
HOUSE BILL 1151

State of Washington

58th Legislature

2003 Regular Session

By Representatives Lovick, Lantz, Jarrett, Miloscia, Delvin, Moeller, Wallace, Simpson and Upthegrove

Read first time 01/20/2003. Referred to Committee on Judiciary.

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

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

4 NEW SECTION. **Sec. 1.** (1) It is the intent of the state of
5 Washington to protect the public against health and safety risks that
6 dangerous wild animals pose to the community and to protect the welfare
7 of the individual animals held in private possession. By their very
8 nature, these animals are wild and inherently dangerous and do not
9 adjust well in captivity without sufficient provisions for animal
10 welfare and professional animal care expertise.

11 (2) Dangerous wild animals are extremely unpredictable and
12 dangerous creatures. The United States department of
13 agriculture/animal and plant health inspection service, the American
14 zoo and aquarium association, the American veterinary medical
15 association, and numerous animal welfare and public safety
16 organizations believe that only properly trained professionals and
17 certified institutions should keep these animals.

18 (3) Care and handling of these dangerous wild animals should be
19 left to those qualified individuals who have the knowledge and means to

1 maintain them properly. The average dangerous wild animal owner lacks
2 the specialized equipment and expertise necessary to provide properly
3 for the containment, medical care, husbandry, and nutrition of wild
4 animals. It is virtually impossible for a dangerous wild animal to
5 adapt to traditional household settings or inadequate living spaces and
6 conditions.

7 (4) In furtherance of the legislature's intent, possessors who
8 currently possess dangerous wild animals will be permitted to keep the
9 dangerous wild animal if they are in compliance with this chapter, but
10 no new dangerous wild animal other than those possessed prior to the
11 effective date of this act shall be brought into possession under
12 authority of a personal possession permit in the state of Washington.

13 NEW SECTION. **Sec. 2.** (1) "Animal control authority" means an
14 entity acting alone or in concert with other local governmental units
15 for enforcement of the animal control laws of the city, county, and
16 state and the shelter and welfare of animals.

17 (2) "Dangerous wild animal" means any member of the following
18 families whether bred in the wild or in captivity, and any or all
19 hybrids, which due to their inherent nature may be considered dangerous
20 to humans, and further defined as follows:

- 21 (a) Class mammalia
- 22 (i) Order carnivora
 - 23 (A) Family felidae, such as lions, tigers, cougars, leopards,
 - 24 ocelots, and servals - all species except domestic cats;
 - 25 (B) Family canidae, such as wolves, foxes, and jackals - all
 - 26 species except domestic dogs;
 - 27 (C) Family ursidae, all bears;
 - 28 (D) Family mustelidae, only binturongs;
 - 29 (E) Family procyonidae, only kinkajous and coatis; and
 - 30 (F) Family hyaenidae, such as hyenas - all species;
- 31 (ii) Order marsupialia, only kangaroos;
- 32 (iii) Order perissodactyla, only rhinoceroses;
- 33 (iv) Order primates, such as lemurs, monkeys, chimpanzees, and
- 34 gorillas - all species;
- 35 (v) Order proboscidae, such as elephants - all species;
- 36 (b) Class reptilia
- 37 (i) Order squamata

1 (A) Family varanidae, only water monitors and crocodile monitors;
2 (B) Family iguanidae, only green iguanas and rock iguanas;
3 (C) Family boidae, all species whose adult length has the potential
4 to exceed eight feet in length;
5 (D) Family colubridae, only boomslangs and African twig snakes;
6 (E) Family elapidae, such as coral snakes, cobras, and mambas - all
7 species;
8 (F) Family natricidae, only keelback snakes;
9 (G) Family viperidae, such as copperheads, cottonmouths, and
10 rattlesnakes - all species;
11 (ii) Order crocodilia, such as crocodiles, alligators, caimans, and
12 gavials - all species.
13 (3) "Person" means any individual, partnership, corporation,
14 organization, trade or professional association, firm, limited
15 liability company, joint venture, association, trust, estate, or any
16 other legal entity, and any officer, member, shareholder, director,
17 employee, agent, or representative thereof.
18 (4) "Possessor" means any person who owns, possesses, keeps,
19 harbors, brings into the state, has in one's possession, acts as a
20 custodian, or has custody or control of a dangerous wild animal.
21 (5) "Wildlife sanctuary" means a nonprofit organization described
22 in section 170(b)(1)(A)(vi), Internal Revenue Code of 1986, and its
23 subsequent amendments, that operates a place of refuge where abused,
24 neglected, unwanted, impounded, abandoned, orphaned, or displaced
25 dangerous wild animals are provided care for their lifetime or released
26 back to their natural habitat and, with respect to any animal owned by
27 the organization, does not:
28 (a) Conduct any activity that is not inherent to the animal's
29 nature;
30 (b) Use the animal for any type of entertainment;
31 (c) Sell, trade, or barter the animal or the animal's body parts;
32 or
33 (d) Breed the animal for any purpose.

