individual employed,  
2 contracted with, or appointed by the animal control authority for the  
3 purpose of aiding in the enforcement of this chapter or any law or  
4 ordinance relating to the licensure of animals, control of animals, or  
5 seizure and impoundment of animals. "Animal control officer" includes  
6 any state or local law enforcement officer, or other employee whose  
7 duties in whole or in part include assignments that involve the seizure  
8 and impoundment of any animal.

9 (3) "Department" means the department of fish and wildlife.

10 (4) "Dangerous wild animal" means those species of animals that are  
11 inherently dangerous to humans. "Dangerous wild animals" include the  
12 following classes, orders, and families, whether bred in the wild or in  
13 captivity:

14 (a) Class Mammalia:

15 (i) Order Carnivora:

16 (A) Family Felidae, except domestic cats, and domestic cat and  
17 wildcat hybrids;

18 (B) Family Canidae, only wolves, not wolf and dog hybrids;

19 (C) Family Ursidae; and

20 (ii) Order Primates, only nonhuman primates; and

21 (b) Class Reptilia:

22 (i) Order Squamata:

23 (A) Family Colubridae, only boomslangs, mangrove snakes, African  
24 twig snakes, and brown tree snakes;

25 (B) Family Elapidae;

26 (C) Family Helodermatidae;

27 (D) Family Lacertilia, only Salvator monitors and Salvadoran  
28 monitors; and

29 (E) Family Viperidae; and

30 (ii) Order Crocodylia.

31 "Dangerous wild animal" may include animals not listed if they are  
32 declared dangerous wild animals by the department, and if the  
33 department finds that possession of the animal within the state can be  
34 shown to constitute a threat to public health and safety.

35 (5) "Person" means any individual, partnership, corporation,  
36 organization, trade or professional association, firm, limited  
37 liability company, joint venture, association, trust, estate, or any  
38 other legal entity, and any officer, member, shareholder, director,  
39 employee, agent, or representative thereof.

1 (6) "Wildlife sanctuary" means a nonprofit organization described  
2 in section 170(b)(1)(A)(vi) of the internal revenue code of 1986, that  
3 operates a place of refuge where abused, neglected, unwanted,  
4 impounded, abandoned, orphaned, or displaced dangerous wild animals are  
5 provided care for their lifetime or released back to their natural  
6 habitat and, with respect to any animal owned by the organization, does  
7 not:

8 (a) Conduct any activity that is not inherent to the animal's  
9 nature;

10 (b) Use the animal for any type of entertainment, public display,  
11 or viewing;

12 (c) Sell, trade, or barter the animal or the animal's body parts;  
13 or

14 (d) Breed the animal for purposes of sale.

15 NEW SECTION. **Sec. 3.** (1) It is unlawful for any person to own,  
16 possess, keep, harbor, bring, or have in one's possession a dangerous  
17 wild animal, except in compliance with this chapter.

18 (2) It is unlawful for the owner or any other person in control of  
19 a lot, tract, or parcel of land or any residence or business premises  
20 situated thereon to knowingly permit any other person to be in  
21 possession of a dangerous wild animal upon the property, residence, or  
22 premises, except in compliance with this chapter.

23 NEW SECTION. **Sec. 4.** This chapter shall not apply to:

24 (1) Institutions accredited by the American zoo and aquarium  
25 association;

26 (2) Licensed humane societies;

27 (3) Animal control officers or law enforcement officers acting  
28 under the authority of this chapter;

29 (4) Licensed veterinary hospitals or clinics;

30 (5) Any wildlife rehabilitator licensed by the state, under WAC  
31 232-12-275;

32 (6) Any wildlife sanctuary;

33 (7) Any licensed or accredited research or medical institution;

34 (8) Any licensed or accredited educational institution;

35 (9) Any circus, rodeo, or trade show;

36 (10) A person temporarily transporting a dangerous wild animal  
37 through the state if the transit time is not more than ninety-six hours

1 and the animal is at all times maintained within a confinement  
2 sufficient to prevent the dangerous wild animal from escaping; or

3 (11) Any state or federal agency.

4 NEW SECTION. **Sec. 5.** (1) A person may possess a dangerous wild  
5 animal if: The person was in legal possession of the dangerous wild  
6 animal before the effective date of this act; the person is the legal  
7 owner of the dangerous wild animal; and the person applies for and is  
8 granted a personal possession permit for the dangerous wild animal in  
9 their possession within ninety days after the effective date of this  
10 act. The permit is valid in any local unit in which the possession of  
11 a dangerous wild animal is not prohibited by local law. Persons who  
12 meet the requirements in this subsection shall annually obtain a  
13 personal possession permit.

14 (2) After the effective date of this act, no new dangerous wild  
15 animal shall be brought into possession under authority of a personal  
16 possession permit.

