
SENATE BILL 5092

State of Washington 57th Legislature 2001 Regular Session

By Senators Kastama, Winsley, Regala and Rossi

Read first time 01/10/2001. Referred to Committee on Judiciary.

1 AN ACT Relating to dangerous dogs; amending RCW 16.08.070,
2 16.08.080, and 16.08.100; and prescribing penalties.

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

4 **Sec. 1.** RCW 16.08.070 and 1987 c 94 s 1 are each amended to read
5 as follows:

6 Unless the context clearly requires otherwise, the definitions in
7 this section apply throughout RCW 16.08.070 through 16.08.100.

8 (1) "Potentially dangerous dog" means any dog that when unprovoked:

9 (a) Inflicts bites on a human or a domestic animal either on public or
10 private property, or (b) chases or approaches a person upon the
11 streets, sidewalks, or any public grounds in a menacing fashion or
12 apparent attitude of attack, or any dog with a known propensity,
13 tendency, or disposition to attack unprovoked, to cause injury, or to
14 cause injury or otherwise to threaten the safety of humans or domestic
15 animals.

16 (2) "Dangerous dog" means any dog that (~~according to the records~~
17 ~~of the appropriate authority,~~) (a) (~~has inflicted~~) inflicts severe
18 injury on a human being without provocation on public or private
19 property, (b) (~~has killed~~) kills a domestic animal without

1 provocation while off the owner's property, or (c) has been previously
2 found to be potentially dangerous because of injury inflicted on a
3 human, the owner having received notice of such and the dog again
4 aggressively bites, attacks, or endangers the safety of humans or
5 domestic animals.

6 (3) "Severe injury" means any physical injury that results in
7 broken bones or disfiguring lacerations requiring multiple sutures or
8 cosmetic surgery.

9 (4) "Proper enclosure of a dangerous dog" means, while on the
10 owner's property, a dangerous dog shall be securely confined indoors or
11 in a securely enclosed and locked pen or structure, suitable to prevent
12 the entry of young children and designed to prevent the animal from
13 escaping. Such pen or structure shall have secure sides and a secure
14 top, and shall also provide protection from the elements for the dog.

15 (5) "Animal control authority" means an entity acting alone or in
16 concert with other local governmental units for enforcement of the
17 animal control laws of the city, county, and state and the shelter and
18 welfare of animals.

19 (6) "Animal control officer" means any individual employed,
20 contracted with, or appointed by the animal control authority for the
21 purpose of aiding in the enforcement of this chapter or any other law
22 or ordinance relating to the licensure of animals, control of animals,
23 or seizure and impoundment of animals, and includes any state or local
24 law enforcement officer or other employee whose duties in whole or in
25 part include assignments that involve the seizure and impoundment of
26 any animal.

27 (7) "Owner" means any person, firm, corporation, organization, or
28 department possessing, harboring, keeping, having an interest in, or
29 having control or custody of an animal.

30 **Sec. 2.** RCW 16.08.080 and 1989 c 26 s 3 are each amended to read
31 as follows:

32 (1) Any city or county that has a notification and appeal process
33 in place as of the effective date of this act with regard to
34 determining a dog within its jurisdiction to be dangerous may continue
35 to utilize its process. A city or county animal control authority that
36 seeks to declare a dog within its jurisdiction, as defined in
37 subsection (7) of this section, to be dangerous must serve notice upon

1 the dog owner in person or by regular and certified mail, return
2 receipt requested.

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

10 (3) The authority must make a final determination regarding the dog
11 within thirty days of the date of delivering or mailing the notice.
12 Before the final determination, the owner may request a meeting with
13 the authority and at that meeting present reasons the dog should not be
14 declared dangerous. If the owner requests a meeting, the authority
15 must schedule one within the twenty-day period following the date of
16 delivering or mailing the notice. The authority must issue its final
17 determination in a written order including: Citation of the statutory
18 basis for the action; a brief statement of the facts supporting the
19 final determination; and the signature of the person who made the
20 determination. The authority must deliver the order to the owner in
21 person or mail the order to the owner by regular and certified mail,
22 return receipt requested.

23 (4) If the local jurisdiction has provided for an administrative
24 appeal of the final determination, the owner must follow the appeal
25 procedure set forth by that jurisdiction. If the local jurisdiction
26 has not provided for an administrative appeal, the owner may appeal a
27 municipal authority's final determination that the dog is dangerous to
28 the municipal court, and may appeal a county animal control authority's
29 or county sheriff's final determination that the dog is dangerous to
30 the district court. The owner must make such appeal within twenty days
31 of receiving the final determination. While the appeal is pending, the
32 authority may order that the dog be confined or controlled in
33 compliance with RCW 16.08.090. If the dog is determined to be
34 dangerous, the owner must pay all costs of confinement and control.