34 NEW SECTION. **Sec. 3.** (1) It is unlawful for any person to own,
35 possess, keep, harbor, bring into the state, have in one's possession,
36 act as a custodian, or have custody or control of a dangerous wild
37 animal, except in compliance with this chapter.

1 (2) It is unlawful for a person to breed a dangerous wild animal,
2 except in compliance with this chapter.

3 NEW SECTION. **Sec. 4.** (1) The provisions of this chapter do not
4 apply to:

5 (a) Institutions accredited by the American zoo and aquarium
6 association or under mentorship through the American zoo and aquarium
7 association;

8 (b) Duly incorporated nonprofit animal protection organizations,
9 such as humane societies and shelters, housing a dangerous wild animal
10 at the written request of the animal control authority or acting under
11 the authority of this chapter;

12 (c) Animal control officers, law enforcement agents, or county
13 sheriffs acting under the authority of this chapter;

14 (d) Licensed veterinary hospitals or clinics;

15 (e) A holder of a valid wildlife rehabilitation permit issued by
16 the department of fish and wildlife;

17 (f) Any wildlife sanctuary as defined under this chapter;

18 (g) Any licensed or accredited research or medical institution;

19 (h) Any licensed or accredited educational institution;

20 (i) Any lawfully operated circus or rodeo;

21 (j) An individual who is in possession of a monkey that has been
22 obtained through and trained by a licensed and accredited nonprofit
23 organization dedicated to improving the quality of lives for
24 quadriplegic individuals;

25 (k) A person temporarily transporting a dangerous wild animal
26 through the state if the transit time is not more than ninety-six hours
27 and the animal is at all times maintained within a confinement
28 sufficient to prevent the dangerous wild animal from escaping.

29 (2) This chapter does not require a city or county that does not
30 have an animal control authority to create that office.

31 NEW SECTION. **Sec. 5.** (1) A person may not own, possess, keep,
32 harbor, bring into the state, have in one's possession, act as a
33 custodian, or have custody or control of a dangerous wild animal unless
34 that person holds a personal possession permit for that animal issued
35 by an animal control authority. A person may obtain a personal

1 possession permit for a dangerous wild animal only if the following are
2 met:

3 (a) The person was in legal possession of the dangerous wild animal
4 prior to the effective date of this act and is the legal possessor of
5 the dangerous wild animal;

6 (b) The person applies for and is granted a personal possession
7 permit for each dangerous wild animal in the person's possession by
8 June 30, 2004.

9 (2) Persons who meet the requirements set forth in subsection (1)
10 of this section shall annually obtain a personal possession permit.
11 From and after the effective date of this act, no new dangerous wild
12 animal may be brought into possession under authority of a personal
13 possession permit.

14 (3) An applicant shall file an application to receive a personal
15 possession permit with the animal control authority on forms provided
16 by the animal control authority. The application must include the
17 following:

18 (a) A written statement that sets forth or includes the following
19 information:

20 (i) The name, address, telephone number, and date of birth of the
21 applicant;

22 (ii) A description of each dangerous wild animal the applicant
23 possesses, including the scientific name, name, sex, age, color,
24 weight, and any distinguishing marks or coloration that would aid in
25 the identification of the animal;

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

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

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

31 (vi) The identification number of the dangerous wild animal,
32 excluding dangerous wild animals exempted under section 6 of this act.

