

FILED MAY 11 1979

SENATE FILE 502

By BROWN

Passed Senate, Date _____ Passed House, Date _____
 Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
 Approved _____

A BILL FOR

1 An Act relating to the welfare and control of dogs and cats,
 2 authorizing fees and providing penalties.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
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1 Section 1. Section one hundred fifty-nine point five
2 (159.5), Code 1979, is amended by adding the following new
3 subsection:

4 NEW SUBSECTION. Establish and maintain an animal welfare
5 and control division in the department of agriculture to ad-
6 minister and enforce the laws regarding the care of animals
7 as provided in chapter one hundred sixty-two (162) of the
8 Code, rabies vaccinations as provided in chapter three hundred
9 fifty-one (351) of the Code, and the domestic animal fund
10 as provided in chapter three hundred fifty-two (352) of the
11 Code. A director appointed by the secretary shall be in
12 charge of this division.

13 Sec. 2. Section one hundred fifty-nine point eleven
14 (159.11), Code 1979, is amended to read as follows:

15 159.11 ASSESSOR. Agricultural statistics shall be
16 collected each year by the assessors under the supervision
17 of the department, which shall design and distribute blank
18 forms and instructions therefor. The agricultural statistics
19 shall include the names and addresses of all persons who
20 possess a dog or cat, as determined by their statements or
21 by observation by the assessors.

22 Sec. 3. Section one hundred sixty-two point two (162.2),
23 subsection ten (10), Code 1979, is amended by striking the
24 subsection and inserting in lieu thereof the following:

25 10. "Director" means the director of the animal welfare
26 and control division of the department of agriculture es-
27 tablished under section one (1) of this Act.

28 Sec. 4. Section one hundred sixty-two point three (162.3),
29 Code 1979, is amended by striking the section and inserting
30 in lieu thereof the following:

31 NEW SECTION. The licenses and certificates of registra-
32 tion issued under this chapter shall expire one year from
33 the date issued. The expiration date shall be printed on
34 the licenses and certificates of registration. Upon
35 application as provided by the director and payment of the

1 fee, the licenses and certificates issued under this chapter
2 may be renewed provided the licensee or registrant has
3 conformed to all the statutory and regulatory requirements.

4 Sec. 5. Section one hundred sixty-two point four (162.4),
5 Code 1979, is amended to read as follows:

6 162.4 CERTIFICATE OF REGISTRATION FOR ANIMAL SHELTER OR
7 POUND. No person shall operate an animal shelter or a pound
8 unless a certificate of registration for the animal shelter
9 or the pound is granted by the ~~secretary~~ director. Application
10 for the certificate shall be made in the manner provided by
11 the ~~secretary~~ director. No fee shall be required for the
12 application or certificate except for a pound which is
13 privately owned. ~~Certificates of registration shall expire~~
14 ~~annually on March 1 unless revoked and may be renewed in the~~
15 ~~manner provided by the secretary.~~ The registration fee for
16 a privately-owned pound shall be twenty-five dollars per year.
17 A registered animal shelter or pound may engage in the sale
18 of dogs or cats, or both, under its control, ~~if it obtains~~
19 ~~a license for such activity, but no fee shall be charged~~
20 ~~therefor.~~

21 Sec. 6. Section one hundred sixty-two point five (162.5),
22 Code 1979, is amended to read as follows:

23 162.5 PET SHOP LICENSE. No person shall operate a pet
24 shop unless ~~he has obtained~~ a license to operate a pet shop
25 issued by the secretary has been obtained from the director.
26 Application for the license shall be made in the manner
27 provided by the ~~secretary~~ director. ~~The license shall expire~~
28 ~~annually on March 1 of each year unless revoked and may be~~
29 ~~renewed in the manner provided by the secretary.~~ The license
30 fee shall be ~~forty~~ fifty dollars per year ~~or ten dollars for~~
31 ~~each quarter or portion of a quarter of a year.~~ The license
32 ~~may be renewed if the licensee has conformed to all statutory~~
33 ~~and regulatory requirements.~~

