
HOUSE BILL 2861

State of Washington 60th Legislature 2008 Regular Session

By Representatives Hailey, Haler, Kretz, Schmick, and Blake

Read first time 01/17/08. Referred to Committee on Judiciary.

1 AN ACT Relating to dangerous dogs; amending RCW 16.08.070 and
2 16.08.080; and adding a new section to chapter 77.15 RCW.

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

4 NEW SECTION. **Sec. 1.** A new section is added to chapter 77.15 RCW
5 to read as follows:

6 Fish and wildlife officers and ex officio fish and wildlife
7 officers have the authority the lethally remove a feral dog, including
8 a wolf-dog hybrid, if the dog poses a threat to human safety, domestic
9 animals, or livestock.

10 **Sec. 2.** RCW 16.08.070 and 2002 c 244 s 1 are each amended to read
11 as follows:

12 (~~Unless the context clearly requires otherwise,~~) The definitions
13 in this section apply throughout RCW 16.08.070 through 16.08.100 unless
14 the context clearly requires otherwise.

15 (1) "Potentially dangerous dog" means any dog that when unprovoked:
16 (a) Inflicts bites on a human or a domestic animal either on public or
17 private property, or (b) chases or approaches a person upon the
18 streets, sidewalks, or any public grounds in a menacing fashion or

1 apparent attitude of attack, or any dog with a known propensity,
2 tendency, or disposition to attack unprovoked, to cause injury, or to
3 cause injury or otherwise to threaten the safety of humans or domestic
4 animals.

5 (2) "Dangerous dog" means any dog that:

6 (a) Is a wolf-dog hybrid;

7 (b) Inflicts severe injury on a human being without provocation on
8 public or private property(~~(b)~~);

9 (c) Kills a domestic animal without provocation while the dog is
10 off the owner's property(~~(c)~~) or (~~(e)~~)

11 (d) Has been previously found to be potentially dangerous because
12 of injury inflicted on a human, the owner having received notice of
13 such and the dog again aggressively bites, attacks, or endangers the
14 safety of humans.

15 (3) "Severe injury" means any physical injury that results in
16 broken bones or disfiguring lacerations requiring multiple sutures or
17 cosmetic surgery.

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

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

28 (6) "Animal control officer" means any individual employed,
29 contracted with, or appointed by the animal control authority for the
30 purpose of aiding in the enforcement of this chapter or any other law
31 or ordinance relating to the licensure of animals, control of animals,
32 or seizure and impoundment of animals, and includes any state or local
33 law enforcement officer or other employee whose duties in whole or in
34 part include assignments that involve the seizure and impoundment of
35 any animal.

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

1 **Sec. 3.** RCW 16.08.080 and 2002 c 244 s 2 are each amended to read
2 as follows:

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

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

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

36 (4) If the local jurisdiction has provided for an administrative
37 appeal of the final determination, the owner must follow the appeal
38 procedure set forth by that jurisdiction. If the local jurisdiction

1 has not provided for an administrative appeal, the owner may appeal a
2 municipal authority's final determination that the dog is dangerous to
3 the municipal court, and may appeal a county animal control authority's
4 or county sheriff's final determination that the dog is dangerous to
5 the district court. The owner must make such appeal within twenty days
6 of receiving the final determination. While the appeal is pending, the
7 authority may order that the dog be confined or controlled in
8 compliance with RCW 16.08.090. If the dog is determined to be
9 dangerous, the owner must pay all costs of confinement and control.

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

14 (6) Unless a city or county has a more restrictive code
15 requirement, the animal control authority of the city or county in
16 which an owner has a dangerous dog shall issue a certificate of
17 registration to the owner of such animal if the owner presents to the
18 animal control unit sufficient evidence of:

19 (a) A proper enclosure to confine a dangerous dog and the posting
20 of the premises with a clearly visible warning sign that there is a
21 dangerous dog on the property. In addition, the owner shall
22 conspicuously display a sign with a warning symbol that informs
23 children of the presence of a dangerous dog;

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

28 (c) A policy of liability insurance, such as homeowner's insurance,
29 issued by an insurer qualified under Title 48 RCW in the amount of at
30 least two hundred fifty thousand dollars, insuring the owner for any
31 personal injuries inflicted by the dangerous dog; or

32 (d) The owner shall guarantee that the dangerous dog has at least
33 two of the following forms of identification:

34 (i) A registered animal microchip;

35 (ii) An identifying tattoo that is registered with the animal
36 control authority; or

37 (iii) Clearly visible tags worn by the dangerous dog identifying
38 the current contact information of the owner.

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

5 (ii) If an owner has the dangerous dog in an incorporated or
6 unincorporated area served only by a county animal control authority,
7 the owner shall obtain a certificate of registration from the county
8 authority;

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

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

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

17 (9) Nothing in this section limits a local authority in placing
18 additional restrictions upon owners of dangerous dogs. This section
19 does not require a local authority to allow a dangerous dog within its
20 jurisdiction.

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