

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

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HOUSE BILL 561
PROPOSED COMMITTEE SUBSTITUTE H561-PCS40440-BK-10

Short Title: Strengthen Dangerous Dog Laws.

(Public)

Sponsors:

Referred to:

April 4, 2019

1 A BILL TO BE ENTITLED
2 AN ACT TO PROVIDE ADDITIONAL PROTECTIONS FOR VICTIMS OF DANGEROUS
3 DOGS.

4 The General Assembly of North Carolina enacts:

5 **SECTION 1.** G.S. 67-4.1(c) is recodified as G.S. 67-4.1A, to be captioned
6 "Procedures for determination."

7 **SECTION 2.** Article 1A of Chapter 67 of the General Statutes, as amended by this
8 act, reads as rewritten:

9 "Article 1A.

10 "Dangerous Dogs.

11 **"§ 67-4.1. Definitions and ~~procedures~~ applicability.**

12 (a) As used in this Article, unless the context clearly requires otherwise and except as
13 modified in subsection (b) of this section, the term:

14 (1) "Dangerous dog" means any of the following:

15 a. A dog ~~that~~:

16 1. ~~Without that~~ without provocation has killed or inflicted severe
17 injury on a ~~person; or~~ person.

18 2. ~~Is determined by the person or Board designated by the county~~
19 ~~or municipal authority responsible for animal control to be~~
20 ~~potentially dangerous because the dog has engaged in one or~~
21 ~~more of the behaviors listed in subdivision (2) of this~~
22 ~~subsection.~~

23 b. ~~Any~~ A dog owned or harbored primarily or in part for the purpose of
24 dog ~~fighting,~~ fighting.

25 ~~or any~~ A dog trained for dog fighting.

26 (2) "Potentially dangerous dog" means a dog that ~~the person or Board designated~~
27 ~~by the county or municipal authority responsible for animal control~~
28 ~~determines to have~~ has done any of the following:

29 a. Inflicted a bite on a person that resulted in broken bones or disfiguring
30 lacerations or required cosmetic surgery or ~~hospitalization;~~
31 ~~or~~ hospitalization.

32 b. Killed or inflicted severe injury upon a domestic animal when not on
33 the owner's real ~~property;~~ property.

34 c. Approached a person when not on the owner's property in a vicious or
35 terrorizing manner in an apparent attitude of attack.



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- 1 (3) "Owner" means any person or legal entity that has a possessory property right
2 in a dog.
- 3 (4) "Owner's real property" means any real property owned or leased by the owner
4 of the dog, but does not include any public right-of-way or a common area of
5 a condominium, apartment complex, or townhouse development.
- 6 (5) "Severe injury" means any physical injury to a person or domestic animal that
7 results in broken bones or disfiguring lacerations or required cosmetic ~~surgery~~
8 ~~or hospitalization.~~ surgery, hospitalization, or an overnight stay at a veterinary
9 facility.
- 10 (b) The provisions of this Article do not apply ~~to~~ to any of the following:
- 11 (1) A dog being used by a law enforcement officer to carry out the law
12 enforcement officer's official ~~duties;~~ duties.
- 13 (2) A dog being used in a lawful ~~hunt;~~ hunt.
- 14 (3) A dog where the injury or damage inflicted by the dog was sustained by a
15 domestic animal while the dog was working as a hunting dog, herding dog, or
16 predator control dog on the property of, or under the control of, its owner or
17 keeper, and the damage or injury was to a species or type of domestic animal
18 appropriate to the work of the ~~dog;~~ or dog.
- 19 (4) A dog where the injury inflicted by the dog was sustained by a person who, at
20 the time of the injury, was committing a willful trespass or other tort, was
21 tormenting, abusing, or assaulting the dog, had tormented, abused, or
22 assaulted the dog, or was committing or attempting to commit a crime.

23 **"§ 67-4.1A. Procedures for determination.**

24 (a) The county or municipal authority responsible for animal control shall designate a
25 person or a Board to be responsible for determining when a dog is a "dangerous dog" or a
26 "potentially dangerous dog" and shall designate a separate Board to hear any appeal. The person
27 or Board making the determination that a dog is a "dangerous dog" or a "potentially dangerous
28 dog" must notify the owner in writing, giving the reasons for the determination, before the dog
29 may be considered dangerous or potentially dangerous under this Article.

30 (b) The owner may appeal the determination by filing written objections with the
31 appellate Board within three business days. The appellate Board shall schedule a hearing within
32 10 business days of the filing of the objections. Any appeal from the final decision of such
33 appellate Board shall be taken to the superior court by filing notice of appeal and a petition for
34 review within 10 business days of the final decision of the appellate Board. Appeals from rulings
35 of the appellate Board shall be heard in the superior court division. The appeal shall be heard de
36 novo before a superior court judge sitting in the county in which the appellate Board whose ruling
37 is being appealed is located.

38 (c) In cases where a dog has killed or inflicted severe injury to a person or domestic
39 animal, the person or Board designated by the county or municipal authority responsible for
40 making determinations under subsection (a) of this section shall impound the dog. In all other
41 cases, the person or Board designated by the county or municipal authority as responsible for
42 making determinations shall decide whether a dog, following notice to the owner in writing with
43 the reasons for the determination of dangerous or potentially dangerous, should be impounded.
44 If the dog is impounded, and the dog is determined to be dangerous or potentially dangerous, the
45 owner of the dog is responsible for paying the impoundment fees, unless that determination is
46 overturned on appeal.