34 Sec. 7. Section one hundred sixty-two point six (162.6),
35 Code 1979, is amended to read as follows:

1 162.6 COMMERCIAL KENNEL OR PUBLIC AUCTION LICENSE. No
2 person shall operate a commercial kennel or public auction,
3 as defined in section 162.2, unless he ~~has obtained~~ a license
4 to operate a commercial kennel or a public auction issued
5 ~~by the secretary or unless he has obtained a certificate of~~
6 ~~registration issued by the secretary if his kennel is~~
7 federally licensed has been obtained from the director.

8 Application for the license ~~or the certificate~~ shall be made
9 in the manner provided by the secretary director. ~~The license~~
10 ~~and the certificate shall expire annually on March 1 unless~~
11 ~~revoked.~~ The license fee shall be twenty-five dollars per
12 year ~~or seven dollars for each quarter or portion of a quarter~~
13 ~~of a year and the certification fee shall be five dollars~~
14 ~~annually.~~ ~~If the person has obtained a federal license, he~~
15 ~~need only obtain a certificate.~~ ~~The license may be renewed~~
16 ~~upon application and payment of the prescribed fee in the~~
17 ~~manner provided by the secretary provided the licensee has~~
18 ~~conformed to all statutory and regulatory requirements.~~ ~~The~~
19 ~~certificate may be renewed upon application and payment of~~
20 ~~the prescribed fee in the manner provided by the secretary.~~

21 Sec. 8. Section one hundred sixty-two point seven (162.7),
22 Code 1979, is amended to read as follows:

23 162.7 DEALER LICENSE. No person shall operate as a dealer
24 unless he ~~has obtained~~ a license issued ~~by the secretary~~ has
25 been obtained from the director or unless he ~~has obtained~~
26 a certificate of registration issued ~~by the secretary~~ has
27 been obtained from the director if ~~his~~ the kennel is federally
28 licensed. Application for the license or the certificate
29 shall be made in the manner provided by the secretary director.
30 ~~The license and certificate shall expire annually on March~~
31 ~~1 unless revoked.~~ The license fee shall be fifty dollars
32 per year ~~or fifteen dollars for each quarter or portion of~~
33 ~~a quarter of a year,~~ and the certification fee shall be five
34 twenty-five dollars per year. ~~The license may be renewed~~
35 ~~upon application and payment of the prescribed fee in the~~

1 manner-provided-by-the-secretary,--provided-the-licensee-has
 2 conformed-to-all-statutory-and-regulatory-requirements.--The
 3 certificate-may-be-renewed-upon-application-and-payment-of
 4 the-prescribed-fee-in-the-manner-provided-by-the-secretary-

5 Sec. 9. Section one hundred sixty-two point eight (162.8),
 6 Code 1979, is amended to read as follows:

7 162.8 COMMERCIAL BREEDER'S LICENSE. No person shall
 8 operate as a commercial breeder unless he-has-obtained a
 9 license issued-by-the-secretary has been obtained from the
 10 director or unless he-has-obtained a certificate of
 11 registration issued-by-the-secretary has been obtained from
 12 the director if his the kennel is federally licensed.

13 Application for the license or the certificate shall be made
 14 in the manner provided by the secretary director. The-annual
 15 license-or-the-certification-period-shall-commence-March-1
 16 of-each-year- The license fee shall be twenty-five dollars
 17 per year or-seven-dollars-for-each-quarter-or-portion-of-a
 18 quarter-of-a-year and the certificate fee shall be five twenty-
 19 five dollars per year. The-license-may-be-renewed-upon
 20 application-and-payment-of-the-prescribed-fee-in-the-manner
 21 provided-by-the-secretary-provided-the-licensee-has-conformed
 22 to-all-statutory-and-regulatory-requirements.--The-certificate
 23 may-be-renewed-upon-application-and-payment-of-the-prescribed
 24 fee-in-the-manner-provided-by-the-secretary-