33 (vii) The name, address, and phone number of the veterinarian
34 providing veterinary care to the dangerous wild animal; and

35 (viii) A photograph of the facility where the dangerous wild animal
36 will be housed;

37 (b) A certification in writing and notarized by a notary public
38 that:

1 (i) The applicant is eighteen years of age or older;

2 (ii) The applicant has not been convicted of or found responsible
3 for violating a local or state law prohibiting cruelty, neglect, or
4 mistreatment of an animal or has not within the past ten years been
5 convicted of a felony or been convicted for possession, sale, or use of
6 illegal narcotics;

7 (iii) The facility and the conditions in which the dangerous wild
8 animal will be kept are in compliance with this chapter;

9 (iv) The applicant has obtained the requisite liability insurance
10 coverage for the dangerous wild animal under his or her control as set
11 forth in section 10 of this act;

12 (v) The applicant has regularly provided veterinary care to the
13 dangerous wild animal when needed and will provide such care in the
14 future;

15 (c) A plan for the quick and safe recapture of the dangerous wild
16 animal if the dangerous wild animal escapes;

17 (d) Any additional information the animal control authority may
18 deem necessary to carry out the provisions of this chapter.

19 (4) The animal control authority may establish and charge
20 reasonable fees for application, issuance, and renewal of a personal
21 possession permit in order to recover the costs associated with the
22 administration and enforcement of this chapter. The fee charged to an
23 applicant may not exceed one hundred dollars for each animal. The fees
24 collected under this section may be used only to administer and enforce
25 this chapter.

26 (5) A permit may not be granted unless the animal control authority
27 finds that all of the requirements in subsections (3) and (4) of this
28 section have been met.

29 (6) The personal possession permit shall set forth all of the
30 following information:

31 (a) The name, address, phone number, and date of birth of the
32 permit holder;

33 (b) The address if different than above, where the dangerous wild
34 animal will be kept;

35 (c) The name, number, sex, species, age of the dangerous wild
36 animal, and any distinguishing marks or coloration that would aid in
37 the identification of the animal;

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

3 (e) The name, address, and phone number of the veterinarian who
4 provides veterinary care to the dangerous wild animal named on the
5 permit; and

6 (f) Any other relevant information the animal control authority may
7 deem necessary.

8 (7) The animal control authority shall keep records of persons who
9 are carrying valid permits. A permit holder shall notify the animal
10 control authority of any changes of the stated information on the
11 permit, which includes the death and disposition of the dangerous wild
12 animal.

13 (8) Any city or county that has a notice and appeal process in
14 place as of the effective date of this act with regard to determining
15 an animal within its jurisdiction to be dangerous may continue to use
16 its process. A city or county animal control authority that seeks to
17 declare an animal within its jurisdiction to be dangerous must serve
18 notice upon the animal possessor in person or by regular and certified
19 mail, return receipt requested.

20 (a) The notice must state: The statutory basis for the proposed
21 action; the reasons the authority considers the animal dangerous; a
22 statement that the animal is subject to registration and controls
23 required by this chapter; and an explanation of the possessor's rights
24 and of the proper procedure for appealing a decision that finds the
25 animal dangerous.

26 (b) If the local jurisdiction has provided for an administrative
27 appeal of a final determination, the possessor must follow the appeal
28 procedure set forth by that jurisdiction. If the local jurisdiction
29 has not provided for an administrative appeal, the possessor may appeal
30 a municipal authority's final determination that the animal is
31 dangerous to the municipal court and may appeal the animal control
32 authority's final determination that the animal is dangerous to the
33 district court. The possessor must make such appeal within twenty days
34 of receiving the final determination. This subsection does not apply
35 to animals defined as dangerous wild animals in section 2 of this act.

36 NEW SECTION. **Sec. 6.** Every dangerous wild animal must be
37 implanted with a microchip, at the expense of the possessor, by or

1 under the supervision of a veterinarian. This section does not apply
2 to a dangerous wild animal if a veterinarian determines that the
3 implant of a microchip would endanger the well-being of the dangerous
4 wild animal.

5 NEW SECTION. **Sec. 7.** Every dangerous wild animal must be spayed
6 or neutered, at the expense of the possessor, by or under the
7 supervision of a veterinarian. This section does not apply to a
8 dangerous wild animal if a veterinarian determines that the spay or
9 neuter procedure would endanger the well-being of the dangerous wild
10 animal.