17 (3) An applicant shall file an application to receive a personal  
18 possession permit with the animal control authority on a form provided  
19 by the animal control authority. The application shall include the  
20 following:

21 (a) A nonrefundable permit fee. The amount of the annual permit  
22 fee shall be established by the animal control authority;

23 (b) A written statement completed by the owner which sets forth the  
24 following information:

25 (i) The name, address, and telephone number of the applicant;

26 (ii) A description of each dangerous wild animal, including the  
27 scientific name, name, sex, age, color, weight, and any distinguishing  
28 marks or coloration that would aid in the identification of the animal;

29 (iii) A photograph of the dangerous wild animal;

30 (iv) The exact location where the dangerous wild animal is to be  
31 kept;

32 (v) The name, address, and telephone number of the person from whom  
33 the applicant obtained the dangerous wild animal, if known;

34 (vi) The identification number of the dangerous wild animal,  
35 excluding reptiles when such device would endanger the well-being of  
36 the reptile; and

37 (vii) The name, address, and phone number of the veterinarian who  
38 is expected to provide veterinary care to the dangerous wild animal;

1 (c) Any additional information the animal control authority may  
2 deem necessary to carry out this chapter.

3 (4) A permit shall not be granted unless the animal control  
4 authority finds that all of the following apply:

5 (a) The provisions outlined under subsection (1) of this section  
6 are met;

7 (b) The applicant is twenty-one years of age or older;

8 (c) The applicant has not been convicted of, or found responsible  
9 for, violating a local or state law prohibiting cruelty, neglect, or  
10 mistreatment of an animal or has not within the past ten years been  
11 convicted of a felony or been convicted for possession, sale, or use of  
12 illegal narcotics;

13 (d) The facility and the conditions in which the dangerous wild  
14 animal will be kept are in compliance with this chapter;

15 (e) The owner of the dangerous wild animal has obtained the  
16 requisite liability insurance coverage or surety bond for the dangerous  
17 wild animal under his or her control as set forth in section 9 of this  
18 act; and

19 (f) The owner has regularly provided veterinary care to the  
20 dangerous wild animal when needed and intends to provide such care in  
21 the future.

22 (5) The personal possession permit shall set forth all of the  
23 following information:

24 (a) The name, address, and phone number of the permit holder;

25 (b) The address if different than (a) of this subsection, where the  
26 dangerous wild animal will be kept;

27 (c) The name, number, species, and age of the dangerous wild  
28 animal, and any distinguishing marks or coloration that would aid in  
29 the identification of the animal;

30 (d) The identification number as required under section 6 of this  
31 act, if applicable;

32 (e) The name, address, and phone number of the veterinarian who is  
33 expected to provide veterinary care to the dangerous wild animal named  
34 on the permit; and

35 (f) Any other relevant information the animal control authority may  
36 deem necessary.

37 (6) The animal control authority shall keep records of who is  
38 carrying a valid permit. A permit holder shall notify the animal

1 control authority of any changes of the stated information on the  
2 permit, which shall include the death of the dangerous wild animal.

3 (7) Any city or county that has a notice and appeal process in  
4 place as of the effective date of this act with regard to determining  
5 an animal within its jurisdiction to be dangerous may continue to use  
6 its process. A city or county animal control authority that seeks to  
7 declare an animal within its jurisdiction to be dangerous must serve  
8 notice upon the animal owner in person or by regular and certified  
9 mail, return receipt requested.

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

16 (b) If the local jurisdiction has provided for an administrative  
17 appeal of a final determination, the owner must follow the appeal  
18 procedure set forth by that jurisdiction. If the local jurisdiction  
19 has not provided for an administrative appeal, the owner may appeal a  
20 municipal authority's final determination that the animal is dangerous  
21 to the municipal court, and may appeal the animal control authority's  
22 final determination that the animal is dangerous to the district court.  
23 The owner must make such appeal within twenty days of receiving the  
24 final determination. This subsection does not apply to animals defined  
25 as dangerous wild animals, or that are declared to be dangerous wild  
26 animals under section 2 of this act.

27 NEW SECTION. **Sec. 6.** The owner of the dangerous wild animal shall  
28 have an identification number placed in the dangerous wild animal via  
29 subcutaneous microchip, at the expense of the owner, by or under the  
30 supervision of a veterinarian. This section applies only to those  
31 species of dangerous wild animals that are also defined as wildlife  
32 under RCW 77.08.010. An individual reptile may be exempt from this  
33 section if a veterinarian determines that the placement of a  
34 subcutaneous microchip would endanger the reptile.

35 NEW SECTION. **Sec. 7.** (1) The animal control authority may  
36 establish specific caging requirements for the keeping and confinement  
37 of dangerous wild animals. If the animal control authority establishes

1 caging requirements, the permittee shall keep and confine the dangerous  
2 wild animal in strict accordance with the established caging  
3 requirements. Any deviations from the regulations established by the  
4 animal control authority shall be approved by the animal control  
5 authority upon a showing of good cause.