25 Sec. 10. Section one hundred sixty-two point nine (162.9),
 26 Code 1979, is amended to read as follows:

27 162.9 BOARDING KENNEL OPERATOR'S LICENSE. No person shall
 28 operate a boarding kennel unless he-has-obtained a license
 29 to operate a boarding kennel issued-by-the-secretary has been
 30 obtained from the director. Application for the license shall
 31 be made in the manner provided by the secretary director.
 32 The-annual-license-period-shall-commence-March-1-of-each-year-
 33 The license fee shall be fifteen twenty-five dollars per year
 34 or-four-dollars-for-each-quarter-or-portion-of-a-quarter-of
 35 a-year. The-license-may-be-renewed-upon-application-and

~~1 payment-of-the-prescribed-fee-in-the-manner-provided-by-the
2 secretary-provided-the-licensee-has-conformed-to-all-statutory
3 and-regulatory-requirements-~~

4 Sec. 11. Section one hundred sixty-two point ten (162.10),
5 Code 1979, is amended to read as follows:

6 162.10 HOBBY KENNEL OWNER'S LICENSE. No person shall
7 operate a hobby kennel unless ~~he-obtains~~ a license issued
8 ~~by-the-secretary~~ has been obtained from the director.

9 Application for the license shall be in the manner provided
10 by the secretary director. ~~The-annual-license-period-shall~~
11 ~~commence-March-1-~~ The license fee shall be two ten dollars
12 per year. ~~The-license-may-be-renewed-upon-application-in~~
13 ~~the-manner-prescribed-by-the-secretary,-provided-the-licensee~~
14 ~~has-conformed-to-all-statutory-and-regulatory-requirements-~~

15 Sec. 12. Section one hundred sixty-two point eleven
16 (162.11), subsections one (1) and two (2), Code 1979, are
17 amended to read as follows:

18 1. Any dealer or commercial breeder ~~and-any-person-who~~
19 ~~operates-a-commercial-kennel-or-public-auction~~ who has obtained
20 and is operating ~~his~~ the business under a current and valid
21 federal license shall, upon payment of the prescribed fee,
22 be forwarded a certificate of registration by the secretary
23 director.

24 2. The certificate of registration may be denied or revoked
25 if the person no longer possesses a current and valid federal
26 license. Other than obtaining the certificate of registration
27 from the secretary director, ~~any~~ a dealer or commercial breeder
28 and ~~any~~ a person who operates a commercial kennel or public
29 auction shall not be subject to further regulation under the
30 provisions of this chapter.

31 Sec. 13. Section one hundred sixty-two point twelve
32 (162.12), Code 1979, is amended to read as follows:

33 162.12 DENIAL OR REVOCATION OF LICENSE OR REGISTRATION.
34 A certificate of registration may be denied to ~~any~~ a pound
35 or animal shelter and a license may be denied to ~~any~~ a public

1 auction, boarding kennel, commercial kennel, hobby kennel,
2 pet shop, commercial breeder, or dealer or, if granted such
3 certificate or license, may be revoked by the ~~secretary~~
4 director if, after public hearing, it is determined that the
5 housing facilities or primary enclosures are inadequate under
6 the provisions of this chapter or if the feeding, watering,
7 cleaning and housing practices at the pound, animal shelter,
8 public auction, pet shop, boarding kennel, commercial kennel,
9 hobby kennel, or those practices by the commercial breeder
10 or dealer, are not in compliance with the provisions of this
11 chapter or with the rules which shall be promulgated pursuant
12 to the authority of this chapter. The premises of each
13 licensee or certificate holder shall be open for inspection
14 during normal business hours.

