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State of Minnesota

HOUSE OF REPRESENTATIVES

EIGHTY-FIFTH
SESSION

HOUSE FILE No. **2906**

February 14, 2008

Authored by Paymar, Bigham and Slocum

The bill was read for the first time and referred to the Committee on Public Safety and Civil Justice

February 25, 2008

Committee Recommendation and Adoption of Report:

To Pass as Amended and re-referred to the Committee on Local Government and Metropolitan Affairs

March 4, 2008

Committee Recommendation and Adoption of Report:

To Pass as Amended and re-referred to the Committee on Finance

March 19, 2008

Committee Recommendation and Adoption of Report:

To Pass as Amended

Read Second Time

1.1 A bill for an act
1.2 relating to animals; changing provisions regulating dangerous dogs; imposing
1.3 penalties; amending Minnesota Statutes 2006, sections 347.50, by adding
1.4 a subdivision; 347.51, subdivisions 2, 2a, 3, 7, 9; 347.52; 347.53; 347.54,
1.5 subdivisions 1, 3; 347.55; 347.56; proposing coding for new law in Minnesota
1.6 Statutes, chapter 347.

1.7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.8 Section 1. Minnesota Statutes 2006, section 347.50, is amended by adding a
1.9 subdivision to read:

1.10 Subd. 8. **Provocation.** "Provocation" means an act that an adult could reasonably
1.11 expect may cause a dog to attack or bite.

1.12 Sec. 2. Minnesota Statutes 2006, section 347.51, subdivision 2, is amended to read:

1.13 Subd. 2. **Registration.** An animal control authority shall issue a certificate of
1.14 registration to the owner of a dangerous dog if the owner presents sufficient evidence that:

1.15 (1) a proper enclosure exists for the dangerous dog and a posting on the premises
1.16 with a clearly visible warning sign, including a warning symbol to inform children, that
1.17 there is a dangerous dog on the property;

1.18 (2) a surety bond issued by a surety company authorized to conduct business in this
1.19 state in a form acceptable to the animal control authority in the sum of at least ~~\$50,000~~
1.20 \$300,000, payable to any person injured by the dangerous dog, or a policy of liability
1.21 insurance issued by an insurance company authorized to conduct business in this state
1.22 in the amount of at least ~~\$50,000~~ \$300,000, insuring the owner for any personal injuries
1.23 inflicted by the dangerous dog;

2.1 (3) the owner has paid an annual fee of not more than \$500, in addition to any
2.2 regular dog licensing fees, to obtain a certificate of registration for a dangerous dog under
2.3 this section; and

2.4 (4) the owner has had microchip identification implanted in the dangerous dog as
2.5 required under section 347.515.

2.6 Sec. 3. Minnesota Statutes 2006, section 347.51, subdivision 2a, is amended to read:

2.7 Subd. 2a. **Warning symbol.** If ~~a county~~ an animal control authority issues a
2.8 certificate of registration to the owner of a dangerous dog pursuant to subdivision 2, the
2.9 ~~county animal control authority~~ must provide, for posting on the owner's property, a copy
2.10 of a warning symbol to inform children that there is a dangerous dog on the property. The
2.11 ~~design of the~~ warning symbol must be the uniform and specified symbol provided by
2.12 the commissioner of public safety, after consultation with animal control professionals.
2.13 The commissioner shall provide the number of copies of the warning symbol requested
2.14 by ~~each county~~ the animal control authority and shall charge the ~~county animal control~~
2.15 authority the actual cost of the warning symbols received. The ~~county animal control~~
2.16 authority may charge the registrant a reasonable fee to cover its administrative costs and
2.17 the cost of the warning symbol.

2.18 Sec. 4. Minnesota Statutes 2006, section 347.51, subdivision 3, is amended to read:

2.19 Subd. 3. **Fee.** The ~~county animal control authority~~ may charge the owner an annual
2.20 fee, in addition to any regular dog licensing fees, to obtain a certificate of registration for a
2.21 dangerous dog under this section.

