

# House Research Act Summary

**CHAPTER:** 325

**SESSION:** 2008 Regular Session

**TOPIC:** Regulating dangerous dogs; permitting dogs on restaurant patios

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## Overview

This bill makes various changes to the statutory provisions relating to the regulation of dangerous dogs. The bill also authorizes cities to adopt ordinances that allow dogs on food and beverage establishment patios.

### Section

#### **1 Dogs; Outdoor food and beverage service establishments.**

**Subd. 1. Municipal authority.** Authorizes cities to adopt ordinances that permit food and beverage service establishments to allow dogs to accompany patrons in designated outdoor areas.

**Subd. 2. Dangerous and potentially dangerous dogs.** Prohibits dangerous and potentially dangerous dogs from accompanying patrons to food and beverage establishments.

**Subd. 3. Banning dogs.** Requires that food and beverage establishments be allowed to ban dogs. Requires a person with a dog to leave a food and beverage establishment if so asked by the owner or manager.

**Subd. 4. Permit process.** Establishes minimum requirements for the permitting process. Prohibits transfer of the permit to a new owner. Allows a city to incorporate

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the requirements into its existing permitting or licensing authority.

**Subd. 5. Minimum requirements.** Establishes minimum requirements for owners, employees, and patrons to comply with when dogs are allowed in a food and beverage establishment. The requirements must be printed on a sign that is posted where employees and patrons can read it.

**Subd. 6. Service animals.** Specifies that the statute does not alter the rights of owners of service dogs and handlers of police dogs in accessing food and beverage establishments.

**Subd. 7. Designated outdoor area.** Requires cities to adopt a definition of “designated outdoor area” that is consistent with relevant rules promulgated by the Commissioner of Health if they choose to allow dogs in food and beverage establishment.

- 2 **Provocation.** Defines “provocation” as an act that an adult could reasonably expect may cause a dog to attack or bite.
- 3 **Registration.** Increases the amount of the surety bond or insurance policy required for registration of a dangerous dog from \$50,000 to \$300,000.
- 4, 5, 7 **Animal control authority.** Clarifies that the animal control authority, rather than the county, (i) is responsible for providing warning symbols to owners of dangerous dogs, (ii) may charge an annual fee to an owner of a dangerous dog to obtain a certificate of registration, and (iii) may contract with outside entities to provide services required under the dangerous dog regulations.
- 6 **Tag.** Removes DPS’s responsibility to provide a design for a dangerous dog ID tag.
- 8 **Dangerous dogs; requirements.** Provides that an owner of a dangerous dog must notify animal control within 30 days of transferring a dog to a new location where the dog will reside. Makes it mandatory, rather than permissive, for animal control to require a dangerous dog to be sterilized. Provides that a person who transfers ownership of a dangerous dog must provide notice: (i) to the new owner that the dog is identified as dangerous and (ii) to animal control of the transfer along with the new owner’s information.
- 9 **Potentially dangerous and dangerous dogs.** Authorizes cities and counties to regulate dangerous dogs.
- 10 **Seizure.** Provides that animal control authority shall immediately seize a dangerous dog if the dog is not sterilized within the time prescribed by statute.
- 11 **Subsequent offense; seizure.** Adds the crime of not implanting a microchip ID tag in a dangerous or potentially dangerous dog to the list of subsequent offenses for which a dog must be seized by animal control.

Eliminates liability of a dog owner, who is not convicted of a subsequent offense, to pay for costs of keeping the seized dog if reclaimed and the costs of keeping and disposing of the seized dog if not reclaimed.

- 12 **Disposition of seized animals.**

**Subd. 1. Hearing.** Provides the owner of any dog declared dangerous with a right to a hearing by an impartial hearing officer.

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**Subd. 2. Security.** Allows a person claiming an interest in a seized dog to prevent disposition of the dog by posting security within seven days for the care and keeping of the dog.

**Subd. 3. Notice.** Requires the authority declaring the dog dangerous to provide notice to the dog's owner. Sets forth the notice requirements, including a description of the dog, authority for declaring the dog dangerous and seizing the dog, location of the dog, the right to request a hearing, the duty to comply with regulation requirements, and the responsibility for costs of care, keeping, and disposition of the dog.

**Subd. 4. Right to hearing.** Sets forth hearing requirements. Hearing must be held within 14 days of the request and the decision must be issued within 10 days of the hearing. If the dangerous dog declaration is upheld, the dog's owner will be responsible for the expenses of the hearing up to \$1,000.

**13 Restrictions.**

**Subd. 1. Dog ownership prohibited.** Except as provided in subd. 3, prohibits a person from owning a dog if the person has:

- (1) been convicted of a third or subsequent violation of section 347.51 (registration); 347.515 (microchip ID); or 347.52 (requirements for keeping a dangerous dog);
- (2) been convicted under section 609.205(4) (second-degree manslaughter involving negligent keeping of a known dangerous animal);
- (3) been convicted of a gross misdemeanor under section 609.226, subd. 1 (great or substantial bodily harm caused by a dog by failing to properly control or confine the dog);
- (4) been convicted for a violation of section 609.226, subd. 2 (bodily harm caused by a dangerous dog) and the person was previously convicted of a violation of the dangerous dog regulation statute; or
- (5) had a dog ordered destroyed under the dangerous dog statute and has been convicted of one or more violations of sections 347.51 (registration); 347.515 (microchip ID); 347.52 (requirements for keeping a dangerous dog); or 609.226, subd. 2 (bodily harm caused by dangerous dog).

**Subd. 2. Household members.** Prohibits any member of a household from owning a dog, except if specifically approved with or without restrictions by an animal control authority, where a person resides who is prohibited from dog ownership under subd. 1.

**Subd. 3. Dog ownership prohibition review.** Authorizes a person to seek reconsideration of a prohibition on dog ownership beginning three years from the date of conviction under subd. 1. Permits the animal control authority to deny a request,

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rescind an order, or rescind an order with qualifications/restrictions. If a prohibition order is rescinded and the person subsequently is convicted of an animal violation or violates the terms of their ownership, the animal control authority may permanently ban the person from owning a dog.

**14 Penalty.**

**Para. (a).** Makes it a misdemeanor to fail to implant a microchip identification tag in a dangerous or potentially dangerous dog. (Maximum penalty of 90 days' imprisonment and/or \$1,000 fine.)

**Para. (b).** Clarifying changes.

**Para. (c).** Makes a second or subsequent violation of paragraph (a) or (b) a gross misdemeanor. (Maximum penalty of 1 years' imprisonment and/or \$3,000 fine.)

**Para. (d).** Makes it a gross misdemeanor to own a dog if prohibited under **section 13**. (Maximum penalty of 1 years' imprisonment and/or \$3,000 fine.)

**Para. (e).** Makes a knowing violation by a household member under **section 13** a gross misdemeanor. (Maximum penalty of 1 years' imprisonment and/or \$3,000 fine.)

**15 Destruction of dog in certain circumstances.**

**Subd. 1. Circumstances.** Expands the circumstances under which a dog may be destroyed by animal control authority to include a dog that without provocation, on private or public property, does any of the following:

- (1) inflicts substantial or great bodily harm on a human;
- (2) inflicts multiple bites on a human;
- (3) bites multiple human victims in the same attack; or
- (4) bites a human in an attack where more than one dog participated in the attack.

**Subd. 2. Hearing.** Provides the dog owner with the right to a hearing before the animal control authority may destroy the dog.

**16 Applicability.** Mandates animal control authorities and law enforcement agencies to enforce the statutory provisions for regulation of dangerous dogs.