15 Sec. 14. Section one hundred sixty-two point thirteen
16 (162.13), unnumbered paragraph two (2), Code 1979, is amended
17 to read as follows:

18 Failure of ~~any~~ a person licensed or registered to adequately
19 house, feed or water dogs or cats, or both, in his or her
20 possession or custody or failure of ~~any~~ an operator of a
21 licensed pet shop to adequately house, feed, or water ~~any~~
22 a vertebrate animal shall constitute a simple misdemeanor.
23 ~~Such~~ The animals shall be subject to seizure and impoundment
24 and may be sold or destroyed by euthanasia at the discretion
25 of the ~~secretary~~ director and ~~such~~ the failure shall also
26 constitute grounds for revocation of license after public
27 hearing. The commission of an act declared to be an unlawful
28 practice under section 714.16, by ~~any~~ a person licensed under
29 this chapter shall constitute grounds for revocation of
30 license.

31 Sec. 15. Section one hundred sixty-two point fourteen
32 (162.14), Code 1979, is amended to read as follows:

33 162.14 CUSTODY BY ANIMAL WARDEN. An animal warden, upon
34 taking custody of ~~any~~ an animal in the course of ~~his~~ official
35 duties, shall immediately make a record of the matter in the

1 manner prescribed by the ~~secretary~~ director and the record
2 shall include a complete description of the animal, reason
3 for seizure, location of seizure, the owner's name and address
4 if known, and ~~all-license~~ the rabies vaccination tag number
5 or other identification numbers, if any. Complete information
6 relating to the disposition of the animal shall be added in
7 the manner provided by the ~~secretary~~ director immediately
8 after disposition.

9 Sec. 16. Section one hundred sixty-two point seventeen
10 (162.17), Code 1979, is amended to read as follows:

11 162.17 EXCEPTIONS. This chapter shall not apply to a
12 place or establishment which operates under the immediate
13 supervision of a duly licensed veterinarian as a hospital
14 where animals are harbored, hospitalized, and cared for
15 incidental to the treatment, prevention or alleviation of
16 disease processes during the routine practice of the profession
17 of veterinary medicine, except that, if animals are accepted
18 by ~~such~~ the place, establishment or hospital for boarding
19 or grooming for consideration, the place, establishment or
20 hospital shall be subject to the provisions hereof applicable
21 to a boarding kennel or commercial kennel and the rules
22 relating thereto which shall be promulgated by the ~~secretary~~
23 director.

24 Sec. 17. Section one hundred sixty-two point eighteen
25 (162.18), Code 1979, is amended to read as follows:

26 162.18 FEES. ~~All~~ The fees collected by the ~~secretary~~
27 director from licenses and certificates issued under this
28 chapter shall be paid to the treasurer of state, who shall
29 deposit the fees in the animal control fund established under
30 section twenty-four (24) of this Act.

31 Sec. 18. Chapter three hundred fifty-one (351), Code 1979,
32 is amended by adding sections twenty (20) through twenty-nine
33 (29) of this Act before section three hundred fifty-one point
34 twenty-seven (351.27) of the Code.

35 Sec. 19. NEW SECTION. DEFINITIONS. For purposes of this

1 Act unless the context otherwise requires:

2 1. "Owner" means a person who has possession of a dog
3 or cat.

4 2. "Division" means the animal welfare and control division
5 of the department of agriculture established under section
6 one (1) of this Act.

7 Sec. 20. NEW SECTION. RABIES VACCINATION.

8 1. The owner of a dog or cat, six months of age or older,
9 shall have the animal vaccinated against rabies.

10 2. The rabies vaccination required by subsection one (1)
11 of this section is an injection of anti-rabies vaccine ap-
12 proved by the division. The division shall establish the
13 frequency of revaccination necessary for each approved
14 vaccination. The vaccine shall be administered by a licensed
15 veterinarian and shall be given as approved by the division.

16 Sec. 21. NEW SECTION. RABIES VACCINATION TAG.

17 1. The department of agriculture shall assign a number
18 to each veterinarian licensed under chapter one hundred sixty-
19 nine (169) of the Code. A list of the veterinarians licensed
20 under chapter one hundred sixty-nine (169) of the Code, their
21 place of business, their telephone number and the number
22 assigned to each shall be provided to each county sheriff
23 by the department of agriculture.