2.22 Sec. 5. Minnesota Statutes 2006, section 347.51, subdivision 7, is amended to read:

2.23 Subd. 7. **Tag.** A dangerous dog registered under this section must have a
2.24 standardized, easily identifiable tag identifying the dog as dangerous and containing the
2.25 uniform dangerous dog symbol, affixed to the dog's collar at all times. ~~The commissioner~~
2.26 ~~of public safety, after consultation with animal control professionals, shall provide by rule~~
2.27 ~~for the design of the tag.~~

2.28 Sec. 6. Minnesota Statutes 2006, section 347.51, subdivision 9, is amended to read:

2.29 Subd. 9. **Contracted services.** ~~A county~~ An animal control authority may contract
2.30 with another political subdivision or other person to provide the services required under
2.31 sections 347.50 to ~~347.54~~ 347.565. Notwithstanding any contract entered into under
2.32 this subdivision, all fees collected under sections 347.50 to 347.54 shall be paid to the

3.1 ~~county~~ animal control authority and all certificates of registration must be issued in the
3.2 name of the ~~county~~ animal control authority.

3.3 Sec. 7. Minnesota Statutes 2006, section 347.52, is amended to read:

3.4 **347.52 DANGEROUS DOGS; REQUIREMENTS.**

3.5 (a) An owner of a dangerous dog shall keep the dog, while on the owner's property,
3.6 in a proper enclosure. If the dog is outside the proper enclosure, the dog must be
3.7 muzzled and restrained by a substantial chain or leash and under the physical restraint of
3.8 a responsible person. The muzzle must be made in a manner that will prevent the dog
3.9 from biting any person or animal but that will not cause injury to the dog or interfere with
3.10 its vision or respiration.

3.11 (b) An owner of a dangerous dog must renew the registration of the dog annually
3.12 until the dog is deceased. If the dog is removed from the jurisdiction, it must be registered
3.13 as a dangerous dog in its new jurisdiction.

3.14 (c) An owner of a dangerous dog must notify the animal control authority in writing
3.15 of the death of the dog or its transfer to a new ~~jurisdiction~~ location where the dog will
3.16 reside within 30 days of the death or transfer, and must, if requested by the animal control
3.17 authority, execute an affidavit under oath setting forth either the circumstances of the dog's
3.18 death and disposition or the complete name, address, and telephone number of the person
3.19 to whom the dog has been transferred or the address where the dog has been relocated.

3.20 (d) An animal control authority ~~may~~ shall require a dangerous dog to be sterilized
3.21 at the owner's expense. If the owner does not have the animal sterilized within 30 days,
3.22 the animal control authority ~~may~~ shall seize the dog and have ~~the animal~~ it sterilized
3.23 at the owner's expense.

3.24 (e) A person who owns a dangerous dog and who rents property from another
3.25 where the dog will reside must disclose to the property owner prior to entering the lease
3.26 agreement and at the time of any lease renewal that the person owns a dangerous dog
3.27 that will reside at the property.

3.28 (f) A person who ~~sells~~ transfers ownership of a dangerous dog must notify the
3.29 ~~purchaser~~ new owner that the animal control authority has identified the dog as dangerous.
3.30 The ~~seller~~ current owner must also notify the animal control authority in writing of the
3.31 ~~sale~~ transfer of ownership and provide the animal control authority with the new owner's
3.32 name, address, and telephone number.

3.33 Sec. 8. Minnesota Statutes 2006, section 347.53, is amended to read:

3.34 **347.53 POTENTIALLY DANGEROUS AND DANGEROUS DOGS.**

4.1 Any statutory or home rule charter city, or any county, may regulate potentially
4.2 dangerous and dangerous dogs. Except as provided in section 347.51, subdivision
4.3 8, nothing in sections 347.50 to ~~347.54~~ 347.565 limits any restrictions that the local
4.4 jurisdictions may place on owners of potentially dangerous or dangerous dogs.

4.5 Sec. 9. Minnesota Statutes 2006, section 347.54, subdivision 1, is amended to read:

4.6 Subdivision 1. **Seizure.** (a) The animal control authority having jurisdiction shall
4.7 immediately seize any dangerous dog if:

4.8 (1) after 14 days after the owner has notice that the dog is dangerous, the dog is not
4.9 validly registered under section 347.51;

4.10 (2) after 14 days after the owner has notice that the dog is dangerous, the owner does
4.11 not secure the proper liability insurance or surety coverage as required under section
4.12 347.51, subdivision 2;

4.13 (3) the dog is not maintained in the proper enclosure; ~~or~~

4.14 (4) the dog is outside the proper enclosure and not under physical restraint of a
4.15 responsible person as required under section 347.52.; or

4.16 (5) the dog is not sterilized within 30 days, pursuant to section 347.52, paragraph (d).

4.17 (b) If an owner of a dog is convicted of a crime for which the dog was originally
4.18 seized, the court may order that the dog be confiscated and destroyed in a proper and
4.19 humane manner, and that the owner pay the costs incurred in confiscating, confining,
4.20 and destroying the dog.

