

STATE OF OKLAHOMA

2nd Session of the 50th Legislature (2006)

HOUSE BILL 2813

By: Denney

AS INTRODUCED

An Act relating to animals; amending 4 O.S. 2001, Sections 45 and 47, which relate to dangerous dogs; modifying liability insurance requirement; modifying penalties; and providing an effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 4 O.S. 2001, Section 45, is amended to read as follows:

Section 45. A. It is unlawful for an owner to have a dangerous dog in the state without certificate of registration issued under this section. This section shall not apply to dogs used by law enforcement officials for police work.

B. The animal control authority of the city or county in which an owner has a dangerous dog shall issue a certificate of registration to the owner of such animal if the owner presents to the animal control unit sufficient evidence of:

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

2. A policy of liability insurance, such as homeowner's insurance, or surety bond, issued by an insurer qualified under Title 36 of the Oklahoma Statutes in the amount of not less than ~~Fifty Thousand Dollars (\$50,000.00)~~ One Hundred Thousand Dollars (\$100,000.00) insuring the owner for any personal injuries inflicted by the dangerous dog.

C. If an owner has the dangerous dog in an incorporated area that is serviced by both a city and county animal control authority, the owner shall obtain a certificate of registration from the city authority.

D. Cities and/or counties may charge an annual fee not to exceed Ten Dollars (\$10.00), in addition to regular dog licensing fees, if any are charged, not to exceed Ten Dollars (\$10.00), to register dangerous dogs. Fees shall be retained by the city or county issuing license.

SECTION 2. AMENDATORY 4 O.S. 2001, Section 47, is amended to read as follows:

Section 47. Any dangerous dog shall be immediately confiscated by an animal control authority if:

1. The dog is not validly registered under Section ~~2~~ 45 of this ~~act~~ title;

2. The owner does not secure the liability insurance coverage or surety bond required under Section ~~2~~ 45 of this ~~act~~ title;

3. The dog is not maintained in the proper enclosure; and

4. The dog is outside of the dwelling of the owner, or outside the proper enclosure and not under physical restraint of the responsible person. In addition, the owner shall be guilty of a misdemeanor punishable by imprisonment in the county jail for not ~~more~~ less than ~~one (1) year or ten (10) days~~ nor more than sixty (60) days and by the imposition of a fine of not to exceed less than Five Thousand Dollars (\$5,000.00), ~~or by both such fine and imprisonment.~~ Any such fine, at the discretion of the court, may be offset by payments made by the dog owner to any victim of an attack by the dog. However, insurance payments may not be considered as an offset. In addition, the court shall require the person to perform forty (40) hours of community service. The court shall not suspend any portion of the community service requirement set forth in this section.

It is the purpose of this act to provide additional and cumulative remedies to control dangerous and potentially dangerous dogs in this state. Nothing in this act shall be construed to abridge or alter rights of action or remedies of victims under the common law or statutory law, criminal or civil.

SECTION 3. This act shall become effective November 1, 2006.

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