24 2. Upon request, the animal welfare and control division
25 of the department of agriculture shall provide:

26 a. Rabies vaccination tags to licensed veterinarians.
27 Each tag shall be numbered and shall also have the number
28 assigned to the requesting veterinarian under subsection one
29 (1) of this section.

30 b. Blank forms for the veterinarian to use in keeping
31 the records required by section twenty-seven (27) of this
32 Act.

33 c. The tools for imprinting the date on the tags.

34 d. The division shall impose a fee sufficient to cover
35 the costs of rabies vaccination tags and tools for imprinting

1 dates on tags.

2 Sec. 22. NEW SECTION. ISSUANCE OF TAGS. A veterinarian
3 shall issue a rabies vaccination tag with the month and year
4 revaccination is required contained thereon to the owner of
5 each dog or cat vaccinated against rabies. The owner shall
6 attach the tag to the dog or cat using a substantial collar.
7 The tag shall not be removed from the dog or cat until re-
8 vaccination is required.

9 Sec. 23. NEW SECTION. COLLECTION OF FEE.

10 1. When a dog is vaccinated, the veterinarian shall col-
11 lect from the owner a fee equal to five dollars times the
12 number of years until vaccination is required in addition
13 to the fee charged for the vaccination. When a cat is
14 vaccinated, the veterinarian shall collect from the owner
15 a fee of two dollars in addition to the fee charged for the
16 vaccination.

17 2. For every five dollars collected under subsection one
18 (1) of this section the veterinarian may keep twenty-five
19 cents. The remaining fees shall be forwarded to the division
20 quarterly prior to April thirtieth, July thirty-first, October
21 thirty-first and December thirty-first. The division shall
22 forward the moneys to the treasurer of state.

23 Sec. 24. NEW SECTION. FUNDS CREATED. The "animal con-
24 trol fund" and the "domestic animal fund" are separately
25 created within the office of the treasurer of state. The
26 treasurer of state shall deposit forty-seven percent of the
27 money received under section twenty-three (23) of this Act
28 in the "domestic animal fund". The remaining money received
29 under section twenty-three (23) of this Act shall be deposited
30 in the "animal control fund".

31 Sec. 25. NEW SECTION. ANIMAL CONTROL FUND. The director
32 of the division shall expend the money in the animal control
33 fund as follows: forty percent to operate the division,
34 thirty percent as aid to pounds and animal shelters as defined
35 in section one hundred sixty-two point two (162.2) of the

1 Code, twenty percent to compensate persons who have humanely
2 destroyed dogs pursuant to section twenty-nine (29) of this
3 Act, and ten percent to the county assessors for the duties
4 imposed by section one hundred fifty-nine point eleven (159.11)
5 of the Code. The director shall promulgate rules, pursuant
6 to chapter seventeen A (17A) of the Code for the distribution
7 of the moneys. The rules may provide for distribution on
8 an incentive basis.

9 Sec. 26. NEW SECTION. TRANSFER--REPLACEMENT.

10 1. A rabies vaccination tag issued for one dog or cat
11 is not transferable to another dog or cat.

12 2. When a rabies vaccination tag is lost or destroyed
13 the owner of a dog or cat shall get another tag from the
14 veterinarian who vaccinated the dog or cat.

15 3. When the permanent ownership of a dog or cat is
16 transferred the new owner shall notify the veterinarian who
17 vaccinated the dog or cat of the transfer and the dog or cat
18 shall not be required to be revaccinated until the date shown
19 on the tag.

20 Sec. 27. NEW SECTION. RECORDS.

21 1. The veterinarian shall keep a record of dogs and cats
22 vaccinated against rabies. The record shall include the tag
23 number, the owner's name and address, the date revaccination
24 is required, and the fee collected under section twenty-three
25 (23) of this Act. The veterinarian shall send a copy of this
26 record to the division at the same time the fees are forwarded
27 to the division.

