

SENATE FILE 528

BY COMMITTEE ON COUNTY GOVERNMENT

FILED MAY 2 1973

*Bethel County Book 1/14/74 Page 114
N. - Cty Govt, 4/23/74, Case 45'*

Senate File 528
Jordan, Chairman
O'Halloran
Edelen

Passed Senate, Date 1-18-74 Passed House, Date 4-17-74 (1856)

Vote: Ayes 47 Nays 0 Vote: Ayes 70 Nays 12

Approved 5-9-74

*Passed Senate per House amendment
4-27-74 (1483)
46-0*

*motion to reconsider filed 4-17 (1857) provided 4-24
Passed House 4-24-74 (2071)
66-23*

A BILL FOR

*motion to reconsider filed 4-24 (2012)
withdrawn 4-26*

1 An Act relating to the licensing of dogs.

2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

3 Section 1. Section three hundred fifty-one point sixteen

4 (351.16), Code 1973, is amended to read as follows:

5 351.16 PAYMENT TO ASSESSOR. If the owner of any dog upon

6 which a license fee is due so desires, he may pay such fee to

7 the assessor and the assessor shall give his receipt therefor,

8 showing the name of the owner, the number of dogs owned upon

9 which the fee is paid, the sex of each such dog, and the amount

10 of the fee for each such dog. The assessor shall forthwith pay

11 said fees collected by him to the auditor and shall make a full

12 report to said auditor showing the name and address of the

13 owner, the number of dogs and the sex of each owned by him, the

14 evidence of rabies vaccination for each dog, and the fee paid

15 on each such dog. The auditor shall forthwith mail to said

16 owner the proper license tag or tags. The auditor may also

17 assign the license tags to the assessor who may issue and

18 record them when license fees are collected by him as provided

19 in this section.

EXPLANATION

21 This bill provides that the county auditor may assign dog li-

22 cense tags to the assessor who may issue and record such license

23 tags upon payment of the license fees. Under the present law,

24 the assessor may collect the license fees, but the county auditor

25 actually issues the license tag and mails it to the dog owner.

LSB 1717
tj/iw

SENATE FILE 528

H-2972

1 Amend Senate File 528, as passed by the Senate, as
2 follows:

3 1. Page 1, by inserting after line 19 the follow-
4 ing:

5 Sec. _____. Section three hundred fifty-two point
6 one (352.1), Code 1973, is amended to read as follows:

7 352.1 CLAIMS. 1. Any person damaged by the
8 killing or injury of any domestic animal or fowl by
9 wolves, or by dogs not owned by said person, may,
10 within ten days from the time he or his agent has
11 knowledge of such killing or injury, file with the
12 county auditor of the county in which such killing
13 or injury occurred a claim for such damage.

14 2. Any person injured by a dog or wolf not owned
15 by such person which resulted in the need for medical
16 care or rabies prevention treatment, may, within sixty
17 days from the time of such injury, file with the county
18 auditor of the county a claim for the payment of the
19 costs of such medical care or treatment.

20 Sec. _____. Section three hundred fifty-two point
21 two (352.2), Code 1973, is amended to read as follows:

22 352.2 FORMS OF CLAIMS. 1. Claims aforesaid
23 under subsection one (1) of section three hundred
24 fifty-two point one (352.1) of the Code shall state
25 the amount of damages, a detailed statement of the
26 facts attending the killing or injury and be verified
27 by affidavit of at least two disinterested persons not
28 related to claimant.

29 2. Claims made under subsection two (2) of section
30 three hundred fifty-two point one (352.1) of the
31 Code shall state the cost of such medical care or
32 treatment and a detailed statement of the facts
33 attending the injury.

34 Sec. _____. Section three hundred fifty-two point
35 three (352.3), Code 1973, is amended to read as
36 follows:

37 352.3 ALLOWANCE OF CLAIMS. The board shall act on
38 such claims within a reasonable time, and allow such
39 part thereof as it may deem just. When a claim is
40 allowed, the cost of such medical treatment or the
41 value of each animal or fowl killed or injured shall
42 be entered of record.

