

# HOUSE BILL REPORT

## HB 1018

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**As Reported by House Committee On:**  
Judiciary

**Title:** An act relating to preventing breed-based dog regulations.

**Brief Description:** Preventing breed-based dog regulations.

**Sponsors:** Representatives Appleton, Gregerson, Reykdal, Goodman and Buys.

**Brief History:**

**Committee Activity:**

Judiciary: 2/11/15, 2/4/16 [DPS].

**Brief Summary of Substitute Bill**

- Preempts local authority to prohibit possession of a particular breed of dog, declare a breed of dog to be dangerous or potentially dangerous, or impose other requirements associated with possession of specific dog breeds.
- Creates an exception to the prohibition on local breed-based regulations for existing ordinances, if specific criteria are met.

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### HOUSE COMMITTEE ON JUDICIARY

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 8 members: Representatives Jinkins, Chair; Kilduff, Vice Chair; Goodman, Haler, Hansen, Kirby, Kuderer and Orwall.

**Minority Report:** Do not pass. Signed by 3 members: Representatives Shea, Assistant Ranking Minority Member; Klippert and Stokesbary.

**Minority Report:** Without recommendation. Signed by 2 members: Representatives Rodne, Ranking Minority Member; Muri.

**Staff:** Omeara Harrington (786-7136).

**Background:**

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

## Dangerous and Potentially Dangerous Dog Laws.

### *State Law.*

Under state law, a dog is a dangerous dog if it is one that: (1) inflicts severe injury on a human without provocation; (2) kills a domestic animal without provocation while off of its owner's property; or (3) has been previously found to be potentially dangerous due to infliction of injury on a human, and again aggressively bites, attacks, or endangers the safety of a human. A dog cannot be declared dangerous if the injured party was trespassing, committing a tort upon the premises, tormenting the dog, or committing a crime.

A potentially dangerous dog is defined under state law as a dog that: (1) bites a human or domestic animal without provocation; (2) chases or approaches a person in public in a menacing fashion; or (3) has a known propensity, tendency, or disposition to attack unprovoked, to cause injury, or to threaten the safety of humans or domestic animals.

State law requires dangerous dogs to be registered and imposes specific requirements on owners of dangerous dogs. These requirements include: a proper enclosure for the dog, adequate warning signs, a surety bond or liability insurance policy in the amount of at least \$250,000 for personal injury inflicted by the dog, and specific restraints for the dog if it is off of the owner's property.

The state dangerous dog laws impose criminal penalties for violations of the act. In addition, an owner of a dog that aggressively attacks and causes severe injury or death of a human, whether or not the dog has been previously declared a dangerous or potentially dangerous dog, is guilty of a class C felony. The prosecution must show that the owner knew or should have known that the dog was potentially dangerous, and cannot make this showing based solely upon the dog's breed or breeds.

### *Local Regulation of Dangerous and Potentially Dangerous Dogs.*

In addition to state laws regarding dangerous dogs, local jurisdictions may impose more stringent requirements restricting dangerous dogs, and may prohibit dangerous dogs altogether. Potentially dangerous dogs are regulated solely on the local level.

### Breed-Specific Regulations.

In adopting ordinances based on the state dangerous dog laws, some local jurisdictions have modified the definitions of dangerous dog and potentially dangerous dog to include specific breeds. In those jurisdictions, restrictions or bans that apply to dangerous dogs or potentially dangerous dogs automatically apply to any referenced breed.

In addition, some local jurisdictions have adopted ordinances that completely ban the ownership or possession of particular breeds.

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### **Summary of Substitute Bill:**

A city or county may not prohibit possession of a dog based on its breed, impose requirements specific to possession of a dog based on its breed, or declare a dog to be

dangerous or potentially dangerous based on its breed. A city or county may still document a dog's breed, physical appearance, or both for identification purposes when declaring a dog to be dangerous or potentially dangerous.

An exception is created to allow a city or county to continue a breed-restrictive ordinance or regulation that was in effect on January 1, 2016. To meet the exception, the city or county must establish and maintain a reasonable process for exempting any dog from any breed-restrictive ordinances or regulations if the dog passes the American Kennel Club "Good Canine Citizen" test or a reasonably equivalent canine behavioral test as determined by the city or county. Passage of the requisite test must exempt the dog from breed-restrictive regulations for at least two years. If a dog fails the required test, or if the exemption period expires, the dog must be given an opportunity to retest to maintain or earn an exemption. The city or county may not apply a more stringent breed-restrictive regulation than was in effect in its jurisdiction on January 1, 2016, to maintain the exception allowing the ordinance or regulation.

The preemption on breed-restrictive ordinances and regulations extends only to domestic dogs, and does not include non-domesticated species such as wolves and coyotes, as well as hybrids.

**Substitute Bill Compared to Original Bill:**

Aside from the intent section, all other provisions of the bill are removed or restructured.

The section is removed that prevents the prosecution, in a case against an owner of a dog that severely injures or kills a person, from proving the owner knew the dog was dangerous or potentially dangerous based on the breed of the dog (as opposed to based *solely* on the breed of the dog).

Provisions are retained, but restructured, preventing local authorities from adopting ordinances prohibiting possession of a dog based upon its breed, imposing requirements specific to possession of a dog based on its breed, or declaring a dog to be dangerous or potentially dangerous based on its breed. An exception is created to allow a local jurisdiction to maintain an existing breed-based ordinance if certain conditions are met. Express authorization is granted to local jurisdictions to document a dog's breed and physical appearance for identification purposes when declaring a dog to be dangerous or potentially dangerous.

"Dog," for purposes of the bill, is defined to expressly prohibit non-domesticated species and hybrids.

The effective date is delayed to January 1, 2017.

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**Appropriation:** None.

**Fiscal Note:** Not requested.

**Effective Date of Substitute Bill:** The bill takes effect on January 1, 2017.

**Staff Summary of Public Testimony:**

See Committee Records from 2015 Legislative Session.

**Persons Testifying:** See Committee Records from 2015 Legislative Session.

**Persons Signed In To Testify But Not Testifying:** None.