28 2. The veterinarian who vaccinated a dog or cat shall
29 provide the name and address of the owner when requested to
30 do so by a person who has the tag number assigned to a dog
31 or cat.

32 Sec. 28. NEW SECTION. NOTICE OF FEES DUE. The division
33 shall mail notices to persons on the lists provided by the
34 assessors under section one hundred fifty-nine point eleven
35 (159.11) of the Code who have not had their dogs or cats

1 vaccinated. The notices shall inform the owners of the rabies
2 vaccination requirement and the penalties for noncompliance.
3 The notice shall include a form for the owner to send back
4 to the division when the dog or cat is vaccinated. The form
5 shall be signed by the veterinarian.

6 Sec. 29. NEW SECTION. APPREHENSION AND IMPOUNDMENT.

7 1. A dog or cat found running at large without a valid
8 rabies vaccination tag, as required by law, shall be
9 apprehended and impounded by local authorities.

10 2. If the owner is known, the impounder shall give written
11 notice to the owner. If the owner does not redeem the dog
12 or cat within five days of the date of the notice, the dog
13 or cat may be humanely destroyed or otherwise disposed of
14 in accordance with the law. The owner may redeem a dog or
15 cat by having it immediately vaccinated and by paying the
16 cost of impoundment plus twenty-five dollars.

17 3. However, if the owner of a dog or cat apprehended or
18 impounded cannot be located within five days the dog or cat
19 may be humanely destroyed or otherwise disposed of in
20 accordance with law.

21 4. A person who has humanely destroyed a dog or cat under
22 this section may file a claim with the director for
23 reimbursement under section twenty-five (25) of this Act.

24 Sec. 30. Section three hundred fifty-one point twenty-
25 seven (351.27), Code 1979, is amended to read as follows:

26 351.27 RIGHT TO KILL LICENSED TAGGED DOG OR CAT. It shall
27 be is lawful for any a person to ~~kill~~ destroy a dog or cat,
28 ~~licensed-and~~ wearing a collar with ~~license~~ rabies vaccination
29 tag attached, when ~~such~~ the dog or cat is caught in the act
30 of worrying, chasing, maiming, or killing any a domestic
31 animal or fowl, or when ~~such~~ the dog or cat is attacking or
32 attempting to bite a person.

33 Sec. 31. Section three hundred fifty-one point twenty-
34 eight (351.28), Code 1979, is amended to read as follows:

35 351.28 LIABILITY FOR DAMAGES. The owner of any a dog

1 or cat, whether ~~licensed~~ tagged or ~~unlicensed~~ untagged, shall
2 ~~be is~~ liable to the party injured for all damages done by
3 ~~said the~~ dog or cat, except when the party damaged is doing
4 an unlawful act, directly contributing to ~~said the~~ injury.
5 This section ~~shall~~ does not apply to any damage done by a
6 dog or cat affected with hydrophobia ~~unless-the-owner-of-such~~
7 ~~if the~~ dog or cat had ~~reasonable-grounds-to-know-that-such~~
8 ~~dog-was-afflicted-with-said-malady,-and-by-reasonable-effort~~
9 ~~might-have-prevented-the~~ a valid rabies vaccination tag at
10 the time of injury.

11 Sec. 32. Section three hundred fifty-one point forty
12 (351.40), Code 1979, is amended to read as follows:

13 351.40 QUARANTINE. If a local board of health believes
14 rabies to be epidemic, or believes there is a threat of an
15 epidemic, in its jurisdiction, it may declare a quarantine
16 in all or part of the area under its jurisdiction and such
17 the declaration shall be reported to the state department
18 of health and the animal welfare and control division in the
19 department of agriculture. During the period of quarantine,
20 any a person owning ~~ex-having~~ a dog in-his-possession or cat
21 in the quarantined area shall keep such the animal securely
22 enclosed or on a leash for the duration of the quarantine
23 period.