11 NEW SECTION. **Sec. 8.** For each dangerous wild animal, the
12 possessor shall comply with the American zoo and aquarium association's
13 minimum husbandry guidelines for animal care and maintenance of that
14 animal.

15 NEW SECTION. **Sec. 9.** (1) A dangerous wild animal must not be
16 tethered, leashed, chained outdoors, or allowed to run at large.

17 (2) A dangerous wild animal must not be mistreated, neglected,
18 abandoned, or deprived of necessary food, water, and sustenance, as
19 defined under chapter 16.52 RCW.

20 (3) A person transporting a dangerous wild animal in a vehicle
21 shall keep the animal securely caged in the vehicle at all times.

22 (4) Each person shall have a plan for the quick and safe recapture
23 of the dangerous wild animal if the dangerous wild animal escapes and,
24 if recapture is impossible, a plan for the destruction of the dangerous
25 wild animal held under a personal possession permit.

26 (5) The possessor shall contact the animal control authority, a
27 wildlife sanctuary as defined under this chapter, an American zoo and
28 aquarium association accredited facility, or a person holding a current
29 personal possession permit if the possessor can no longer care for the
30 dangerous wild animal prior to euthanasia of the dangerous wild animal.

31 NEW SECTION. **Sec. 10.** (1) A possessor of a dangerous wild animal
32 shall maintain liability insurance coverage in an amount of not less
33 than two hundred fifty thousand dollars for each occurrence for
34 liability damages for destruction of or damage to property and death or

1 bodily injury to a person caused by the dangerous wild animal. The
2 possessor of a dangerous wild animal shall provide a copy of the policy
3 for liability insurance to the animal control authority on an annual
4 basis.

5 (2) The possessor of a dangerous wild animal shall post and display
6 at each possible entrance onto the premises where a dangerous wild
7 animal is kept a conspicuous sign, clearly legible and easily readable
8 by the public, warning that there is a dangerous wild animal on the
9 premises. In addition, the possessor shall conspicuously display a
10 sign with a warning symbol that informs children of the presence of a
11 dangerous wild animal. The animal control authority shall prescribe
12 the exact content and size of the sign.

13 (3) If any dangerous wild animal escapes, either intentionally or
14 unintentionally, the possessor of the dangerous wild animal shall
15 immediately contact the animal control authority or a law enforcement
16 officer of the city or county where the possessor resides to report the
17 escape or release. The possessor is liable for all expenses associated
18 with efforts to recapture the animal.

19 (4) No person may intentionally release a dangerous wild animal.
20 If the dangerous wild animal is intentionally released, the possessor
21 is liable for all expenses associated with efforts to recapture the
22 animal.

23 NEW SECTION. **Sec. 11.** Unless prior approval has been received
24 from the animal control authority, a permittee shall not bring a
25 dangerous wild animal to any public venue, commercial establishment, or
26 retail establishment unless the permittee is bringing the animal to a
27 licensed veterinarian or a veterinarian clinic.

28 NEW SECTION. **Sec. 12.** The animal control authority, its staff,
29 its agents, local law enforcement agents, and county sheriffs are
30 authorized and empowered to enforce the provisions of this chapter.

31 NEW SECTION. **Sec. 13.** The possessor of a dangerous wild animal,
32 at all reasonable times, shall allow the animal control authority, its
33 staff, and its agents to enter the premises where the animal is kept to
34 ensure compliance with this chapter.

1 NEW SECTION. **Sec. 14.** (1) If the animal control authority finds
2 that an applicant for an original or renewal of a personal possession
3 permit does not meet the requirements set forth in this chapter, the
4 animal control authority shall deny the applicant a personal possession
5 permit and give the applicant written notice of the denial and the
6 reasons for the denial.

7 (2) If the animal control authority finds that a person has not
8 complied with this chapter, the animal control authority may suspend or
9 revoke the personal possession permit and give the possessor written
10 notice of the suspension or revocation and the reasons for the
11 suspension or revocation.

