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HOUSE DRH30444-LLf-75 (02/22)

Short Title: Regulate Ownership of Aggressive Dog Breeds. (Public)

Sponsors: Representative R. Moore.

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO REGULATE THE OWNERSHIP OF AGGRESSIVE DOG BREEDS.
3 The General Assembly of North Carolina enacts:

4 **SECTION 1.** Chapter 58 of the General Statutes is amended by adding a new
5 Article to read:

6 "Article 82B.
7 "Regulation of Aggressive Dog Breeds.
8 **"§ 58-82B-1. Regulation of aggressive dog breeds; permits.**

9 (a) For purposes of this section, the term "aggressive dog breed" means any of the
10 following breeds of dog and dogs that are predominantly of any of the following breeds:

- 11 (1) Pit bull, including the Staffordshire Bull Terrier breed, American
12 Staffordshire Terrier breed, and American Pit Bull Terrier breed.
13 (2) Rottweiler.
14 (3) Mastiff.
15 (4) Chow.
16 (5) Perro de Presa Canario.

17 The term "aggressive dog breed" also includes wolf hybrids.

18 (b) A person shall not take ownership of a dog belonging to an aggressive dog breed on
19 or after January 1, 2014, unless that person does the following:

- 20 (1) Submits to a criminal background check by the sheriff of the county where
21 the owner resides. The sheriff shall determine the criminal and background
22 history of the owner by accessing computerized criminal history records as
23 maintained by the State Bureau of Investigation and the Federal Bureau of
24 Investigation by conducting a national criminal history records check, by
25 conducting a check through the National Instant Criminal Background
26 Check System (NICS), and by conducting a criminal history check through
27 the Administrative Office of the Courts.
28 (2) Enrolls in a course of instruction of no less than four hours' duration
29 provided by the Humane Society of the United States, or any of the rescue
30 organizations for any of the aggressive dog breeds as defined in subsection
31 (a) of this section, that is designed to educate the owners of these dogs about
32 their temperament and about the requirements for responsible ownership of
33 the breed, or any other similar course of instruction approved by the
34 Department of Insurance. Each organization offering such a course shall
35 register a syllabus of the course with the Department of Insurance and, in
36 consultation with the Department of Insurance, shall develop a certification



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process to enable owners of aggressive dog breeds to demonstrate to insurers that they have successfully participated in that course. If the owner of the dog is under 18 years of age, then the parent or guardian of the owner shall enroll in the course with the owner and be responsible for obtaining the certification.

(3) Notifies the issuer of the person's homeowners' or renters' insurance policy, if any, that the person has complied with the provisions of this section in order to establish the level of risk involved in providing insurance to the person.

(4) Applies to the Department of Insurance for a special permit to possess a dog belonging to an aggressive dog breed pursuant to subsection (c) of this section and obtain such a permit.

For purposes of this subsection, the term "take ownership" means the purchasing, adopting, or otherwise taking possession of a dog for the first time by a person who intends to maintain possession of the dog.

(c) The Department of Insurance shall develop and implement a program for issuing special permits to owners of dogs of an aggressive dog breed, as defined in subsection (a) of this section. Before issuing a permit under the program, the Department shall confirm that the applicant has complied with the provisions of subsection (b) of this section, as well as any additional requirements designed to increase the likelihood that the person may obtain affordable insurance to cover the risks to the public that may result from the person's ownership of such a dog. If the Department determines that the criminal background check required under subdivision (1) of subsection (b) of this section indicates that an applicant is not suitable for the ownership of a dog belonging to an aggressive dog breed or that an applicant has not fully complied with the provisions of subsection (b) of this section, then the Department shall not issue a permit to the person. The Department shall provide to the applicant within seven days of the refusal a written statement of the reason for the refusal to issue a permit. An appeal from the refusal shall lie by way of petition to the chief district court judge for the district in which the application was filed. The determination by the court on appeal shall be upon the facts, the law, and the reasonableness of the Department's refusal and shall be final.

(d) The Department may charge a fee of up to twenty-five dollars (\$25.00) for issuance of an aggressive dog breed permit under this section.

(e) Effective January 1, 2014, until December 31, 2015, any person to whom subsection (b) of this section applies who possesses a dog belonging to an aggressive dog breed without complying with the provisions of this section and obtaining a permit under this section commits an infraction and, if found responsible, is liable for a penalty of up to fifty dollars (\$50.00). Effective January 1, 2015, any person to whom subsection (b) of this section applies who possesses a dog belonging to an aggressive dog breed without complying with the provisions of this section and obtaining a permit under this section is guilty of a Class 3 misdemeanor."

SECTION 2. This act becomes effective January 1, 2014, and applies to persons who take ownership of dogs covered by this act on or after that date, and the provisions of G.S. 58-82B-1(e) become effective January 1, 2014, and apply to offenses committed on or after that date.