47 (d) If a dog is impounded pursuant to subsection (c) of this section, the county or
48 municipal authority responsible for animal control shall continue the impoundment through the
49 following:

- 50 (1) During the pendency of the appeal, including any judicial appeals.

1 (2) Until the determination has been overturned on appeal or the owner has
2 satisfied all restraint requirements in G.S. 67-4.2(a)(1), satisfied any
3 applicable local ordinances related to restraint of the dog, and paid any fees
4 imposed for the costs of impoundment or entered into an agreement regarding
5 a payment plan.

6 (e) If a dog is impounded pursuant to subsection (c) of this section, and the initial
7 determination that the dog is dangerous or potentially dangerous is overturned on appeal, the
8 county or municipal authority responsible for animal control shall promptly return the dog to the
9 owner. The owner shall not be charged or required to reimburse the county or municipal authority
10 for any costs related to the impoundment.

11 (f) If a dog has been impounded pursuant to subsection (c) of this section, the following
12 shall apply to relinquishment of ownership of the dog:

13 (1) The owner of the dog shall be deemed to relinquish ownership of the dog to
14 the county or municipal authority responsible for animal control if any of the
15 following occur:

16 a. The owner of the dog fails to pay impoundment fees or enter into a
17 payment plan as required by subsection (d) of this section within a
18 reasonable amount of time, as set by the county or municipal authority
19 responsible for animal control, following the date the determination is
20 upheld or the period for appealing the determination is exhausted.

21 b. The owner of the dog fails to provide for the restraint of the dog on the
22 owner's real property pursuant to G.S. 67-4.2(a)(1) and any applicable
23 requirements adopted by local ordinance pursuant to G.S. 67-4.5
24 within a reasonable amount of time, as set by the county or municipal
25 authority responsible for animal control.

26 (2) The county or municipal authority responsible for animal control shall provide
27 the owner with written notice regarding the amount of time the owner has to
28 satisfy the requirements related to restraint and payment.

29 (3) If the owner has not satisfied the requirements within the specific time, the
30 county or municipal authority shall provide written notice to the owner
31 explaining that the owner's rights will be relinquished and specifying the
32 effective date of the relinquishment. The effective date must be at least five
33 business days after the date the notice is either mailed or hand-delivered.

34 (4) The owner of the dog may voluntarily grant a possessory right in the dog to
35 the county municipal authority responsible for animal control at any time. The
36 decision to voluntarily relinquish ownership of the dog shall be documented
37 in writing.

38 (g) A dog determined to be a dangerous dog or a potentially dangerous dog pursuant to
39 this section or any local ordinance adopted pursuant to G.S. 67-4.5 shall be determined to be a
40 dangerous dog or a potentially dangerous dog in each county in this State.

41 **"§ 67-4.2. Precautions against attacks by dangerous and potentially dangerous dogs.**

42 (a) It is unlawful for an owner of a dog determined to be a dangerous dog or a potentially
43 dangerous dog, upon final determination as provided in G.S. 67-4.1A, to:

44 (1) Leave a ~~dangerous~~ the dog unattended on the owner's real property unless the
45 dog is confined indoors, in a securely enclosed and locked pen, or in another
46 structure designed to restrain the ~~dog~~; dog.

47 (2) Permit a ~~dangerous~~ the dog to go beyond the owner's real property unless the
48 dog is leashed and muzzled or is otherwise securely restrained and muzzled.

49 (b) If the owner of a dog determined to be a dangerous dog or a potentially dangerous
50 dog, upon final determination as provided in G.S. 67-4.1A, transfers ownership or possession of

1 the dog to another person (as defined in G.S. 12-3(6)), the owner shall provide written notice
2 ~~to~~to the following:

3 (1) The county or municipal authority responsible for animal control that made
4 the determination under this Article, stating the name and address of the new
5 owner or possessor of the ~~dog~~and dog.

6 (2) The person taking ownership or possession of the dog, specifying the dog's
7 dangerous or potentially dangerous behavior and the authority's
8 determination.

9 (c) Violation of this section is a Class 3 misdemeanor.

10 **"§ 67-4.3. Penalty for attacks by dangerous and potentially dangerous dogs.**

11 (a) The owner of a dog determined to be a dangerous dog or a potentially dangerous dog,
12 upon final determination as provided in G.S. 67-4.1A, that attacks a person and causes physical
13 injuries requiring medical treatment in excess of one hundred dollars (\$100.00) or attacks and
14 kills a domestic animal under the immediate control of a person shall be guilty of a Class 1
15 misdemeanor.

16 (b) For purposes of this section, "under the immediate control of a person" shall mean on
17 a leash or held in the arms of the person.

18 **"§ 67-4.4. Strict liability.**

19 The owner of a dog determined to be a dangerous dog or a potentially dangerous dog, upon
20 final determination as provided in G.S. 67-4.1A, shall be strictly liable in civil damages for any
21 injuries or property damage the dog inflicts upon a person, ~~his~~the person's property, or another
22 animal.

23 **"§ 67-4.5. Local ordinances.**

24 Nothing in this Article shall ~~be construed to prevent~~ affect the authority of a city or county
25 from adopting or enforcing its own program for to impose additional requirements on the control
26 of dangerous ~~dogs~~ dogs or potentially dangerous dogs by local ordinance."

27 **SECTION 3.** This act becomes effective October 1, 2019, and applies to acts
28 occurring on or after that date.