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

1 ~~((2))~~ (6) Unless a city or county has a more restrictive code
2 requirement, the animal control authority of the city or county in
3 which an owner has a dangerous dog shall issue a certificate of
4 registration to the owner of such animal if the owner presents to the
5 animal control unit sufficient evidence of:

6 (a) A proper enclosure to confine a dangerous dog and the posting
7 of the premises with a clearly visible warning sign that there is a
8 dangerous dog on the property. In addition, the owner shall
9 conspicuously display a sign with a warning symbol that informs
10 children of the presence of a dangerous dog;

11 (b) A surety bond issued by a surety insurer qualified under
12 chapter 48.28 RCW in a form acceptable to the animal control authority
13 in the sum of at least two hundred fifty thousand dollars, payable to
14 any person injured by the ~~((vicious))~~ dangerous dog; or

15 (c) A policy of liability insurance, such as homeowner's insurance,
16 issued by an insurer qualified under Title 48 RCW in the amount of at
17 least two hundred fifty thousand dollars, insuring the owner for any
18 personal injuries inflicted by the dangerous dog.

19 ~~((3))~~ (7)(a)(i) If an owner has the dangerous dog in an
20 incorporated area that is serviced by both a city and a county animal
21 control authority, the owner shall obtain a certificate of registration
22 from the city authority;

23 ~~((b))~~ (ii) If an owner has the dangerous dog in an incorporated
24 or unincorporated area served only by a county animal control
25 authority, the owner shall obtain a certificate of registration from
26 the county authority;

27 ~~((e))~~ (iii) If an owner has the dangerous dog in an incorporated
28 or unincorporated area that is not served by an animal control
29 authority, the owner shall obtain a certificate of registration from
30 the office of the local sheriff.

31 ~~((4))~~ (b) This subsection does not apply if a city or county does
32 not allow dangerous dogs within its jurisdiction.

33 (8) Cities and counties may charge an annual fee, in addition to
34 regular dog licensing fees, to register dangerous dogs.

35 (9) Nothing in this section limits a local authority in placing
36 additional restrictions upon owners of dangerous dogs. This section
37 does not require a local authority to allow a dangerous dog within its
38 jurisdiction.

1 **Sec. 3.** RCW 16.08.100 and 1987 c 94 s 4 are each amended to read
2 as follows:

3 (1) Any dangerous dog shall be immediately confiscated by an animal
4 control authority if the: (a) Dog is not validly registered under RCW
5 16.08.080; (b) owner does not secure the liability insurance coverage
6 required under RCW 16.08.080; (c) dog is not maintained in the proper
7 enclosure; or (d) dog is outside of the dwelling of the owner, or
8 outside of the proper enclosure and not under physical restraint of the
9 responsible person. The owner must pay the costs of confinement and
10 control. The animal control authority must serve notice upon the dog
11 owner in person or by regular and certified mail, return receipt
12 requested, specifying the reason for the confiscation of the dangerous
13 dog, that the owner is responsible for payment of the costs of
14 confinement and control, and that the dog will be destroyed in an
15 expeditious and humane manner if the deficiencies for which the dog was
16 confiscated are not corrected within twenty days. The animal control
17 authority shall destroy the confiscated dangerous dog in an expeditious
18 and humane manner if any deficiencies required by this subsection are
19 not corrected within twenty days of notification. In addition, the
20 owner shall be guilty of a gross misdemeanor punishable in accordance
21 with RCW 9A.20.021.

22 (2) If a dangerous dog of an owner with a prior conviction under
23 this chapter attacks or bites a person or another domestic animal, the
24 dog's owner is guilty of a class C felony, punishable in accordance
25 with RCW 9A.20.021. In addition, the dangerous dog shall be
26 immediately confiscated by an animal control authority, placed in
27 quarantine for the proper length of time, and thereafter destroyed in
28 an expeditious and humane manner.

29 (3) The owner of any dog that aggressively attacks and causes
30 severe injury or death of any human, whether or not the dog has
31 previously been declared potentially dangerous or dangerous, shall be
32 guilty of a class C felony punishable in accordance with RCW 9A.20.021.
33 In such a prosecution, the state has the burden of showing that the
34 owner of the dog either knew or should have known that the dog was
35 potentially dangerous as defined in this chapter. In addition, the dog
36 shall be immediately confiscated by an animal control authority, placed
37 in quarantine for the proper length of time, and thereafter destroyed
38 in an expeditious and humane manner.

1 (4) Any person entering a dog in a dog fight is guilty of a class
2 C felony punishable in accordance with RCW 9A.20.021.

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