43 Sec. _____. Chapter three hundred fifty-two (352),
44 Code 1973, is amended by adding the following new
45 section:

46 NEW SECTION. EXCEPTION. The provisions of this
47 chapter shall not apply to injuries or damages
48 occurring within a city or town which provides for
49 the licensing of dogs.

50 Sec. _____. Section three hundred sixty-eight point

SENATE FILE 528

H-2958

1 Amend Senate File 528, as passed by the Senate, as
2 follows:

3 1. Page 1, by inserting after line 2 the following:

4 Sec. _____. Section three hundred fifty-one point
5 six (351.6), Code 1973, is amended by striking the
6 section and inserting in lieu thereof the following:

7 351.6 LICENSE FEE--DISPOSITION.

8 1. The annual license fee shall be one dollar
9 for each male dog and three dollars for each female
10 dog. A spayed female dog shall be deemed a male dog
11 for the purpose of determining the license fee under
12 this section. The license fee shall be sent with the
13 application for a license. The license fees shall
14 be credited to the general fund of the county.

15 2. The board of supervisors of any county may
16 establish and maintain a dog pound or may contract
17 with any public or private person or agency for the
18 purpose of seizing and impounding dogs as provided
19 in this chapter. The costs incurred under this sub-
20 section shall be paid from the general fund of the
21 county.

22 3. If the board of supervisors determines that
23 the license fees provided for in subsection one (1)
24 of this section will not provide sufficient revenue
25 to pay the costs incurred under subsection two (2)
26 of this section, the board may increase such fees,
27 except as to dogs licensed by a city or town, to a
28 sum not exceeding three dollars for each male dog
29 and not exceeding five dollars for a female dog.

30 Sec. _____. Section three hundred fifty-one point
31 fifteen (351.15), Code 1973, is amended to read as
32 follows:

33 351.15 ASSESSORS TO LIST DOGS--FEES. The assessor
34 shall, at the time of listing property for assessment,
35 cause to be listed and return to the county auditor
36 the names of all persons who own or harbor dogs, and
37 indicate on such list whether the dogs be male, female,
38 or spayed, and the number thereof. ~~For such service,~~
39 ~~the assessor shall receive, from the domestic animal~~
40 ~~fund, the sum of ten cents for each dog reported,~~
41 ~~which fee shall be paid in full when return is made.~~
42 ~~Such fees shall be considered as earnings of the of-~~
43 ~~fice and shall, within ten days of the receipt~~
44 ~~thereof, be paid to the county treasurer and credited~~
45 ~~to the general fund of the county.~~

46 2. Page 1, by inserting after line 19 the fol-
47 lowing:

48 Sec. _____. Chapter three hundred fifty-two (352),
49 Code 1973, is repealed.

50 3. By numbering sections to conform to this
51 amendment.

52 4. Amend the title on page 1, line 1, by insert-
53 ing after the word "dogs" the words "and to the
54 disposition of license fees".

H-2893

1 Amend Senate File 528, as passed by the Senate, as
2 follows:

3 1. Page 1, by inserting after line 2 the follow-
4 ing:

5 Section _____. Section three hundred fifty-one point
6 one (351.1), Code 1973, is amended to read as follows:
7 351.1 ANNUAL LICENSE. The owners of all dogs six
8 months old or over, except dogs kept in kennels and
9 not allowed to run at large and dogs licensed by a
10 city or town in this state, shall annually obtain
11 license therefor, as herein provided.

12 2. Page 1, by inserting after line 19 the follow-
13 ing:

14 Sec. _____. Section three hundred fifty-one point
15 twenty-four (351.24), Code 1973, is amended to read
16 as follows:

17 351.24 TAXATION OF DOGS--MUNICIPAL LICENSE. Dogs
18 kept in kennels and not allowed to run at large shall
19 be taxed as personal property. Dogs licensed as
20 herein provided shall not be so taxed. ~~Cities and~~
21 ~~towns may license dogs in addition to the license~~
22 ~~herein required.~~ If a dog is licensed by a city or
23 town under section three hundred sixty-eight point
24 eight (368.8), subsection four (4) of the Code, the
25 owner shall not be required to license such dog under
26 this chapter.

27 3. By renumbering sections to conform to this
28 amendment.