4.21 Sec. 10. Minnesota Statutes 2006, section 347.54, subdivision 3, is amended to read:

4.22 Subd. 3. **Subsequent offenses; seizure.** If a person has been convicted of a
4.23 misdemeanor for violating a provision of section 347.51, 347.515, or 347.52, and the
4.24 person is charged with a subsequent violation relating to the same dog, the dog must be
4.25 seized by the animal control authority having jurisdiction. If the owner is convicted of
4.26 the crime for which the dog was seized, the court shall order that the dog be destroyed
4.27 in a proper and humane manner and the owner pay the cost of confining and destroying
4.28 the animal. ~~If the person is not convicted of the crime for which the dog was seized, the~~
4.29 ~~owner may reclaim the dog upon payment to the animal control authority of a fee for the~~
4.30 ~~care and boarding of the dog.~~ If the owner is found not guilty and the dog is not reclaimed
4.31 by the owner within seven days after the owner has been notified that the dog may be
4.32 reclaimed, the dog may be disposed of as provided under section 35.71, subdivision 3;
4.33 ~~and the owner is liable to the animal control authority for the costs incurred in confining,~~
4.34 ~~impounding, and disposing of the dog.~~

5.1 Sec. 11. **[347.541] DISPOSITION OF SEIZED ANIMALS.**

5.2 Subdivision 1. **Hearing.** The owner of any dog declared dangerous has the right to
5.3 a hearing by an impartial hearing officer.

5.4 Subd. 2. **Security.** A person claiming an interest in a seized dog may prevent
5.5 disposition of the dog by posting security in an amount sufficient to provide for the dog's
5.6 actual cost of care and keeping. The security must be posted within 14 days of the seizure
5.7 inclusive of the date of the seizure.

5.8 Subd. 3. **Notice.** (a) The authority declaring the dog dangerous shall give notice of
5.9 this section by delivering or mailing it to the owner of the dog, or by posting a copy of it at
5.10 the place where the dog is kept, or by delivering it to a person residing on the property,
5.11 and telephoning, if possible. The notice must include:

5.12 (1) a description of the seized dog; the authority for and purpose of the dangerous
5.13 dog declaration and seizure; the time, place, and circumstances under which the dog was
5.14 declared dangerous; and the telephone number and contact person where the dog is kept;

5.15 (2) a statement that the owner of the dog may request a hearing concerning the
5.16 dangerous dog declaration and, if applicable, prior potentially dangerous dog declarations
5.17 for the dog, and that failure to do so within 14 days of the date of the notice will terminate
5.18 the owner's right to a hearing under this section;

5.19 (3) a statement that if an appeal request is made within 14 days of the notice, the
5.20 owner must immediately comply with the requirements of section 347.52, paragraphs (a)
5.21 and (c), and until such time as the hearing officer issues an opinion;

5.22 (4) a statement that if the hearing officer affirms the dangerous dog declaration,
5.23 the owner will have 14 days from receipt of that decision to comply with all other
5.24 requirements of sections 347.51, 347.515, and 347.52;

5.25 (5) a form that can be used by the owner of the dog that was seized for requesting a
5.26 hearing under this subdivision; and

5.27 (6) a statement that all actual costs of the care, keeping, and disposition of the dog
5.28 are the responsibility of the person claiming an interest in the dog, except to the extent
5.29 that a court or hearing officer finds that the seizure or impoundment was not substantially
5.30 justified by law.

5.31 Subd. 4. **Right to hearing.** Any hearing must be held within 30 days of the request
5.32 to determine the validity of the dangerous dog declaration. The hearing officer must be an
5.33 impartial employee of the local government or an impartial person retained by the local
5.34 government to conduct the hearing. In the event that the dangerous dog declaration is
5.35 upheld by the hearing officer, actual expenses of the hearing up to a maximum of \$1,000
5.36 will be the responsibility of the dog's owner. The hearing officer shall issue a decision

6.1 on the matter within ten days after the hearing. The decision must be delivered to the
6.2 dog's owner by hand delivery or registered mail as soon as practical and a copy must be
6.3 provided to the animal control authority.

