

1 **SHB 2043 - H AMD 0095 ADOPTED 3-12-03**
2 By Representative Campbell

3 On page 3, after line 13, insert the following:

4 "Sec. 3. RCW 16.08.080 and 2002 c 244 s 2 are each amended to
5 read as follows:

6 (1) Any city or county that has a notification and appeal
7 procedure with regard to determining a dog within its jurisdiction
8 to be dangerous may continue to utilize or amend its procedure. A
9 city or county animal control authority that does not have a
10 notification and appeal procedure in place as of June 13, 2002, and
11 seeks to declare a dog within its jurisdiction, as defined in
12 subsection (7) of this section, to be dangerous must serve notice
13 upon the dog owner in person or by regular and certified mail,
14 return receipt requested.

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

22 (3) Prior to the authority issuing its final determination, the
23 authority shall notify the owner in writing that he or she is
24 entitled to an opportunity to meet with the authority, at which
25 meeting the owner may give, orally or in writing, any reasons or
26 information as to why the dog should not be declared dangerous.
27 The notice shall state the date, time, and location of the meeting,
28 which must occur prior to expiration of fifteen calendar days
29 following delivery of the notice. The owner may propose an
30 alternative meeting date and time, but such meeting must occur
31 within the fifteen-day time period set forth in this section.
32 After such meeting, the authority must issue its final
33 determination, in the form of a written order, within fifteen

1 calendar days. In the event the authority declares a dog to be
2 dangerous, the order shall include a recital of the authority for
3 the action, a brief concise statement of the facts that support the
4 determination, and the signature of the person who made the
5 determination. The order shall be sent by regular and certified
6 mail, return receipt requested, or delivered in person to the owner
7 at the owner's last address known to the authority.

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

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

25 (6) Unless a city or county has a more restrictive code
26 requirement, the animal control authority of the city or county in
27 which an owner has a dangerous dog shall issue a certificate of
28 registration to the owner of such animal if the owner presents to
29 the animal control unit sufficient evidence of:

30 (a) A proper enclosure to confine a dangerous dog and the
31 posting of the premises with a clearly visible warning sign that
32 there is a dangerous dog on the property. In addition, the owner
33 shall conspicuously display a sign with a warning symbol that
34 informs 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
37 authority in the sum of at least (~~two hundred fifty~~) one hundred
38 thousand dollars, payable to any person injured by the dangerous
39 dog; or

1 (c) A policy of liability insurance, such as homeowner's
2 insurance, issued by an insurer qualified under Title 48 RCW in the
3 amount of at least (~~two hundred fifty~~) one hundred thousand
4 dollars, insuring the owner for any personal injuries inflicted by
5 the dangerous dog.

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

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

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

18 (b) This subsection does not apply if a city or county does not
19 allow dangerous dogs within its jurisdiction.

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

22 (9) Nothing in this section limits a local authority in placing
23 additional restrictions upon owners of dangerous dogs. This
24 section does not require a local authority to allow a dangerous dog
25 within its jurisdiction."

26 Correct the title.

EFFECT: Reduces the surety bond and liability insurance requirements for the owner of a dangerous dog from two hundred fifty thousand dollars to one hundred thousand dollars.