6 (2) All caging requirements established by the animal control  
7 authority shall ensure that the dangerous wild animal is confined in a  
8 primary enclosure that protects the public's safety and health and  
9 ensures the safety and well-being of the dangerous wild animal.

10 NEW SECTION. Sec. 8. (1) A dangerous wild animal shall not be  
11 tethered, leashed, or chained outdoors, or allowed to run at large.

12 (2) A dangerous wild animal shall not be mistreated, neglected,  
13 abandoned, or deprived of necessary food, water, and sustenance.

14 (3) A permittee transporting a dangerous wild animal in a vehicle  
15 shall ensure that the dangerous wild animal is individually and  
16 securely caged, even while inside a passenger vehicle or in the bed of  
17 a truck.

18 (4) Each permittee shall have a plan for the quick and safe  
19 recapture of the dangerous wild animal if the dangerous wild animal  
20 escapes, if recapture is impossible, then a plan for the destruction of  
21 the dangerous wild animal held under a personal possession permit.

22 (5) If an owner realizes that he or she can no longer care for the  
23 dangerous wild animal, an animal rescue facility, wildlife sanctuary,  
24 or an American zoo and aquarium association accredited facility shall  
25 be contacted for possible placement of the animal before euthanization  
26 of the dangerous wild animal. The owner shall be liable for all costs  
27 associated with the placement or euthanization of the dangerous wild  
28 animal.

29 NEW SECTION. Sec. 9. (1) All owners of a dangerous wild animal  
30 shall either: (a) Maintain liability insurance coverage with an  
31 insurer qualified under Title 48 RCW in the amount of at least two  
32 hundred fifty thousand dollars insuring for bodily injury to or death  
33 of a person or injury and destruction to property caused by the  
34 dangerous wild animal; or (b) must guarantee that the owner has a  
35 surety bond issued by a surety insurer qualified under chapter 48.28  
36 RCW in a form acceptable to the animal control authority in the amount  
37 of at least two hundred fifty thousand dollars. All owners of a

1 dangerous wild animal shall provide a copy of the policy for liability  
2 insurance or proof of surety bond to the animal control authority on a  
3 yearly basis.

4 (2) All owners of a dangerous wild animal shall have posted and  
5 displayed at each possible entrance onto the premises where a dangerous  
6 wild animal is kept a conspicuous sign, clearly legible, and easily  
7 readable by the public warning that there is a dangerous wild animal on  
8 the premises. In addition, the owner shall conspicuously display a  
9 sign with a warning symbol that informs children of the presence of a  
10 dangerous wild animal.

11 (3) If any dangerous wild animal escapes or is released, either  
12 intentionally or unintentionally, the owner of the dangerous wild  
13 animal shall immediately contact a law enforcement officer of the city  
14 or county where the owner resides to report the escape or release. The  
15 owner is liable for all expenses associated with efforts to recapture  
16 the animal. If it is determined that the owner was not at fault for  
17 the escape or release of the dangerous wild animal, and the person who  
18 is responsible for the escape or release is known, the owner may bring  
19 a civil action suit for damages against the person.

20 NEW SECTION. **Sec. 10.** The permittee shall not bring a dangerous  
21 wild animal to any commercial or retail establishment unless the  
22 permittee is bringing the animal to a veterinarian or a veterinary  
23 clinic.

24 NEW SECTION. **Sec. 11.** An owner of a dangerous wild animal, at all  
25 reasonable times, shall allow an animal control officer to enter the  
26 premises where the animal is kept to ensure compliance with this  
27 chapter.

28 NEW SECTION. **Sec. 12.** (1) Any dangerous wild animal shall be  
29 immediately confiscated by an animal control authority if the: (a)  
30 Owner does not have a personal possession permit under section 5 of  
31 this act; (b) owner does not secure the liability insurance coverage or  
32 surety bond required under section 9 of this act; (c) provisions of  
33 section 8 of this act are not being met; (d) conditions under which the  
34 dangerous wild animal is kept are directly or indirectly dangerous to  
35 human health and safety. In addition, the owner is guilty of a gross  
36 misdemeanor punishable in accordance with RCW 9A.20.021.



1 (2) A dangerous wild animal may be returned to the owner only if  
2 the owner has a personal possession permit and has corrected the  
3 conditions resulting in the confiscation.

4 (3) If a dangerous wild animal is confiscated, the owner is liable  
5 for the costs of euthanization or placement and care for the dangerous  
6 wild animal from the time of confiscation until the time of return to  
7 the owner or until the time the animal has been relocated to an  
8 alternative facility, such as a sanctuary, licensed humane society, or  
9 an institution accredited by the American zoo and aquarium association.

10 NEW SECTION. **Sec. 13.** Sections 1 through 12 of this act  
11 constitute a new chapter in Title 16 RCW.

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