6.4 Sec. 12. **[347.542] RESTRICTIONS.**

6.5 Subdivision 1. **Dog ownership prohibited.** Except as provided in subdivision 3, no
6.6 person may own a dog if the person has:

6.7 (1) been convicted of a third or subsequent violation of section 347.51, 347.515,
6.8 or 347.52;

6.9 (2) been convicted of a violation under section 609.205, clause (4);

6.10 (3) been convicted of a gross misdemeanor under section 609.226, subdivision 1;

6.11 (4) been convicted of a violation under section 609.226, subdivision 2; or

6.12 (5) had a dog ordered destroyed under section 347.56 and been convicted of one or
6.13 more violations of section 347.51, 346.515, 347.52, or 609.226, subdivision 2.

6.14 Subd. 2. **Household members.** No member of a household may own a dog where a
6.15 person resides who is prohibited from dog ownership under subdivision 1.

6.16 Subd. 3. **Dog ownership prohibition review.** Beginning three years after a
6.17 conviction under subdivision 1 that prohibits a person from owning a dog, and annually
6.18 thereafter, the person may request that the animal control authority review the prohibition.
6.19 The animal control authority may consider such facts as the seriousness of the violation
6.20 or violations that led to the prohibition, any criminal convictions, or other facts that the
6.21 animal control authority deems appropriate. The animal control authority may rescind the
6.22 prohibition entirely or rescind it with limitations. The animal control authority also may
6.23 establish conditions a person must meet before the prohibition is rescinded, including,
6.24 but not limited to, successfully completing dog training or dog handling courses. If the
6.25 animal control authority rescinds a person's prohibition and the person subsequently fails
6.26 to comply with any limitations imposed by the animal control authority or the person is
6.27 convicted of any animal violation involving unprovoked bites or dog attacks, the animal
6.28 control authority may permanently prohibit the person from owning a dog in this state.

6.29 Sec. 13. Minnesota Statutes 2006, section 347.55, is amended to read:

6.30 **347.55 PENALTY.**

6.31 (a) ~~Any~~ A person who violates ~~any~~ a provision of section 347.51, 347.515, or 347.52
6.32 is guilty of a misdemeanor.

6.33 (b) It is a misdemeanor to remove a microchip from a dangerous or potentially
6.34 dangerous dog, to fail to renew the registration of a dangerous dog, to fail to account for a

7.1 dangerous dog's death or ~~removal from the jurisdiction~~ change of location where the dog
 7.2 will reside, to sign a false affidavit with respect to a dangerous dog's death or ~~removal~~
 7.3 ~~from the jurisdiction~~ change of location where the dog will reside, or to fail to disclose
 7.4 ownership of a dangerous dog to a property owner from whom the person rents property.

7.5 (c) A person who is convicted of a second or subsequent violation of paragraph (a)
 7.6 or (b) is guilty of a gross misdemeanor.

7.7 (d) An owner who violates section 347.542, subdivision 1, is guilty of a gross
 7.8 misdemeanor.

7.9 (e) Any household member who knowingly violates section 347.542, subdivision 2,
 7.10 is guilty of a gross misdemeanor.

7.11 Sec. 14. Minnesota Statutes 2006, section 347.56, is amended to read:

7.12 **347.56 DESTRUCTION OF DOG IN CERTAIN CIRCUMSTANCES.**

7.13 Subdivision 1. **Circumstances.** Notwithstanding sections 347.51 to 347.55, a dog
 7.14 ~~that inflicted substantial or great bodily harm on a human being on public or private~~
 7.15 ~~property without provocation may be destroyed in a proper and humane manner by the~~
 7.16 ~~animal control authority. The animal control authority may not destroy the dog until the~~
 7.17 ~~dog owner has had the opportunity for a hearing before an impartial decision maker.~~ may
 7.18 be destroyed in a proper and humane manner by the animal control authority if the dog:

7.19 (1) inflicted substantial or great bodily harm on a human on public or private
 7.20 property without provocation;

7.21 (2) inflicted multiple bites on a human on public or private property without
 7.22 provocation;

7.23 (3) bit multiple human victims on public or private property in the same attack
 7.24 without provocation; or

7.25 (4) bit a human on public or private property without provocation in an attack where
 7.26 more than one dog participated in the attack.

7.27 Subd. 2. **Hearing.** The animal control authority may not destroy the dog until the
 7.28 dog owner has had the opportunity for a hearing before an impartial decision maker.

7.29 The definitions in section 347.50 and the exemptions under section 347.51, subdivision
 7.30 5, apply to this section.

7.31 Sec. 15. **[347.565] APPLICABILITY.**

7.32 Sections 347.50 to 347.56 must be enforced by animal control authorities or
 7.33 law enforcement agencies, whether or not these sections have been adopted into local
 7.34 ordinance.