
SENATE BILL 5649

State of Washington

62nd Legislature

2011 Regular Session

By Senators Harper, Shin, Murray, Nelson, Pridemore, Chase, Kohl-Welles, and Kline

Read first time 02/03/11. Referred to Committee on Judiciary.

1 AN ACT Relating to the humane treatment of dogs; amending RCW
2 16.52.011; adding a new section to chapter 16.52 RCW; prescribing
3 penalties; providing an effective date; and declaring an emergency.

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

5 **Sec. 1.** RCW 16.52.011 and 2009 c 287 s 1 are each amended to read
6 as follows:

7 (1) Principles of liability as defined in chapter 9A.08 RCW apply
8 to this chapter.

9 (2) The definitions in this section apply throughout this chapter
10 unless the context clearly requires otherwise.

11 (a) "Abandons" means the knowing or reckless desertion of an animal
12 by its owner or the causing of the animal to be deserted by its owner,
13 in any place, without making provisions for the animal's adequate care.

14 (b) "Animal" means any nonhuman mammal, bird, reptile, or
15 amphibian.

16 (c) "Animal care and control agency" means any city or county
17 animal control agency or authority authorized to enforce city or county
18 municipal ordinances regulating the care, control, licensing, or
19 treatment of animals within the city or county, and any corporation

1 organized under RCW 16.52.020 that contracts with a city or county to
2 enforce the city or county ordinances governing animal care and
3 control.

4 (d) "Animal control officer" means any individual employed,
5 contracted, or appointed pursuant to RCW 16.52.025 by an animal care
6 and control agency or humane society to aid in the enforcement of
7 ordinances or laws regulating the care and control of animals. For
8 purposes of this chapter, the term "animal control officer" shall be
9 interpreted to include "humane officer" as defined in (f) of this
10 subsection and RCW 16.52.025.

11 (e) "Euthanasia" means the humane destruction of an animal
12 accomplished by a method that involves instantaneous unconsciousness
13 and immediate death, or by a method that causes painless loss of
14 consciousness, and death during the loss of consciousness.

15 (f) "Humane officer" means any individual employed, contracted, or
16 appointed by an animal care and control agency or humane society as
17 authorized under RCW 16.52.025.

18 (g) "Law enforcement agency" means a general authority Washington
19 law enforcement agency as defined in RCW 10.93.020.

20 (h) "Necessary food and water" means (~~(the provision at suitable~~
21 ~~intervals of wholesome foodstuff suitable for the animal's age and~~
22 ~~species and sufficient to provide a reasonable level of nutrition for~~
23 ~~the animal)) food or feed appropriate to the species for which it is
24 intended. Both food and water must be in sufficient quantity and
25 quality to sustain the animal and must be easily accessible to the
26 animal.~~

27 (i) "Necessary shelter" means a structure that keeps the animal
28 clean, dry, and protected from the elements, allows the animal to turn
29 around freely, sit, stand, and lie without restriction, and does not
30 cause injury, disfigurement, or physical impairment to the animal.

31 (j) "Owner" means a person who has a right, claim, title, legal
32 share, or right of possession to an animal or a person having lawful
33 control, custody, or possession of an animal.

34 (~~(+j)~~) (k) "Person" means individuals, corporations, partnerships,
35 associations, or other legal entities, and agents of those entities.

36 (~~(+k)~~) (l) "Similar animal" means an animal classified in the same
37 genus.

1 (~~(1)~~) (m) "Substantial bodily harm" means substantial bodily harm
2 as defined in RCW 9A.04.110.

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

5 (1)(a) An owner may be charged with unlawful tethering if the owner
6 leaves a dog restrained or tied outside by use of a tether, chain,
7 rope, cord, pulley, trolley system, or other device under any of the
8 following circumstances:

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

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

12 (iii) During any declared weather advisories, warnings, or
13 emergencies that are active for the dog's location;

14 (iv) In a manner that prevents the dog from lying, sitting,
15 standing comfortably and without the restraint becoming taut;

16 (v) In a manner that results, or could reasonably result, in the
17 dog becoming entangled on the restraint or another object;

18 (vi) In a manner that does not allow the dog to have access to
19 necessary shelter at a time during which temperatures fall below forty
20 degrees or above eighty-five degrees, or when there is precipitation,
21 including rain, hail, sleet, or snow;

22 (vii) In a manner that results in the dog being left in unsafe or
23 unsanitary conditions or conditions that otherwise could violate this
24 chapter;

25 (viii) In a manner that causes injury to the dog;

26 (ix) On the same chain, tether, rope, cord, pulley, trolley system,
27 or fixed point as another animal;

28 (x) If the dog is sick, injured, or in distress, in the advanced
29 stages of pregnancy, or under six months of age;

30 (xi) In a location that is within one hundred yards of a school or
31 licensed daycare facility; or

32 (xii) In a manner that allows the dog to be within ten feet of any
33 public right-of-way.

34 (b) All devices used to tie or restrain the dog must meet the
35 following specifications:

36 (i) Any tether, fastener, chain, tie, or other restraint must be

1 attached to a properly fitted buckle-type harness or collar, not less
2 than one inch in width, that provides enough room between the collar or
3 harness and the dog's throat through which two fingers may fit.

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

6 (2) The provisions of this section do not apply to a dog:

7 (a) Tethered, chained, tied, or otherwise restrained or placed in
8 a pen or enclosure by a licensed veterinarian while the dog is
9 receiving veterinary care or treatment;

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

13 (c) Being kept temporarily in a boarding kennel or facility or at
14 a camping or recreation area;

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

17 (e) Being trained or used by a federal, state, or local law
18 enforcement agency or military or national guard unit.

19 (3) Each violation of this section is a separate offense. A person
20 who violates this section is subject to the following penalties:

21 (a) For a first violation, the owner must be given a written notice
22 of warning, which specifies the applicable subsection of this section
23 that has been violated.

24 (i) The notice must give the owner forty-eight hours to remedy the
25 violation.

26 (ii) Whenever possible, the owner must also be provided with
27 educational information about the dangers of tethering, as well as
28 information about humane and safe restraint methods, and referrals to
29 organizations able to offer assistance with establishing humane and
30 safe restraint methods. Pamphlets or other information prepared by
31 local or national nonprofit organizations may be used for this purpose.

32 (b) A second violation, or a failure to remedy the conditions noted
33 in a written notice of warning within forty-eight hours, is a class 2
34 civil infraction under RCW 7.80.120(1)(b).

35 (c) Third and subsequent violations are misdemeanors under RCW
36 16.52.165.

1 NEW SECTION. **Sec. 3.** This act is necessary for the immediate
2 preservation of the public peace, health, or safety, or support of the
3 state government and its existing public institutions, and takes effect
4 July 1, 2011.

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