H-2893 Filed. *Last 4/17, Recommended* By WYCKOFF of Benton
April 16, 1974 *and adopted 4/17 Recommended and withdrawn 4/24*

HOUSE AMENDMENT TO SENATE FILE 528

1 Amend Senate File 528, as passed by the Senate, as follows:
2 1. Page 1, by inserting after line 19 the following:
3 Sec. _____. Section three hundred fifty-two point one
4 (352.1), Code 1973, is amended to read as follows:
5 352.1 CLAIMS. 1. Any person damaged by the killing or
6 injury of any domestic animal or fowl by wolves, or by dogs
7 not owned by said person, may, within ten days from the time
8 he or his agent has knowledge of such killing or injury, file
9 with the county auditor of the county in which such killing
10 or injury occurred a claim for such damage.
11 2. Any person injured by a dog or wolf not owned by such
12 person which resulted in the need for medical care or rabies
13 prevention treatment, may, within sixty days from the time
14 of such injury, file with the county auditor of the county
15 a claim for the payment of the costs of such medical care or
16 treatment.
17 Sec. _____. Section three hundred fifty-two point two
18 (352.2), Code 1973, is amended to read as follows:
19 352.2 FORMS OF CLAIMS. 1. Claims aforesaid under sub-
20 section one (1) of section three hundred fifty-two point
21 one (352.1) of the Code shall state the amount of damages,
22 a detailed statement of the facts attending the killing or
23 injury and be verified by affidavit of at least two dis-
24 interested persons not related to claimant.
25 2. Claims made under subsection two (2) of section three

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1 hundred fifty-two point one (352.1) of the Code shall state
2 the cost of such medical care or treatment and a detailed
3 statement of the facts attending the injury.
4 Sec. _____. Section three hundred fifty-two point three
5 (352.3), Code 1973, is amended to read as follows:
6 352.3 ALLOWANCE OF CLAIMS. The board shall act on such
7 claims within a reasonable time, and allow such part thereof
8 as it may deem just. When a claim is allowed, the cost of
9 such medical treatment or the value of each animal or fowl
10 killed or injured shall be entered of record.
11 Sec. _____. Chapter three hundred fifty-two (352), Code
12 1973, is amended by adding the following new section:
13 NEW SECTION. EXCEPTION. The provisions of this chapter
14 shall not apply to injuries or damages occurring within a
15 city or town which provides for the licensing of dogs.
16 Sec. _____. Section three hundred sixty-eight point eight
17 (368.8), subsection four (4), Code 1973, is amended by adding
18 the following new paragraph:
19 NEW PARAGRAPH. They may provide, by ordinance, for the
20 filing and payment of claims made by persons who are injured
21 or whose property is damaged by dogs within such municipal
22 corporation. The amount of such claims may be paid from the
23 fund established under this subsection or from the general
24 fund.
25 2. By renumbering sections to conform to this amendment.

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1 3. Amend the title, page 1, line 1, by inserting after
2 the word "dogs" the words "and providing for the payment of
3 claims for injuries or damages".

Received from the House
April 26, 1974

Senate covered 4/29

1 Amend Senate File 528, as follows:

2 1. By adding after line 19 the following new sections:

3 Sec. _____. Section three hundred fifty-one point twenty-
4 eight (351.28), Code 1973, is amended to read as follows:
5 351.28 LIABILITY FOR DAMAGES. The owner of any dog,
6 ~~whether-licensed-or-unlicensed,~~ shall be liable to the party
7 injured for all damages done by said dog, except when the
8 party damaged is doing an unlawful act, directly contributing
9 to said injury. This section shall not apply to any damage
10 done by a dog affected with hydrophobia unless the owner of
11 such dog had reasonable grounds to know that such dog was
12 afflicted with said malady, and by reasonable effort might
13 have prevented the injury.

