1755-S AMH GOOD HARO 045

**SHB 1755** - H AMD **961**

By Representative Goodman

 Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec.** A new section is added to chapter 16.52 RCW to read as follows:

 (1)(a) A person shall be subject to penalties as provided in this section if the person leaves a dog restrained or tied outside by use of a tether, chain, rope, cord, pulley, trolley system, or other device under any of the following circumstances:

 (i) Between the hours of 10:00 p.m. and 6:00 a.m.;

 (ii) For more than ten hours consecutively, or more than ten hours within any twenty-four hour period;

 (iii) During any severe weather advisories, warnings, or emergencies that have been issued or declared by the national weather service for the location at which the dog is tethered, unless the dog is provided with natural or manmade shelter that is adequate to keep the dog safe, dry, and protected under such conditions;

 (iv) On the same chain, tether, rope, cord, pulley, trolley system, or fixed point as another animal;

 (v) In a manner that allows the dog to be within ten feet of any public right-of-way;

 (vi) In a manner that prevents the dog from lying, sitting, and standing comfortably, and without the restraint becoming taut, and that does not allow the dog a range of movement equal to at least three times the length of the dog, measured from the tip of its nose to the base of its tail;

 (vii) In a manner that results, or could reasonably result, in the dog becoming entangled on the restraint or another object;

 (viii) The dog is sick, injured, or in distress, in the advanced stages of pregnancy, or under six months of age;

 (ix) In a manner that results in the dog being left in unsafe or unsanitary conditions, or that forces the dog to stand, sit, or lie down in its own excrement or urine; or

 (x) In a manner that causes injury or pain to the dog.

 (b) A person shall be subject to penalties as provided in this section if the person leaves a dog restrained or tied under circumstances that do not meet the following requirements:

 (i) Any tether, fastener, chain, tie, or other restraint must weigh no more than one-eighth the body weight of the dog, and must be attached to a properly fitted buckle-type harness or collar that provides enough room between the collar or harness and the dog's throat to allow normal breathing and swallowing.

 (ii) Choke, pinch, or prong-type collars may not be used in tethering, fastening, chaining, or tying a dog.

 (2) The provisions of subsection (1)(a)(i) through (viii) of this section do not apply to a dog that is:

 (a) Tethered, chained, tied, or otherwise restrained while the dog is receiving medical care or treatment under the supervision of a licensed veterinarian;

 (b) Participating temporarily in an exhibition, show, contest, or other event in which the skill, breeding, or stamina of the dog is judged or examined;

 (c) Being kept temporarily at a camping or recreation area;

 (d) Being cared for temporarily after having been picked up as a stray or as part of a rescue operation;

 (e) Being transported in a motor vehicle, or temporarily restrained or tied after being unloaded from a motor vehicle;

 (f) Being trained or used by a federal, state, or local law enforcement agency or military or national guard unit; or

 (g) Being used to assist in the care or protection of livestock.

 (3) Each incident involving a violation of this section is a separate offense. A person who violates this section is subject to the following penalties:

 (a) A first offense is a class 2 civil infraction under RCW 7.80.120(1)(b).

 (b) A second or subsequent offense is a misdemeanor under RCW 16.52.165.

 (4) This section and section 2 of this act do not preempt ordinances enacted by local jurisdictions that are more restrictive or establish greater civil penalties or criminal penalties for unlawful tethering.

NEW SECTION. **Sec.** A new section is added to chapter 16.52 RCW to read as follows:

 (1) A written exemption to section 1(1)(a)(i) or (ii) of this act, or both, may be granted to an individual owner by the animal control authority with appropriate jurisdiction, if the animal control authority determines that the owner has demonstrated the following circumstances, which must be documented in writing:

 (a) The dog is provided with necessary food and necessary water, receives adequate exercise and socialization, and has access to appropriate natural or manmade shelter;

 (b) Adequate precautions have been taken to safeguard the health and safety of the dog, and to prevent the dog from being a nuisance or danger to the public; and

 (c)Either:

 (i)There are unusual circumstances that make the tethering of a dog necessary for a duration, or during a time period, otherwise prohibited by section 1(1)(a)(i) or (ii) of this act. The animal control authority may consider the use of a dog for a particular purpose, such as assistance with agricultural activities as defined by RCW 90.58.065, to constitute an unusual circumstance under this section; or

 (ii) The dog is an arctic breed, and the dog is used regularly in competitive or recreational sled dog activities, or in training for such activities.

 (2) Any exemption granted under subsection (1)(c)(i) of this section:

 (a) Must specify the unusual circumstances demonstrated by the owner and the reasons why these circumstances necessitate an exemption to section 1(1)(a)(i) or (ii) of this act, or both, and must only exempt an owner to the extent necessary; and

 (b) May not allow for a dog to be tethered for more than sixteen hours in any twenty-four hour period.

 (3) An exemption issued under this section may be revoked in writing at any time by the animal control authority when the animal control authority determines, in its discretion, that:

 (a) The conditions required to obtain the exemption no longer exist; or

 (b) A well-founded complaint has been made alleging that the dog is abused or neglected, has created a nuisance, or poses a threat to the safety of people or domestic animals.

 (4) Exemptions authorized under this section may be granted only on a case-by-case basis to individual owners of dogs and shall not be granted as blanket exemptions to multiple owners or groups of owners.

 (5) Local jurisdictions may use a permitting or licensing process to implement the exemptions authorized by this section.

**Sec.** RCW 16.52.165 and 1982 c 114 s 7 are each amended to read as follows:

 Every person convicted of any misdemeanor under RCW 16.52.080 ((~~or~~)), 16.52.090, or section 1 of this act shall be punished by a fine ~~of~~ not exceeding one hundred and fifty dollars, or by imprisonment in the county jail not exceeding sixty days, or both such fine and imprisonment, and shall pay the costs of the prosecution."

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|  | EFFECT:   The amendment makes the following changes:* Modifies the list of unlawful tethering criteria:
	+ Removes the one-inch collar width requirement.
	+ Creates new exceptions for temporary restraint after a dog is unloaded from a motor vehicle and for the use of dogs for the care or protection of livestock.
* Modifies the section regarding written exemptions by animal control to the limits on the duration of tethering:
	+ Adds that animal control can consider that the dog is being used for a particular purpose, particularly for agricultural activities, in determining whether unusual circumstances warrant an exemption.
	+ Requires provision of “appropriate” natural or manmade shelter (rather than shelter “sufficient to keep the dog safe, dry, and protected from the elements”).
	+ Adds that, if the exemption is based on unusual circumstances, the exemption must:
	+ Specify what the unusual circumstances are and why the exemption is needed;
	+ Not provide a greater exemption than is necessary; and
	+ Not allow a dog to be tethered for more than 16 hours in a 24 hour period (this was previously listed in what the owner must demonstrate to obtain the exemption; it is now listed in the requirements for the exemption itself).
* Makes other changes for clarity and technical correctness and to delete repetitious language.
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