12 (3) A person who is denied a personal possession permit, denied a
13 renewal of a personal possession permit, or who has had a permit
14 suspended or revoked may appeal the decision to a superior court for
15 the precinct in which the animal is located or the municipal court in
16 the city in which the animal is located no later than the twentieth day
17 after the permit is denied, suspended, or revoked. The decision of the
18 court may not be appealed.

19 NEW SECTION. **Sec. 15.** (1) The animal control authority may
20 immediately confiscate any dangerous wild animal if the animal is kept
21 in contravention of this chapter. The possessor is liable for the
22 costs of placement and care for the dangerous wild animal from the time
23 of confiscation until the time of return to the possessor or until the
24 time the animal has been relocated to an approved facility, such as a
25 wildlife sanctuary as defined under this chapter, an institution
26 accredited by the American zoo and aquarium association, or a person
27 holding a current personal possession permit.

28 (2) If a dangerous wild animal is confiscated due to the animal
29 being kept in contravention of this chapter, the possessor must post a
30 security bond or cash with the animal control authority in an amount
31 sufficient to guarantee payment of all reasonable expenses expected to
32 be incurred in caring and providing for the animal, including but not
33 limited to the estimated cost of feeding, medical care, and housing for
34 at least thirty days. The security bond or cash does not prevent the
35 animal control authority from disposing of the animal at the end of the
36 thirty days unless the person claiming the animal posts an additional
37 security bond or cash with the animal control authority to secure

1 payment of all reasonable expenses expected to be incurred in caring
2 and providing for the animal for an additional thirty days, and does so
3 prior to the expiration of the first thirty-day period. The amount of
4 the security bond or cash must be determined by the animal control
5 authority and based on the current rate to feed, provide medical care,
6 and house the animal.

7 (3) If a possessor of a confiscated animal cannot be located or if
8 a confiscated animal remains unclaimed, in the discretion of the animal
9 control authority, the animal control authority may contact an approved
10 facility, such as a wildlife sanctuary as defined under this chapter or
11 an institution accredited by the American zoo and aquarium association,
12 or allow the animal to be adopted by a person holding a current
13 personal possession permit, or may euthanize the animal.

14 (4) If the dangerous wild animal cannot be taken up or recaptured
15 safely by the animal control authority or if proper and safe housing
16 cannot be found, the animal control authority may immediately humanely
17 euthanize the animal.

18 (5) A dangerous wild animal may be returned to the possessor only
19 if the possessor has a personal possession permit, has corrected the
20 conditions resulting in the confiscation, and has paid the cost of
21 placement and care of the animal while under the care and control of
22 the animal control authority.

23 NEW SECTION. **Sec. 16.** (1) Not later than December 31, 2003, the
24 animal control authority shall implement and administer the
25 prohibitions of the keeping of dangerous wild animals under this
26 chapter. This includes, but is not limited to, the creation of the
27 personal possession permit program established by section 5 of this
28 act, orders relating to the applications for personal possession
29 permits and renewals, fees for the permit, and the form and content of
30 the application.

31 (2) A person is not required to obtain a personal possession permit
32 under section 5 of this act before December 31, 2003, but must obtain
33 a personal possession permit by June 30, 2004.

34 NEW SECTION. **Sec. 17.** A city or county may adopt an ordinance
35 governing dangerous wild animals that is more restrictive than this
36 chapter. This may include including additional animals in the

1 definition of "dangerous wild animals," additional caging standards,
2 and stricter care and treatment provisions. If a city or county
3 already has an equal or greater ordinance already in existence, that
4 city or county is deemed to be in compliance with this chapter.

5 NEW SECTION. **Sec. 18.** (1) A violation of section 5 (1) or (2), 6,
6 7, 10 (2) or (3), or 13 of this act is a misdemeanor punishable under
7 RCW 9A.20.021.

8 (2) A violation of section 3 (1) or (2), 5(7), 8, 9, 10 (1) or (4),
9 11, or 15(2) of this act is a gross misdemeanor punishable under RCW
10 9A.20.021.

11 NEW SECTION. **Sec. 19.** If any provision of this act or its
12 application to any person or circumstance is held invalid, the
13 remainder of the act or the application of the provision to other
14 persons or circumstances is not affected.

15 NEW SECTION. **Sec. 20.** Sections 1 through 19 of this act
16 constitute a new chapter in Title 16 RCW.

--- END ---