24 Sec. 33. Section three hundred fifty-one point forty-two
25 (351.42), Code 1979, is amended to read as follows:

26 351.42 EXEMPT DOGS OR CATS. Dogs or cats that are under
27 the control of the owner or handlers and which are in transit,
28 or are to be exhibited ~~shall-be~~ are exempt from the vaccination
29 provisions of these sections if they are within the state
30 for less than thirty days. Dogs or cats assigned to a research
31 institution or a like facility ~~shall-be~~ are exempt from the
32 provisions of sections ~~351-33-to-351-43~~ twenty (20) and twenty-
33 three (23) of this Act.

34 Sec. 34. Section three hundred fifty-one point forty-three
35 (351.43), Code 1979, is amended to read as follows:

1 351.43 PENALTY. Any A person refusing to comply with
2 the provisions of ~~sections 351.33 to 351.42~~ chapter three
3 hundred fifty-one (351) of the Code or violating any of ~~their~~
4 its provisions, shall-be-deemed is guilty of a simple
5 misdemeanor and in addition to a criminal penalty is subject
6 to a fine of twenty-five dollars.

7 Sec. 35. Section three hundred fifty-two point one (352.1),
8 Code 1979, is amended to read as follows:

9 352.1 CLAIMS.

10 1. Any A person damaged by the killing or injury of any
11 a domestic animal or fowl by-wolves,-or by dogs not-owned
12 by-said-person whose owners are not known, or by wolves, may,
13 within ~~ten~~ five days from the time he or ~~his-agent~~ she has
14 knowledge of ~~such~~ the killing or injury, file with the county
15 auditor of the county in which ~~such~~ the killing or injury
16 occurred a claim for ~~such~~ the damage.

17 2. Any A person injured by a dog, whose owner is not
18 known, or wolf not-owned-by-such-person-which if the injury
19 resulted in the need for medical care or rabies prevention
20 treatment, may, within sixty days from the time of such the
21 injury, file with the county auditor of the county a claim
22 for the payment of the costs of such the medical care or
23 treatment.

24 Sec. 36. Section three hundred fifty-two point two (352.2),
25 Code 1979, is amended to read as follows:

26 352.2 FORMS OF CLAIMS.

27 1. Claims under section 352.1, subsection 1, shall state
28 the amount of damages, and a detailed statement of the facts
29 attending the killing or injury ~~and-be-verified-by-affidavit~~
30 ~~of-at-least-two-disinterested-persons-not-related-to-claimant.~~

31 2. Claims made under section 352.1, subsection 2, shall
32 state the cost of ~~such~~ medical care or treatment and, a
33 detailed statement of the facts attending the injury, a list
34 of the witnesses to the injury, and a statement from the
35 doctor treating the claimant.

1 Sec. 37. Chapter three hundred fifty-two (352), Code 1979,
2 is amended by adding the following new section:

3 NEW SECTION. VERIFICATION.

4 1. The county auditor shall forward the claims made un-
5 der section three hundred fifty-two point two (352.2),
6 subsection one (1) of the Code, to the county board of
7 supervisors. Two members of the county board of supervisors
8 or their designees shall view the animal killed or injured
9 when a claim is filed to verify that the animal was killed
10 or injured by a dog or wolf. If the two members find the
11 animal was killed or injured by a dog or wolf, they shall
12 approve the claim. The claim shall then be forwarded to the
13 animal welfare and control division in the department of
14 agriculture. If not, the members shall disapprove the claim.
15 The disapproved claim along with a statement explaining the
16 reason for the disapproval shall be sent to the division.
17 The auditor shall immediately notify the claimant that the
18 claim was disapproved.

19 2. Claims made under section three hundred fifty-two point
20 two (352.2), subsection two (2) of the Code, shall be forwarded
21 to the animal welfare and control division in the department
22 of agriculture.

