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HOUSE BILL 2600

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State of Washington                      54th Legislature                      1996 Regular Session

By Representatives Clements and Skinner

Read first time 01/15/96. Referred to Committee on Law & Justice.

1            AN ACT Relating to dangerous dogs; amending RCW 16.08.070,  
2 16.08.080, 16.08.090, and 16.08.100; adding a new section to chapter  
3 16.08 RCW; creating a new section; and prescribing penalties.

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

5            NEW SECTION.    **Sec. 1.** The legislature finds that current laws to  
6 protect the public from dangerous dogs are not sufficient. The  
7 legislature intends to correct an inconsistency that requires a dog  
8 that severely injures a person be humanely destroyed, but also allows  
9 this dog to be registered as a dangerous dog. The legislature intends  
10 to protect the public by clarifying the definition and regulation of  
11 dangerous dogs and by making dogs that are identified as dangerous more  
12 conspicuous.

13            **Sec. 2.** RCW 16.08.070 and 1987 c 94 s 1 are each amended to read  
14 as follows:

15            Unless the context clearly requires otherwise, the definitions in  
16 this section apply throughout RCW 16.08.070 through 16.08.100 and  
17 section 3 of this act.

1       (1) (~~("Potentially dangerous dog" means any dog that when~~  
2 ~~unprovoked: (a) Inflicts bites on a human or a domestic animal either~~  
3 ~~on public or private property, or (b) chases or approaches a person~~  
4 ~~upon the streets, sidewalks, or any public grounds in a menacing~~  
5 ~~fashion or apparent attitude of attack, or any dog with a known~~  
6 ~~propensity, tendency, or disposition to attack unprovoked, to cause~~  
7 ~~injury, or to cause injury or otherwise to threaten the safety of~~  
8 ~~humans or domestic animals.~~

9       ~~(2))~~ "Dangerous dog" means any dog that (~~(according to the records~~  
10 ~~of the appropriate authority,~~) has been identified by an animal  
11 control authority or a law enforcement official, whether personally  
12 witnessing the behavior of the dog or after conducting an  
13 investigation, as:

14       (a) (~~(has inflicted severe injury on)~~) Having demonstrated a clear  
15 danger by chasing or approaching a person on public property in a  
16 menacing fashion or an apparent attitude of attack; or

17       (b) Having bitten a human being without provocation or reason on  
18 public or private property(~~(  )~~); or

19       (~~(b) has~~) (c) Having killed a domestic animal without provocation  
20 while off the owner's property(~~(  , or (c) has been previously found to~~  
21 ~~be potentially dangerous, the owner having received notice of such and~~  
22 ~~the dog again aggressively bites, attacks, or endangers the safety of~~  
23 ~~humans or domestic animals))~~).

24       (~~(3))~~) (2) "Severe injury" means any physical injury that results  
25 in broken bones or disfiguring lacerations requiring multiple sutures  
26 or cosmetic surgery.

27       (~~(4))~~) (3) "Proper enclosure of a dangerous dog" means, while on  
28 the owner's property, a dangerous dog (~~(shall be)~~) is securely confined  
29 indoors or in a securely enclosed and locked pen or structure, suitable  
30 to prevent the entry of young children and designed to prevent the  
31 animal from escaping. (~~(Such)~~) The pen or structure (~~(shall)~~) must  
32 have secure sides and a secure top, and (~~(shall also)~~) provide  
33 protection from the elements for the dog.

34       (~~(5))~~) (4) "Animal control authority" means a local government or  
35 an entity acting alone or in concert with other local governmental  
36 units for enforcement of the animal control laws of the city, county,  
37 and state and the shelter and welfare of animals.

38       (~~(6))~~) (5) "Animal control officer" means any individual employed,  
39 contracted with, or appointed by the animal control authority for the

1 purpose of aiding in the enforcement of this chapter or any other law  
2 or ordinance relating to the licensure of animals, control of animals,  
3 or seizure and impoundment of animals, and includes any state or local  
4 law enforcement officer or other employee whose duties in whole or in  
5 part include assignments that involve the seizure and impoundment of  
6 any animal.

7 ~~((7))~~ (6) "Owner" means any person, firm, corporation,  
8 organization, or department possessing, harboring, keeping, having an  
9 interest in, or having control or custody of an animal.

10 NEW SECTION. **Sec. 3.** A new section is added to chapter 16.08 RCW  
11 to read as follows:

12 The animal control authority may:

13 (1) Warn a dog owner that his or her dog, while not presently  
14 defined as a dangerous dog under this chapter, may be a threat to the  
15 public and should be restrained or confined at all times;

16 (2) Declare a dog to be a dangerous dog and require that the owner  
17 register the dog as required under this chapter; or

18 (3) Declare a dog to be a dangerous dog and confiscate the dog.

19 When the animal control authority captures or confiscates a  
20 dangerous dog, the owner must be given ten working days to comply with  
21 RCW 16.08.080 after being notified by the animal control authority; if  
22 the owner is unknown or does not meet the requirements within ten days,  
23 and the determination that the dog is a dangerous dog is not appealed,  
24 the dog may be destroyed in an expeditious and humane manner. The  
25 animal control authority must provide for any quarantine requirements  
26 that may apply before destroying the dog or taking other action.

27 **Sec. 4.** RCW 16.08.080 and 1989 c 26 s 3 are each amended to read  
28 as follows:

29 (1) It is unlawful for an owner to have a dangerous dog in the  
30 state without a certificate of registration issued under this section.  
31 This section and section 3 of this act, RCW 16.08.090, and 16.08.100  
32 ~~((shall))~~ do not apply to police dogs as defined in RCW 4.24.410.

