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ENGROSSED SUBSTITUTE HOUSE BILL 1462

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State of Washington                      52nd Legislature                      1991 Regular Session

By House Committee on Judiciary (originally sponsored by Representatives Nealey, Haugen, Ferguson, Dorn, May, Tate, Ludwig, Neher, Anderson, Rasmussen, Silver, Mielke, Grant, Rayburn, Fuhrman, Bray and Morton).

Read first time February 22, 1991.

1            AN ACT Relating to dogs; amending RCW 16.08.070; adding new  
2 sections to chapter 16.08 RCW; and prescribing penalties.

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

4            **Sec. 1.** RCW 16.08.070 and 1987 c 94 s 1 are each amended to read  
5 as follows:

6            Unless the context clearly requires otherwise, the definitions in  
7 this section apply throughout RCW 16.08.070 through 16.08.100 and  
8 sections 2 through 5 of this 1991 act.

9            (1) "Potentially dangerous dog" means any dog that when unprovoked:

10 (a) Inflicts bites on a human or a domestic animal either on public or  
11 private property, or (b) chases or approaches a person upon the  
12 streets, sidewalks, or any public grounds in a menacing fashion or  
13 apparent attitude of attack, or any dog with a known propensity,  
14 tendency, or disposition to attack unprovoked, to cause injury, or to

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

3 (2) "Dangerous dog" means any dog that according to the records of  
4 the appropriate authority, (a) has inflicted severe injury on a human  
5 being without provocation on public or private property, (b) has killed  
6 a domestic animal without provocation while off the owner's property,  
7 or (c) has been previously found to be potentially dangerous, the owner  
8 having received notice of such and the dog again aggressively bites,  
9 attacks, or endangers the safety of humans or domestic animals.

10 (3) "Severe injury" means any physical injury that results in  
11 broken bones or disfiguring lacerations requiring or that will require  
12 multiple sutures or cosmetic surgery.

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

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

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

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

4 NEW SECTION. **Sec. 2.** (1) If upon investigation it is determined  
5 by the animal control officer that probable cause exists to believe the  
6 dog in question poses an immediate threat to public safety, the animal  
7 control officer shall seize and impound the dog pending a hearing. The  
8 owner or keeper of the dog shall be liable to the city or county where  
9 the dog is impounded for the costs and expenses of keeping the dog, if  
10 the dog is later adjudicated to be a potentially dangerous dog or a  
11 dangerous dog.

12 (2) When a dog has been impounded pursuant to subsection (1) of  
13 this section and it is not contrary to public safety, the chief animal  
14 control officer shall permit the animal to be confined at the owner's  
15 expense in an approved kennel or veterinary facility.

16 NEW SECTION. **Sec. 3.** Notwithstanding RCW 16.08.090(2), no local  
17 ordinance may, on the basis of dangerousness or potential  
18 dangerousness, restrict the transporting of any dog through the local  
19 jurisdiction so long as the dog is safely confined within a vehicle  
20 while traveling through the jurisdiction. No local ordinance may  
21 declare a breed of dog to be dangerous or potentially dangerous.

22 NEW SECTION. **Sec. 4.** Sections 2 and 3 of this act are each added  
23 to chapter 16.08 RCW.