
SENATE BILL 5027

State of Washington

56th Legislature

1999 Regular Session

By Senators Goings and Swecker

Read first time 01/11/1999. Referred to Committee on Judiciary.

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 of
17 the appropriate authority, (a) has inflicted severe injury on a human
18 being without provocation on public or private property, (b) has killed
19 a domestic animal without provocation while off the owner's property,

1 or (c) has been previously found to be potentially dangerous, the owner
2 having received notice of such and the dog again aggressively bites,
3 attacks, or endangers the safety of humans or domestic animals.

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

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

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

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

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

28 (8) "Local law enforcement officer" means a county sheriff or a
29 police chief for a city.

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

32 (1) A city or county animal control authority that seeks to declare
33 a dog within its jurisdiction, as defined in subsection (7) of this
34 section, to be dangerous must serve notice upon the dog owner in person
35 or by regular and certified mail, return receipt requested.

36 (2) The notice must state: The statutory basis for the proposed
37 action; the reasons the authority considers the animal dangerous; a
38 statement that the dog is subject to registration and controls required

1 by this chapter, including a recitation of the controls in subsection
2 (6) of this section; and an explanation of the owner's rights and of
3 the proper procedure for appealing a decision finding the dog
4 dangerous.

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

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

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

34 ~~((+2))~~ (6) The animal control authority of the city or county in
35 which an owner has a dangerous dog (~~(shall)~~) may issue a certificate of
36 registration to the owner of such animal if the owner presents to the
37 animal control unit sufficient evidence of:

38 (a) A proper enclosure to confine a dangerous dog and the posting
39 of the premises with a clearly visible warning sign that there is a

1 dangerous dog on the property. In addition, the owner shall
2 conspicuously display a sign with a warning symbol that informs
3 children of the presence of a dangerous dog;

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

8 (c) A policy of liability insurance, such as homeowner's insurance,
9 issued by an insurer qualified under Title 48 RCW in the amount of at
10 least fifty thousand dollars, insuring the owner for any personal
11 injuries inflicted by the dangerous dog. Nothing in this section
12 limits a local authority in placing additional restrictions upon owners
13 of dangerous dogs. This section does not require a local authority to
14 allow a dangerous dog within its jurisdiction.

15 (~~((3))~~) (7)(a) If an owner has the dangerous dog in an incorporated
16 area that is serviced by both a city and a county animal control
17 authority, the owner shall obtain a certificate of registration from
18 the city authority;

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

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

27 (~~((4))~~) (8) Cities and counties may charge an annual fee, in
28 addition to regular dog licensing fees, to register dangerous dogs.

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

31 (1) Any dangerous dog shall be immediately confiscated by (~~(an~~
32 ~~animal control authority)~~) the local law enforcement officer if the:
33 (a) Dog is not validly registered under RCW 16.08.080; (b) owner does
34 not secure the liability insurance coverage required under RCW
35 16.08.080; (c) dog is not maintained in the proper enclosure; (d) dog
36 is outside of the dwelling of the owner, or outside of the proper
37 enclosure and not under physical restraint of the responsible person.

1 In addition, the owner shall be guilty of a gross misdemeanor
2 punishable in accordance with RCW 9A.20.021.

3 (2) If a dangerous dog of an owner with a prior conviction under
4 this chapter attacks or bites a person or another domestic animal, the
5 dog's owner is guilty of a class C felony, punishable in accordance
6 with RCW 9A.20.021. In addition, the dangerous dog shall be
7 immediately confiscated by (~~(an animal control authority)~~) the local
8 law enforcement officer, placed in quarantine for the proper length of
9 time, and thereafter destroyed in an expeditious and humane manner.

10 (3) The owner of any dog that aggressively attacks and causes
11 severe injury or death of any human, whether the dog has previously
12 been declared potentially dangerous or dangerous, shall be guilty of a
13 class C felony punishable in accordance with RCW 9A.20.021. In
14 addition, the dog shall be immediately confiscated by (~~(an animal~~
15 ~~control authority)~~) the local law enforcement officer, placed in
16 quarantine for the proper length of time, and thereafter destroyed in
17 an expeditious and humane manner.

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

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