
SENATE BILL 6619

State of Washington

59th Legislature

2006 Regular Session

By Senator Deccio

Read first time 01/17/2006. Referred to Committee on Judiciary.

1 AN ACT Relating to dangerous dogs; and amending RCW 16.08.070,
2 16.08.080, and 16.08.090.

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

4 **Sec. 1.** RCW 16.08.070 and 2002 c 244 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 (a) inflicts severe injury
17 on a human being without provocation on public or private property, (b)
18 kills a domestic animal without provocation while the dog is off the
19 owner's property, ((or)) (c) inflicts injury to a companion animal

1 requiring the animal to be euthanized, or (d) has been previously found
2 to be potentially dangerous because of injury inflicted on a human, the
3 owner having received notice of such and the dog again aggressively
4 bites, attacks, or endangers the safety of humans.

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

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

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

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

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

29 **Sec. 2.** RCW 16.08.080 and 2002 c 244 s 2 are each amended to read
30 as follows:

31 (1) Any city or county that has a notification and appeal procedure
32 with regard to determining a dog within its jurisdiction to be
33 dangerous may continue to utilize or amend its procedure. A city or
34 county animal control authority that does not have a notification and
35 appeal procedure in place as of June 13, 2002, and seeks to declare a
36 dog within its jurisdiction, as defined in subsection (7) of this

1 section, to be dangerous must serve notice upon the dog owner in person
2 or by regular and certified mail, return 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) Prior to the authority issuing its final determination, the
11 authority shall notify the owner in writing that he or she is entitled
12 to an opportunity to meet with the authority, at which meeting the
13 owner may give, orally or in writing, any reasons or information as to
14 why the dog should not be declared dangerous. The notice shall state
15 the date, time, and location of the meeting, which must occur prior to
16 expiration of fifteen calendar days following delivery of the notice.
17 The owner may propose an alternative meeting date and time, but such
18 meeting must occur within the fifteen-day time period set forth in this
19 section. After such meeting, the authority must issue its final
20 determination, in the form of a written order, within fifteen calendar
21 days. In the event the authority declares a dog to be dangerous, the
22 order shall include a recital of the authority for the action, a brief
23 concise statement of the facts that support the determination, and the
24 signature of the person who made the determination. The order shall be
25 sent by regular and certified mail, return receipt requested, or
26 delivered in person to the owner at the owner's last address known to
27 the authority.

28 (4) If the local jurisdiction has provided for an administrative
29 appeal of the final determination, the owner must follow the appeal
30 procedure set forth by that jurisdiction. If the local jurisdiction
31 has not provided for an administrative appeal, the owner may appeal a
32 municipal authority's final determination that the dog is dangerous to
33 the municipal court, and may appeal a county animal control authority's
34 or county sheriff's final determination that the dog is dangerous to
35 the district court. The owner must make such appeal within twenty days
36 of receiving the final determination. While the appeal is pending, the
37 authority may order that the dog be confined or controlled in

1 compliance with RCW 16.08.090. If the dog is determined to be
2 dangerous, the owner must pay all costs of confinement and control.

3 (5) It is unlawful for an owner to have a dangerous dog in the
4 state without a certificate of registration issued under this section.
5 This section and RCW 16.08.090 and 16.08.100 shall not apply to police
6 dogs as defined in RCW 4.24.410. An owner is required to notify in
7 writing the local animal control officer of any change in the status of
8 his or her dangerous dog.

9 (6) Unless a city or county has a more restrictive code
10 requirement, the animal control authority of the city or county in
11 which an owner has a dangerous dog shall issue a certificate of
12 registration to the owner of such animal if the owner presents to the
13 animal control unit sufficient evidence of:

14 (a) A proper enclosure to confine a dangerous dog and the posting
15 of the premises with a clearly visible warning sign that there is a
16 dangerous dog on the property. In addition, the owner shall
17 conspicuously display a sign with a warning symbol that informs
18 children of the presence of a dangerous dog;

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

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

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

31 (ii) If an owner has the dangerous dog in an incorporated or
32 unincorporated area served only by a county animal control authority,
33 the owner shall obtain a certificate of registration from the county
34 authority;

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

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

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

5 (9) Nothing in this section limits a local authority in placing
6 additional restrictions upon owners of dangerous dogs. This section
7 does not require a local authority to allow a dangerous dog within its
8 jurisdiction.

9 **Sec. 3.** RCW 16.08.090 and 1987 c 94 s 3 are each amended to read
10 as follows:

11 (1) It is unlawful for an owner of a dangerous dog to permit the
12 dog to be outside the proper enclosure unless the dog is muzzled and
13 restrained by a substantial chain or leash and under physical restraint
14 of a responsible person. The muzzle shall be made in a manner that
15 will not cause injury to the dog or interfere with its vision or
16 respiration but shall prevent it from biting any person or animal. The
17 leash length for a dangerous dog is limited to not longer than six
18 feet.

19 (2) Potentially dangerous dogs shall be regulated only by local,
20 municipal, and county ordinances. Nothing in this section limits
21 restrictions local jurisdictions may place on owners of potentially
22 dangerous dogs.

23 (3) Dogs shall not be declared dangerous if the threat, injury, or
24 damage was sustained by a person who, at the time, was committing a
25 wilful trespass or other tort upon the premises occupied by the owner
26 of the dog, or was tormenting, abusing, or assaulting the dog or has,
27 in the past, been observed or reported to have tormented, abused, or
28 assaulted the dog or was committing or attempting to commit a crime.

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