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**SUBSTITUTE HOUSE BILL 1755**

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**State of Washington                      62nd Legislature                      2012 Regular Session**

**By** House Judiciary (originally sponsored by Representatives Goodman, Fitzgibbon, Dunshee, Springer, Anderson, Dickerson, and Hunt)

READ FIRST TIME 01/31/12.

1            AN ACT Relating to the humane treatment of dogs; amending RCW  
2 16.52.165; adding new sections to chapter 16.52 RCW; and prescribing  
3 penalties.

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

5            NEW SECTION.    **Sec. 1.** A new section is added to chapter 16.52 RCW  
6 to read as follows:

7            (1)(a) A person shall be subject to penalties as provided in this  
8 section if the person leaves a dog restrained or tied outside by use of  
9 a tether, chain, rope, cord, pulley, trolley system, or other device  
10 under any of the following circumstances:

11            (i) Between the hours of 10:00 p.m. and 6:00 a.m.;

12            (ii) For more than ten hours consecutively, or more than ten hours  
13 within any twenty-four hour period;

14            (iii) During any severe weather advisories, warnings, or  
15 emergencies that have been issued or declared by the national weather  
16 service for the location at which the dog is tethered, unless the dog  
17 is provided with natural or manmade shelter that is adequate to keep  
18 the dog safe, dry, and protected under such conditions;

1 (iv) On the same chain, tether, rope, cord, pulley, trolley system,  
2 or fixed point as another animal;

3 (v) In a manner that allows the dog to be within ten feet of any  
4 public right-of-way;

5 (vi) In a manner that prevents the dog from lying, sitting, and  
6 standing comfortably, and without the restraint becoming taut, and that  
7 does not allow the dog a range of movement equal to at least three  
8 times the length of the dog, measured from the tip of its nose to the  
9 base of its tail;

10 (vii) In a manner that results, or could reasonably result, in the  
11 dog becoming entangled on the restraint or another object;

12 (viii) If the dog is sick, injured, or in distress, in the advanced  
13 stages of pregnancy, or under six months of age;

14 (ix) In a manner that results in the dog being left in unsafe or  
15 unsanitary conditions, or that forces the dog to stand, sit, or lie  
16 down in its own excrement or urine; or

17 (x) In a manner that causes injury or pain to the dog.

18 (b) A person shall be subject to penalties as provided in this  
19 section if the person leaves a dog restrained or tied under  
20 circumstances that do not meet the following requirements:

21 (i) Any tether, fastener, chain, tie, or other restraint must weigh  
22 no more than one-eighth the body weight of the dog, and must be  
23 attached to a properly fitted buckle-type harness or collar, not less  
24 than one inch in width, that provides enough room between the collar or  
25 harness and the dog's throat to allow normal breathing and swallowing.

26 (ii) Choke, pinch, or prong-type collars may not be used in  
27 tethering, fastening, chaining, or tying a dog.

28 (2) The provisions of subsection (1)(a)(i) through (viii) of this  
29 section do not apply to a dog:

30 (a) Tethered, chained, tied, or otherwise restrained while the dog  
31 is receiving medical care or treatment under the supervision of a  
32 licensed veterinarian;

33 (b) Participating temporarily in an exhibition, show, contest, or  
34 other event in which the skill, breeding, or stamina of the dog is  
35 judged or examined;

36 (c) Being kept temporarily at a camping or recreation area;

37 (d) Being cared for temporarily after having been picked up as a  
38 stray or as part of a rescue operation;

1 (e) Being transported in a motor vehicle; or

2 (f) Being trained or used by a federal, state, or local law  
3 enforcement agency or military or national guard unit.

4 (3) Each incident involving a violation of this section is a  
5 separate offense. A person who violates this section is subject to the  
6 following penalties:

7 (a) A first offense is a class 2 civil infraction under RCW  
8 7.80.120(1)(b).

9 (b) A subsequent offense is a misdemeanor under RCW 16.52.165.

10 (4) This section and section 2 of this act do not preempt  
11 ordinances enacted by local jurisdictions that are more restrictive or  
12 establish greater civil penalties or criminal penalties for unlawful  
13 tethering.

14 NEW SECTION. **Sec. 2.** A new section is added to chapter 16.52 RCW  
15 to read as follows:

16 (1) A written exemption to section 1(1)(a) (i) or (ii) of this act,  
17 or both, may be granted to an individual owner at the discretion of the  
18 animal control authority with appropriate jurisdiction upon the owner's  
19 demonstration of the following circumstances, which shall be documented  
20 in writing:

21 (a) The existence of unusual circumstances that make the tethering  
22 of a dog necessary for a duration, or during a time period, otherwise  
23 prohibited by section 1(1)(a) (i) and (ii) of this act;

24 (b) That the dog is not tethered for more than sixteen hours in any  
25 twenty-four hour period;

26 (c) That the dog is provided with necessary food and necessary  
27 water, receives adequate exercise and socialization, and has access to  
28 natural or manmade shelter that is sufficient to keep the dog safe,  
29 dry, and protected from the elements; and

30 (d) That adequate precautions have been taken to safeguard the  
31 health and safety of the dog, and to prevent the dog from being a  
32 nuisance or danger to the public.

33 (2) A written exemption to section 1(1)(a) (i) or (ii) of this act,  
34 or both, may be granted to an individual owner by the animal control  
35 authority with the appropriate jurisdiction if the animal control  
36 authority determines the owner has adequately demonstrated the  
37 following circumstances, which shall be documented in writing:

1 (a) That the dog is an arctic breed, and the dog is used regularly  
2 in competitive or recreational sled dog activities, or in training for  
3 such activities;

4 (b) That the dog is provided with necessary food and necessary  
5 water, receives adequate exercise and socialization, and has access to  
6 natural or manmade shelter that is sufficient to keep the dog safe,  
7 dry, and protected from the elements; and

8 (c) That adequate precautions have been taken to safeguard the  
9 health and safety of the dog, and to prevent the dog from being a  
10 nuisance or danger to the public.

11 (3) An exemption issued under this section may be revoked in  
12 writing at any time by the animal control authority when the animal  
13 control authority determines, in its discretion, that:

14 (a) The conditions required to obtain the exemption no longer  
15 exist; or

16 (b) A well-founded complaint has been made alleging that the dog is  
17 abused or neglected, has created a nuisance, or poses a threat to the  
18 safety of people or domestic animals.

19 (4) Exemptions authorized under this section may be granted only on  
20 a case-by-case basis to individual owners of dogs and shall not be  
21 granted as blanket exemptions to multiple owners or groups of owners.

22 (5) Local jurisdictions may use a permitting or licensing process  
23 to implement the exemptions authorized by this section.

24 **Sec. 3.** RCW 16.52.165 and 1982 c 114 s 7 are each amended to read  
25 as follows:

26 Every person convicted of any misdemeanor under RCW 16.52.080  
27 (~~(or)~~), 16.52.090, or section 1 of this act shall be punished by a fine  
28 of not exceeding one hundred and fifty dollars, or by imprisonment in  
29 the county jail not exceeding sixty days, or both such fine and  
30 imprisonment, and shall pay the costs of the prosecution.

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