

---

**SUBSTITUTE SENATE BILL 5027**

---

**State of Washington**

**56th Legislature**

**1999 Regular Session**

**By** Senate Committee on Judiciary (originally sponsored by Senators Goings and Swecker)

Read first time 02/04/1999.

1 AN ACT Relating to dangerous dogs; and amending RCW 16.08.070,  
2 16.08.080, and 16.08.100.

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.

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

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

16 (2) "Dangerous dog" means any dog that (~~according to the records~~  
17 ~~of the appropriate authority,~~) (a) (~~has inflicted~~) inflicts severe  
18 injury on a human being without provocation on public or private  
19 property, (b) (~~has killed~~) kills a domestic animal without

1 provocation while off the owner's property, or (c) has been previously  
2 found to be potentially dangerous because of injury inflicted on a  
3 human, the owner having received notice of such and the dog again  
4 aggressively bites, attacks, or endangers the safety of humans or  
5 domestic animals.

6 (3) "Severe injury" means any physical injury that results in  
7 broken bones or disfiguring lacerations requiring multiple sutures or  
8 cosmetic surgery.

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

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

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

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

30 **Sec. 2.** RCW 16.08.080 and 1989 c 26 s 3 are each amended to read  
31 as follows:

32 (1) Any city or county that has a notification and appeal process  
33 in place as of the effective date of this act with regard to  
34 determining a dog within its jurisdiction to be dangerous may continue  
35 to utilize its process. A city or county animal control authority that  
36 seeks to declare a dog within its jurisdiction, as defined in  
37 subsection (7) of this section, to be dangerous must serve notice upon

1 the dog owner in person or by regular and certified mail, return  
2 receipt requested.

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

10 (3) The authority must make a final determination regarding the dog  
11 within thirty days of the date of delivering or mailing the notice.  
12 Before the final determination, the owner may request a meeting with  
13 the authority and at that meeting present reasons the dog should not be  
14 declared dangerous. If the owner requests a meeting, the authority  
15 must schedule one within the twenty-day period following the date of  
16 delivering or mailing the notice. The authority must issue its final  
17 determination in a written order including: Citation of the statutory  
18 basis for the action; a brief statement of the facts supporting the  
19 final determination; and the signature of the person who made the  
20 determination. The authority must deliver the order to the owner in  
21 person or mail the order to the owner by regular and certified mail,  
22 return receipt requested.

23 (4) If the local jurisdiction has provided for an administrative  
24 appeal of the final determination, the owner must follow the appeal  
25 procedure set forth by that jurisdiction. If the local jurisdiction  
26 has not provided for an administrative appeal, the owner may appeal a  
27 municipal authority's final determination that the dog is dangerous to  
28 the municipal court, and may appeal a county animal control authority's  
29 or county sheriff's final determination that the dog is dangerous to  
30 the district court. The owner must make such appeal within twenty days  
31 of receiving the final determination. While the appeal is pending, the  
32 authority may order that the dog be confined or controlled in  
33 compliance with RCW 16.08.090. If the dog is determined to be  
34 dangerous, the owner must pay all costs of confinement and control.

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

1       ~~((2))~~ (6) Unless a city or county has a more restrictive code  
2 requirement, the animal control authority of the city or county in  
3 which an owner has a dangerous dog shall issue a certificate of  
4 registration to the owner of such animal if the owner presents to the  
5 animal control unit sufficient evidence of:

6       (a) A proper enclosure to confine a dangerous dog and the posting  
7 of the premises with a clearly visible warning sign that there is a  
8 dangerous dog on the property. In addition, the owner shall  
9 conspicuously display a sign with a warning symbol that informs  
10 children of the presence of a dangerous dog;

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

15       (c) A policy of liability insurance, such as homeowner's insurance,  
16 issued by an insurer qualified under Title 48 RCW in the amount of at  
17 least two hundred fifty thousand dollars, insuring the owner for any  
18 personal injuries inflicted by the dangerous dog.

19       ~~((3))~~ (7)(a)(i) If an owner has the dangerous dog in an  
20 incorporated area that is serviced by both a city and a county animal  
21 control authority, the owner shall obtain a certificate of registration  
22 from the city authority;

23       ~~((b))~~ (ii) If an owner has the dangerous dog in an incorporated  
24 or unincorporated area served only by a county animal control  
25 authority, the owner shall obtain a certificate of registration from  
26 the county authority;

27       ~~((e))~~ (iii) If an owner has the dangerous dog in an incorporated  
28 or unincorporated area that is not served by an animal control  
29 authority, the owner shall obtain a certificate of registration from  
30 the office of the local sheriff.

31       ~~((4))~~ (b) This subsection does not apply if a city or county does  
32 not allow dangerous dogs within its jurisdiction.

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

35       (9) Nothing in this section limits a local authority in placing  
36 additional restrictions upon owners of dangerous dogs. This section  
37 does not require a local authority to allow a dangerous dog within its  
38 jurisdiction.

1       **Sec. 3.** RCW 16.08.100 and 1987 c 94 s 4 are each amended to read  
2 as follows:

3       (1) Any dangerous dog shall be immediately confiscated by an animal  
4 control authority if the: (a) Dog is not validly registered under RCW  
5 16.08.080; (b) owner does not secure the liability insurance coverage  
6 required under RCW 16.08.080; (c) dog is not maintained in the proper  
7 enclosure; or (d) dog is outside of the dwelling of the owner, or  
8 outside of the proper enclosure and not under physical restraint of the  
9 responsible person. The owner must pay the costs of confinement and  
10 control. The animal control authority must serve notice upon the dog  
11 owner in person or by regular and certified mail, return receipt  
12 requested, specifying the reason for the confiscation of the dangerous  
13 dog, that the owner is responsible for payment of the costs of  
14 confinement and control, and that the dog will be destroyed in an  
15 expeditious and humane manner if the deficiencies for which the dog was  
16 confiscated are not corrected within twenty days. The animal control  
17 authority shall destroy the confiscated dangerous dog in an expeditious  
18 and humane manner if any deficiencies required by this subsection are  
19 not corrected within twenty days of notification. In addition, the  
20 owner shall be guilty of a gross misdemeanor punishable in accordance  
21 with RCW 9A.20.021.

22       (2) If a dangerous dog of an owner with a prior conviction under  
23 this chapter attacks or bites a person or another domestic animal, the  
24 dog's owner is guilty of a class C felony, punishable in accordance  
25 with RCW 9A.20.021. In addition, the dangerous dog shall be  
26 immediately confiscated by an animal control authority, placed in  
27 quarantine for the proper length of time, and thereafter destroyed in  
28 an expeditious and humane manner.

29       (3) The owner of any dog that aggressively attacks and causes  
30 severe injury or death of any human, whether or not the dog has  
31 previously been declared potentially dangerous or dangerous, shall be  
32 guilty of a class C felony punishable in accordance with RCW 9A.20.021.  
33 In such a prosecution, the state has the burden of showing that the  
34 owner of the dog either knew or should have known that the dog was  
35 potentially dangerous as defined in this chapter. In addition, the dog  
36 shall be immediately confiscated by an animal control authority, placed  
37 in quarantine for the proper length of time, and thereafter destroyed  
38 in an expeditious and humane manner.

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

--- **END** ---