
HOUSE BILL 2247

State of Washington 65th Legislature 2017 3rd Special Session

By Representatives Dent, Blake, Manweller, Lovick, Klippert, Dye, and Haler

Read first time 07/03/17. 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
5 RCW to read as follows:

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

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

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

15 (1) "Potentially dangerous dog" means any dog that when
16 unprovoked: (a) Inflicts bites on a human or a domestic animal either
17 on public or private property, or (b) chases or approaches a person
18 upon the streets, sidewalks, or any public grounds in a menacing
19 fashion or apparent attitude of attack, or any dog with a known
20 propensity, tendency, or disposition to attack unprovoked, to cause

1 injury, or to cause injury or otherwise to threaten the safety of
2 humans or domestic animals.

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

4 (a) Is a wolf-dog hybrid;

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

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

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

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

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

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

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

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

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

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

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

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

34 (4) If the local jurisdiction has provided for an administrative
35 appeal of the final determination, the owner must follow the appeal
36 procedure set forth by that jurisdiction. If the local jurisdiction
37 has not provided for an administrative appeal, the owner may appeal a
38 municipal authority's final determination that the dog is dangerous
39 to the municipal court, and may appeal a county animal control
40 authority's or county sheriff's final determination that the dog is

1 dangerous to the district court. The owner must make such appeal
2 within twenty days of receiving the final determination. While the
3 appeal is pending, the authority may order that the dog be confined
4 or controlled in compliance with RCW 16.08.090. If the dog is
5 determined to be dangerous, the owner must pay all costs of
6 confinement and control.

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

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

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

21 (ii) That the owner shall guarantee that the dangerous dog has at
22 least two of the following forms of identification:

23 (A) A registered animal microchip;

24 (B) An identifying tattoo that is registered with the animal
25 control authority; or

26 (C) Clearly visible tags worn by the dangerous dog identifying
27 the current contact information of the owner; and

28 (b)(i) Of a surety bond issued by a surety insurer qualified
29 under chapter 48.28 RCW in a form acceptable to the animal control
30 authority in the sum of at least two hundred fifty thousand dollars,
31 payable to any person injured by the dangerous dog; or

32 ((~~e~~)) (ii) Of a policy of liability insurance, such as
33 homeowner's insurance, issued by an insurer qualified under Title 48
34 RCW in the amount of at least two hundred fifty thousand dollars,
35 insuring the owner for any personal injuries inflicted by the
36 dangerous dog.

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

1 (ii) If an owner has the dangerous dog in an incorporated or
2 unincorporated area served only by a county animal control authority,
3 the owner shall obtain a certificate of registration from the county
4 authority;

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

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

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

13 (9) Nothing in this section limits a local authority in placing
14 additional restrictions upon owners of dangerous dogs. This section
15 does not require a local authority to allow a dangerous dog within
16 its jurisdiction.

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