

HOUSE BILL REPORT

HB 1462

*As Reported By House Committee on:
Judiciary*

Title: An act relating to dogs.

Brief Description: Regulating dangerous and potentially dangerous dogs.

Sponsor(s): Representatives Nealey, Haugen, Ferguson, Dorn, May, Tate, Ludwig, Neher, Anderson, Rasmussen, Silver, Mielke, Grant, Rayburn, Fuhrman, Bray and Morton.

Brief History:

Reported by House Committee on:
Judiciary, February 20, 1991, DPS.

**HOUSE COMMITTEE ON
JUDICIARY**

Majority Report: *That Substitute House Bill No. 1462 be substituted therefor, and the substitute bill do pass.*
Signed by 16 members: Representatives Appelwick, Chair; Ludwig, Vice Chair; Padden, Ranking Minority Member; Paris, Assistant Ranking Minority Member; Belcher; Broback; Forner; Inslee; Locke; Mielke; H. Myers; Riley; Scott; D. Sommers; Tate; and Vance.

Minority Report: *Do not pass.* Signed by 3 members: Representatives Hargrove; R. Meyers; and Wineberry.

Staff: Bill Perry (786-7123).

Background: A variety of statutes address attacks by or mistreatment of dogs. Generally, the statutes impose strict civil liability on the owner of a dog which attacks someone. Washington is not a "one-free-bite" state. That is, an owner is strictly liable for harm done by a dog whether or not the dog had ever previously exhibited any dangerous tendencies.

However, statutory immunity from liability is provided in some instances. A dog owner is not liable for injury inflicted on a trespasser on the owner's property, for injury inflicted on a person who provokes the attack, or for injury inflicted by a police dog in the line of duty.

Owners of dogs are also generally liable for damage done by their dogs to livestock or other property. In some instances, a statutory duty is placed on dog owners or law enforcement officers to kill dogs running at large. In addition, criminal sanctions may be imposed on persons who mistreat dogs or use them or train them for fighting.

In 1987, in response to increasing concern over attacks by dogs, the Legislature enacted laws to deal specifically with dangerous dogs. The owner of a "dangerous dog" is required to register the dog with an animal control agency. Registration includes providing proof of a \$50,000 bond or insurance policy to cover potential liability for injuries inflicted by the dog, and also includes providing a proper enclosure for the dog. The law authorizes confiscation and destruction of dangerous dogs when they attack humans or animals. In addition, various criminal penalties attach for violations of these provisions. Violations involving severe injury or death, or repeat violations are generally class C felonies.

Dangerous dogs are defined as those that have inflicted severe injury on a human, or killed a domestic animal, or, after having been found to be "potentially dangerous," have bitten or attacked a human or domestic animal. A potentially dangerous dog is one that has a known propensity for unprovoked attacks on humans or domestic animals. Local ordinances may regulate "potentially dangerous dogs."

Summary of Substitute Bill: A judicial or administrative hearing procedure is established to allow determination of whether a dog is dangerous or potentially dangerous. Whenever an animal control officer has probable cause to believe that a dog is dangerous or potentially dangerous, he or she may petition the district court for a hearing. Local jurisdictions may provide administrative hearings as an alternative. Procedures for notifying the dog's owner are provided, and the hearing must be held at least 15, but not more than 30, working days after service of notice. If the court or administrative officer finds by a preponderance of the evidence that the dog is dangerous, the owner must comply with the registration requirements of the Dangerous Dog Law.

If there is probable cause to believe that a dog poses an immediate threat to public safety, an animal control officer may seize and impound the dog pending the hearing.

A limitation is placed on local regulation of dangerous or potentially dangerous dogs. Ordinances may not restrict transportation of a dog through a jurisdiction so long as the dog is safely confined within a vehicle.

Substitute Bill Compared to Original Bill: The substitute bill removes provisions of the original bill that would preempt all local regulation. The substitute adds the limitation on ordinances restricting the transportation of dogs.

Fiscal Note: Not requested.

Effective Date of Substitute Bill: Ninety days after adjournment of session in which bill is passed.

Testimony For: Dog owners should have the right to travel across the State without restriction. An administrative process for prior determination of dangerousness will help all parties understand their rights and responsibilities.

Testimony Against: Local jurisdictions should be prohibited completely from regulating dangerous dogs and particularly from enacting breed-specific bans on dogs. (Note: This testimony was in favor of the original bill.)

Witnesses: Penny Brumond, Responsible Dog Owners of Washington State (in favor of original bill); Cherie Graves, Responsible Dog Owners of Washington State (in favor of original bill); D. Mycki Fulda, Responsible Dog Owners of Washington State (in favor of original bill); Susan Trout, Boston Terrier Club of Western Washington (in favor of original bill); Michael Weight, City of Everett (opposes original bill); and Jim Justin, Association of Washington Cities (opposes original bill).