14 Sec. _____. Section three hundred fifty-one point thirty-
15 three (351.33), Code 1973, is amended to read as follows:
16 351.33 RABIES VACCINATION. Every owner of a dog shall
17 obtain a rabies vaccination for such animal. It shall be
18 unlawful for any person to own or have a dog in his possession,
19 six months of age or over, which has not been vaccinated
20 against rabies. ~~Dogs-kept-in-kennels-and-not-allowed-to-run~~
21 ~~at-large-shall-not-be-subject-to-these-vaccination-require-~~
22 ~~ments.~~

23 Sec. _____. Section three hundred fifty-one point thirty-
24 five (351.35), Code 1973, is amended to read as follows:
25 351.35 HOW-AND-WHEN VACCINATION ADMINISTERED--CERTIFICATE

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1 RECORDED. The rabies vaccination required by section 351.33
2 shall be an injection of antirabies vaccine approved by the
3 state department of agriculture, and the frequency of revac-
4 cination necessary for approved vaccinations shall be as
5 established by such department. The vaccine shall be admin-
6 istered by a licensed veterinarian and shall be given as
7 approved by the state department of agriculture. The veter-
8 inarian shall issue a tag with the certificate of vaccination,
9 and such tag shall at all times be attached to the collar of
10 the dog.

11 The veterinarian shall send a copy of the certificate of
12 vaccination or revaccination for rabies to the department of
13 agriculture. The department shall maintain a record of the
14 certificates of vaccinations or revaccinations administered
15 by licensed veterinarians under this section.

16 Sec. _____. Section three hundred fifty-one point thirty-
17 six (351.36), Code 1973, is amended to read as follows:

18 351.36 ENFORCEMENT. Local health and law enforcement
19 officials shall enforce the provisions of sections 351.33 and
20 three hundred fifty-one point thirty-five (351.35) to 351.43,
21 inclusive, of the Code, relating to vaccination and impound-
22 ment of dogs. Such public official shall not be responsible
23 for any accident or disease of a dog resulting from the
24 enforcement of the provisions of said sections.

25 Sec. _____. Section three hundred fifty-one point

1 forty-two (351.42), Code 1973, is amended to read as follows:
 2 351.42 EXEMPT DOGS. ~~Dogs that are under the control of~~
 3 ~~the owner or handlers and which are in transit, or are to be~~
 4 ~~exhibited shall be exempt from the vaccination provisions of~~
 5 ~~these sections if they are within the state for less than~~
 6 ~~thirty days.~~ Dogs assigned to a research institution or a
 7 like facility shall be exempt from the provisions of sections
 8 351.33 and three hundred fifty-one point thirty-five (351.35)
 9 to 351.43, inclusive, of the Code.
 10 Sec. _____. Section three hundred fifty-one point forty-
 11 three (351.43), Code 1973, is amended to read as follows:
 12 351.43 PENALTY. Any person refusing to comply with the
 13 provisions of sections 351.33 and three hundred fifty-one
 14 point thirty-five (351.35) to 351.42, inclusive, of the Code,
 15 or violating any of their provisions, shall be deemed guilty
 16 of a misdemeanor and upon conviction shall be fined not more
 17 than one hundred dollars or imprisoned not more than thirty
 18 days, for each offense.
 19 Sec. _____. Any moneys remaining in the domestic animal
 20 fund on the effective date of this Act shall be transferred
 21 to the general fund of the county.
 22 Sec. _____. Sections three hundred fifty-one point one
 23 (351.1), three hundred fifty-one point three (351.3), three
 24 hundred fifty-one point four (351.4), three hundred fifty-one
 25 point five (351.5), three hundred fifty-one point six (351.6),

1 three hundred fifty-one point seven (351.7), three hundred
 2 fifty-one point eight (351.8), three hundred fifty-one point
 3 nine (351.9), three hundred fifty-one point ten (351.10),
 4 three hundred fifty-one point eleven (351.11), three hundred
 5 fifty-one point twelve (351.12), three hundred fifty-one
 6 point thirteen (351.13), three hundred fiftyone point four-
 7 teen (351.14), three hundred fifty-one point fifteen (351.15),
 8 three hundred fifty-one point sixteen (351.16), three hundred
 9 fifty-one point seventeen (351.17), three hundred fifty-one
 10 point eighteen (351.18), three hundred fifty-one point nine-
 11 teen (351.19), three hundred fifty-one point twenty (351.20),
 12 three hundred fifty-one point twenty-two (351.22), three
 13 hundred fifty-one point twenty-three (351.23), three hundred
 14 fifty-one point twenty-four (351.24), three hundred fifty-one
 15 point twenty-five (351.25), three hundred fifty-one point
 16 twenty-six (351.26), three hundred fifty-one point twenty
 17 seven (351.27), three hundred fifty-one point twenty-nine
 18 (351.29), and three hundred fifty-one point thirty-four
 19 (351.34), and chapter three hundred fifty-two (352), Code
 20 1973, are repealed.
 21 2. Page 1, line 1, by inserting after the word "dogs"
 22 the following:
 23 "and the vaccination of dogs for rabies and to repeal
 24 provisions relating to dog licensing and the domestic
 25 animal fund".