33 (2) The animal control authority of the city or county in which an  
34 owner has a dangerous dog shall issue a certificate of registration to  
35 the owner of ~~((such))~~ the animal if the owner presents to the animal  
36 control unit sufficient evidence of:

1 (a) A proper enclosure to confine a dangerous dog and the posting  
2 of the premises with a clearly visible warning sign that there is a  
3 dangerous dog on the property. In addition, the owner (~~shall~~) must  
4 conspicuously display a sign with a warning symbol that informs  
5 children of the presence of a dangerous dog;

6 (b) A surety bond issued by a surety insurer qualified under  
7 chapter 48.28 RCW in a form acceptable to the animal control authority  
8 in the sum of at least fifty thousand dollars, payable to any person  
9 injured by the (~~vicious~~) dangerous dog; or

10 (c) A policy of liability insurance, such as homeowner's insurance,  
11 issued by an insurer qualified under Title 48 RCW in the amount of at  
12 least fifty thousand dollars, insuring the owner for (~~any personal~~)  
13 liabilities for injuries inflicted by the dangerous dog.

14 (3)(a) If an owner has the dangerous dog in an incorporated area  
15 that is serviced by both a city and a county animal control authority,  
16 the owner (~~shall~~) must obtain a certificate of registration from the  
17 city authority(~~+~~).

18 (b) If an owner has the dangerous dog in an incorporated or  
19 unincorporated area served only by a county animal control authority,  
20 the owner (~~shall~~) must obtain a certificate of registration from the  
21 county authority(~~+~~).

22 (c) If an owner has the dangerous dog in an incorporated or  
23 unincorporated area that is not served by an animal control authority,  
24 the owner (~~shall~~) must obtain a certificate of registration from the  
25 office of the local sheriff.

26 (4) Cities and counties may charge an annual fee, in addition to  
27 regular dog licensing fees, to register dangerous dogs, including the  
28 tag required under subsection (5) of this section.

29 (5) Dangerous dogs registered under this section must wear a  
30 fluorescent red tag that is a three inch triangle to ensure that they  
31 are easily identifiable from a distance.

32 **Sec. 5.** RCW 16.08.090 and 1987 c 94 s 3 are each amended to read  
33 as follows:

34 (1) It is unlawful for an owner of a dangerous dog to permit the  
35 dog to be outside the proper enclosure unless the dog is muzzled and  
36 restrained by a substantial chain or leash and under physical restraint  
37 of a responsible person. The muzzle (~~shall~~) must be made in a manner  
38 that will not cause injury to the dog or interfere with its vision or

1 respiration but (~~shall~~) must prevent it from biting any person or  
2 animal.

3 (2) (~~Potentially dangerous dogs shall be regulated only by local,~~  
4 ~~municipal, and county ordinances.~~) Nothing in (~~this~~) RCW 16.08.070  
5 through 16.08.100 and section 3 of this act:

6 (a) Limit(~~s~~) restrictions local jurisdictions may place on  
7 dangerous dogs or owners of (~~potentially~~) dangerous dogs that are  
8 stricter than these state requirements; or

9 (b) Limit restrictions that local governments may place on dogs or  
10 owners of dogs not covered by this chapter.

11 (3) Dogs shall not be declared dangerous if the threat, injury, or  
12 damage was sustained by a person who, at the time, was committing a  
13 willful trespass or other tort upon the premises occupied by the owner  
14 of the dog, or was tormenting, abusing, or assaulting the dog or has,  
15 in the past, been observed or reported to have tormented, abused, or  
16 assaulted the dog or was committing or attempting to commit a crime.

17 (4) The animal control authority or law enforcement officials shall  
18 not be liable for any act or omission under RCW 16.08.070 through  
19 16.08.100 and section 3 of this act unless the act or omission  
20 constitutes gross negligence or willful or wanton misconduct.

21 **Sec. 6.** RCW 16.08.100 and 1987 c 94 s 4 are each amended to read  
22 as follows:

23 (1) Any dangerous dog (~~shall~~) must be immediately confiscated by  
24 an animal control authority if the: (a) Dog is not validly registered  
25 under RCW 16.08.080; (b) owner does not (~~secure~~) maintain the  
26 liability insurance coverage required under RCW 16.08.080; (c) dog is  
27 not maintained in the proper enclosure; (d) dog is outside of the  
28 dwelling of the owner, or outside of the proper enclosure and not under  
29 physical restraint of the responsible person; or (e) dog is not wearing  
30 the tag required under RCW 16.08.080(5). In addition, the owner  
31 (~~shall be~~) is guilty of a gross misdemeanor punishable in accordance  
32 with RCW 9A.20.021.

33 (2) If a dangerous dog (~~of an owner with a prior conviction under~~  
34 ~~this chapter~~) that is registered or should be registered under RCW  
35 16.08.080 attacks or bites a person or another domestic animal, the  
36 dog's owner is guilty of a class C felony, punishable in accordance  
37 with RCW 9A.20.021. In addition, the dangerous dog (~~shall~~) must be  
38 immediately confiscated by an animal control authority, placed in

1 quarantine for the proper length of time, and thereafter destroyed in  
2 an expeditious and humane manner.

3 (3) The owner of any dog that aggressively attacks and causes  
4 severe injury or death of any human, whether the dog has previously  
5 been declared (~~(potentially dangerous or)~~) dangerous, (~~(shall be)~~) is  
6 guilty of a class C felony punishable in accordance with RCW 9A.20.021.  
7 In addition, the dog (~~(shall)~~) must be immediately confiscated by an  
8 animal control authority, placed in quarantine for the proper length of  
9 time, and thereafter destroyed in an expeditious and humane manner.

10 (4) Any person entering a dog in a dog fight is guilty of a class  
11 C felony punishable in accordance with RCW 9A.20.021.

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