



OHIO BILL ELIMINATES “VICIOUS DOG” DESIGNATION FOR PIT BULLS

**** CALLS FOR “DANGEROUS DOG CERTIFICATES” ****

The Issue:

[Ohio House Bill 14](#), amending current Ohio law by removing language that defines a “vicious dog” as any dog that “belongs to the breed that is commonly known as a pit bull dog”, has passed the House and now awaits committee assignment in the Senate. The bill redefines both a “dangerous dog” and “vicious dog” and requires owners of dangerous dogs to obtain a “dangerous dog registration certificate”. Changes are also proposed to penalties for violations of nuisance, dangerous and vicious dog ownership requirements.

The Impact:

Vicious Dogs

HB 14 changes the definition of a “vicious dog” to mean “any dog that, without provocation, has killed or caused serious injury to any person”, omitting breed specific language that is in the current statute. “Serious injury” is defined as “any physical harm that: 1) carries a substantial risk of death; 2) involves a permanent incapacity, whether partial or total, or a temporary, substantial incapacity; 3) involves a permanent disfigurement or a temporary, serious disfigurement; and 4) involves acute pain of a duration that results in substantial suffering or any degree of prolonged or intractable pain”.

Dangerous Dog Ownership Requirements

A “dangerous dog” is defined as a dog that, without provocation, has done any of the following:

- Caused injury, other than killing or serious injury, to any person;
- Killed another dog; or
- Been the subject of three violations of confinement and restraint laws (as in division (C) of section 955.22 of the Revised Code).

Under the bill, anyone who owns, keeps, or harbors a dangerous will be required to get insurance and register the animal as a dangerous dog. Specifically, such persons must:

- Obtain liability insurance with an insurer authorized to write liability insurance in this state providing coverage in each occurrence because of damage or bodily injury to or death of a person caused by the dangerous dog if so ordered by a court and provide proof of that liability insurance upon request to any law enforcement officer, county dog warden, or public health official charged with enforcing this section; and

- Obtain a dangerous dog registration certificate from the county auditor along with a tag that identifies the dog as a dangerous dog to the dog's collar, and ensure that the dog wears the collar and tag at all times.

They must also notify the local dog warden immediately if any of the following occurs:

- The dog is loose or unconfined;
- The dog bites a person, unless the dog is on the owner's property, and the person who is bitten is unlawfully trespassing or committing a criminal act within the boundaries of that property;
- The dog attacks another animal while off the owner's property; or,
- The dog is sold, given to another person, or dies, in which case the owner must notify the county auditor within ten days of the sale, transfer, or death.

The bill also restricts ownership to some people convicted of certain felonies.

Any person who wishes to own a "dangerous dog" must obtain a "dangerous dog registration certificate" from the county auditor. The owner, who must be eighteen years of age or older, must provide the following to the county auditor:

- A \$50 fee;
- Address, phone number, and other appropriate means for the local dog warden or county auditor to contact the person;
- Satisfactory evidence of the dog's current rabies vaccination;
- Evidence that the dog has been spayed/neutered;
- Evidence that the person has posted and will continue to post clearly visible signs at the person's residence warning both minors and adults of the presence of a dangerous dog on the property; and
- Evidence that the dog has been permanently identified by means of a microchip and the dog's microchip number.

The certificate must be renewed annually for the same fee and in the same manner as the initial certificate was obtained. If a certificate holder relocates to a new county, he/she must, upon the expiration of the certificate issued in the original county, renew the certificate in the new county.

Also, if the owner moves to a new address, the owner must provide notice of the new address to the county auditor (in both the old and new country or if moves in the within the same county) within ten days of relocating to the new address. The owner of a dangerous dog will be required to present the certificate upon request by any law enforcement officer, dog warden, or public health official charged with enforcing certificate requirements.

Penalties

The bill provides different penalties depending upon the nature of the violation.

Anyone who fails to fulfill the confinement and restraint requirements (Section 955.22(C)) involved with owning a vicious dog is guilty of a felony of the fourth degree if the dog kills a person. The person is subject to a misdemeanor of the first degree if the dog causes serious injury to a person. In both instances, the court may order that the dog be humanely destroyed by a licensed veterinarian, the county dog warden, or the county humane society at the owner's expense.

If the court does not order the dog to be euthanized, the court will declare the dog to be a dangerous dog, and the owner must comply with the ownership requirements listed above. Additionally, the court may order the offender to obtain liability insurance in the amount of \$100000. During a pending court

decision, the dog in question shall be confined or restrained by the owners or at the county dog pound at the owner's expense.

Anyone who maintains a dangerous dog and does not acquire the required “dangerous dog registration certificate” is guilty of a misdemeanor of the fourth degree.

Any owner who does not comply with insurance and notification requirements (Section 955.22 (E)(1)(3)(4)) is guilty of a minor misdemeanor.

NOTE: To see a complete list of penalties please refer to the [text of the bill](#).

PIJAC Position:

Laws regulating dangerous or vicious dogs should base such designations on behavior, not status. Because any breed of dog may be vicious or docile depending upon its training and socialization, breed-specific restrictions are inherently poor public policy. PIJAC supports the repeal of these restrictions where they exist. However, PIJAC supports the establishment and enforcement of reasonable regulation of dogs that have demonstrated themselves by conduct to be a potential threat to public safety.

The Result:

HB 14 passed the House and is now in the [Senate Rules and Reference Committee](#) awaiting committee assignment. Please check the [Breaking News page](#) of the PIJAC website regularly for updates on the bill, including scheduling of a hearing.

If you have any further questions feel free to contact PIJAC’s Bambi Nicole Osborne at 202-452-1525 ext. 105 or via email at bambi@pijac.org.

PIJAC Members! PIJAC Fans! Join US...

The Pet Industry Joint Advisory Council (PIJAC) has been protecting and promoting responsible pet ownership for nearly forty years. Follow our successes, events, and action alerts through Facebook and/or Twitter at PIJAC4pets. If you are not already a Member, please join us today by visiting www.pijac.org/membership. For additional information on PIJAC and its many exciting campaigns, please visit: www.pijac.org and www.dontmesswithmypet.org. Or, contact us at 1-800-553-PETS (1-800-553-7387); members@pijac.org.

On behalf of pets, responsible pet owners, and the pet industry, we thank you!