1 Amend Senate File 528 as follows:

2 1. Page 1, by inserting after line 19 the following:

3 Sec. Section three hundred fifty-one point twenty-six
4 (§51.26), Code 1973, is amended by striking the section and in-
5 serting in lieu thereof the following:

6 351.26 SEIZING DOGS. It shall be lawful for any person and
7 the duty of all peace officers to seize and impound dogs for
8 which a license is required when the dog is not wearing a collar
9 with a license tag attached.

10 If a dog is seized by a person within the unincorporated area
11 of a county or within the corporate limits of a city that has

12 established a dog pound or contracted for the collection and pro-
13 tection of dogs, the person shall notify the dog pound or in-
14 corporated society or association for the prevention of cruelty
15 to animals, who shall take possession of the dog.

16 If a dog is seized by a person within the unincorporated area
17 of a county or within the corporate limits of a city which has
18 not provided for the collection and protection of dogs, the
19 person shall notify the police department or sheriff respective-
20 ly. The police department or sheriff shall deliver the dog to
21 the nearest dog pound, society for the prevention of cruelty to
22 animals or animal rescue league which shall accept possession of
23 the dog. The normal and usual fee for accepting possession of
24 a dog shall be billed to the city or county which delivered the
25 dog and shall be paid from their general fund if other funds

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1 have not been provided.

2 Sec. Section three hundred fifty-one point twenty-seven
3 (§351.27), Code 1973, is amended to read as follows:

4 351.27 RIGHT TO KILL [LICENSED] A DOG. It shall be lawful
for

5 any person to kill a *licensed or unlicensed* dog[, licensed and
6 wearing a collar with license tag attached,] when such dog is
7 caught in the act of worrying, chasing, maiming, or killing any
8 domestic animal or fowl, or when such dog is attacking or
9 attempting to bite a person.

10 2. By numbering the sections to correspond to this amendment.

11 3. Page 1, line 1, amend the title by inserting after the
12 word "dogs" the words "and to the seizure or destruction of
13 unlicensed dogs".

S-2004
JANUARY 16, 1974

William
E.
Gluba

Filed out of order
1-18-94
(P. 55 97)

CORRECTED EXPLANATION

This bill provides that the county auditor may assign dog license tags to the assessor who may issue and record such license tags upon payment of the license fees. Under the present law, the assessor may collect the license fees, but the county auditor actually issues the license tag and mails it to the dog owner.

The bill also provides for the eliminating of the Code revision which allows for the summary shooting of unlicensed dogs over six months of age and provides for their seizure and delivery to a dog pound, society for the prevention of cruelty to animals, or animal rescue league. However, a licensed or unlicensed dog caught in the act of worrying, chasing, maiming or killing a domestic animal or fowl, or attacking or attempting to bite a person may be lawfully killed.

S-629

1 Amend the Kelly amendment S-563 filed May 10, 1973 to
2 Senate File 528, page 2 by striking lines 11 through 15,
3 inclusive and inserting in lieu thereof the following:

4 "The veterinarian shall keep one copy of the certifi-
5 cation of vaccination or revaccination for rabies. The
6 veterinarian shall send one copy to the county recorder and
7 one certificate shall be sent to the department of
8 agriculture, and the copies of these certificates shall be
9 filed in the respective offices and serve as a permanent
10 record."

S-629 Filed
May 21, 1973

W/D
By PRIEBE