23 Sec. 38. Chapter three hundred fifty-two (352), Code 1979,
24 is amended by adding the following new section:

25 NEW SECTION. APPEAL TO THE DIVISION. A person whose claim
26 under section three hundred fifty-two point two (352.2),
27 subsection one (1) of the Code, is disapproved may file an
28 appeal with the animal welfare and control division in the
29 department of agriculture. If a person wishes to appeal,
30 a statement from a veterinarian stating that a veterinarian
31 has looked at the animal and believes the animal was killed
32 or injured by a dog or wolf must be filed with the division
33 within five days of the board of supervisors' action on the
34 claim.

35 The division shall make a decision on the claim based on

1 the statement from the veterinarian and the board of
2 supervisors. If the claim is approved, it will be treated
3 the same as a claim approved under section thirty-seven (37)
4 of this Act.

5 Sec. 39. Chapter three hundred fifty-two (352), Code 1979,
6 is amended by adding the following new section:

7 NEW SECTION. PAYMENT OF CLAIMS. On each July first, the
8 animal welfare and control division of the department of agri-
9 culture shall provide the treasurer of state with a list of
10 all claims approved during the previous year and an order
11 to pay those claims from the moneys in the domestic animal
12 fund. The order must be signed by the director of the division
13 and the secretary of agriculture. If the fund is sufficient,
14 all claims shall be paid. If the funds is not sufficient,
15 the claims shall be paid pro rata. Any moneys left in the
16 domestic animal fund after all claims for the year have been
17 paid shall be tranferred to the animal control fund.

18 Sec. 40. The county treasurers shall transfer all moneys
19 in the domestic animal fund of each county as of January 1,
20 1980, less the claims paid during 1980 under chapter three
21 hundred fifty-two (352) of the Code and payments made during
22 1980 under section three hundred fifty-one point fifteen
23 (351.15) of the Code plus deposits made to the fund during
24 1980 to the treasurer of state. The treasurer of state shall
25 deposit this money in the animal control fund.

26 Sec. 41. For sixty days after the effective date of this
27 Act, a veterinarian who vaccinated a dog prior to the effec-
28 tive date of this Act, but within the period before revac-
29 cination is required, shall provide a rabies vaccination tag
30 with the date revaccination is required, if a tag is requested
31 by an owner. A fee shall be collected equal to five dollars
32 times the number of years until revaccination is required.
33 This money shall be forwarded to the treasurer of state within
34 seventy days of the effective date of this Act. The treasurer
35 of state shall deposit this money in the animal control fund.

1 used to fund the division, the domestic animal fund, aid to
2 humane societies and pounds, and compensation to local
3 officials who must humanely destroy dogs and cats.

4 The division will send a notice to all dog and cat owners,
5 as indicated on the assessors' lists, who have not had the
6 animals vaccinated against rabies. The notice will inform
7 the owners of the requirements and the penalties for
8 noncompliance.

9 The domestic animal fund will be operated on the state
10 level. Claims will still be filed with the county auditor.
11 Two members of the board of supervisors must verify that the
12 animal was killed by dogs or wolves. If the claim is approved
13 it is forwarded to the division. The appeal must include
14 a statement from a veterinarian stating that the veterinarian
15 believes the animal was killed by dogs or wolves. The claims
16 will be paid as the law currently provides--one hundred per-
17 cent if the fund is sufficient and pro rata if the fund is
18 not sufficient.

19 The owner must pay twenty-five dollars plus the cost of
20 impoundment to get his or her dog or cat back if it has been
21 impounded. The money will remain with the local authority
22 that collects it.

23 The division will compensate local authorities that humanely
24 destroy animals that have been impounded to the extent money
25 is available.

26 This bill requires owners be liable for damage done by
27 a rabid dog or cat if the animal has not been vaccinated
28 against rabies. The law currently excludes owners from
29 liability if the dog has rabies.

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