

*Reprinted*

MAR 31 1988

WAYS & MEANS CALENDAR

HOUSE FILE 2462  
BY COMMITTEE ON WAYS AND MEANS

(Formerly House Study Bill 831)

Passed House, Date 4/7/88 (p.1526) Passed Senate, Date 4/16/88 (p.1724)  
Vote: Ayes 90 Nays 6 Vote: Ayes 40 Nays 0  
Approved May 7, 1988

A BILL FOR

6262 1 An Act relating to the regulation of dogs, by providing for  
2 rabies control and licensing, subjecting violators to a  
3 penalty, and providing an effective date.

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

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HF 2462

1 Section 1. Section 351.1, Code 1987, is amended to read as  
2 follows:

3 351.1 ANNUAL LICENSE.

4 The owners of all dogs ~~six~~ four months old or over, except  
5 dogs kept in state or federally licensed kennels and not  
6 allowed to run at large, shall annually obtain a license  
7 therefor, as herein provided in this chapter.

8 Sec. 2. Section 351.3, Code 1987, is amended to read as  
9 follows:

10 351.3 APPLICATION BY OWNER.

11 The owner of a dog for which a license is required shall,  
12 on or before the first day of January of each year, apply to  
13 ~~the auditor of the county in which the owner resides~~ for a  
14 license for each dog owned. An owner residing in a city which  
15 licenses dogs shall apply to the city clerk. An owner not  
16 residing in a city which licenses dogs shall apply to the  
17 auditor of the county in which the owner resides.

18 Sec. 3. Section 351.5, unnumbered paragraph 1, Code 1987,  
19 is amended to read as follows:

20 ~~Such~~ The application shall be in writing on blanks provided  
21 by the city clerk or county auditor and shall state the breed,  
22 sex, age, color, markings, and name, if any, of the dog, and  
23 the address of the owner, and be signed by the owner.

24 Sec. 4. Section 351.6, Code 1987, is amended to read as  
25 follows:

26 351.6 FEE.

27 The annual license fee shall be set by the city council or  
28 the board of supervisors, as applicable. The fee shall  
29 accompany the application.

30 Sec. 5. Section 351.7, Code 1987, is amended to read as  
31 follows:

32 351.7 TAG.

33 The city clerk or the county auditor shall, upon receipt of  
34 said the application, deliver or mail to the applicant a  
35 license which shall be in the form of a metal tag stamped as

1 follows:

- 2 1. ~~The-year~~ Year in which issued.
- 3 2. Name of city or county issuing it.
- 4 3. Serial number as shown by the record book in the office
- 5 of the city clerk or county auditor.

6 Sec. 6. Section 351.11, Code 1987, is amended to read as  
7 follows:

8 351.11 TRANSFER ON CHANGE OF RESIDENCE.

9 When a dog licensed in one county is permanently  
10 transferred to another county or is permanently transferred to  
11 a city which licenses dogs, the owner shall surrender the  
12 original license tag to the auditor of the county or to the  
13 clerk of the city to which the dog is removed. When a dog  
14 licensed in a city is permanently transferred outside the  
15 city, the owner shall surrender the original license tag to  
16 the city to which the dog is removed, if the city licenses  
17 dogs, or to the auditor of the county if the dog is removed  
18 outside a city or to a city which does not license dogs. The  
19 city clerk or auditor shall preserve the surrendered tag, and,  
20 without license fee, issue a new license tag. The city clerk  
21 or auditor shall note on the license record the fact that the  
22 newly issued license tag is issued to effect a transfer of,  
23 and is in lieu of, such surrendered license tag.

24 Sec. 7. Section 351.14, Code 1987, is amended to read as  
25 follows:

26 351.14 DUPLICATE TAG.

27 Upon the filing of an affidavit that the license tag has  
28 been lost or destroyed, the owner may obtain another tag on  
29 the payment of twenty-five cents. The city clerk or county  
30 auditor shall enter in the license record the new number  
31 assigned.

32 Sec. 8. Section 351.16, Code 1987, is amended to read as  
33 follows:

34 351.16 PAYMENT TO ASSESSOR.

35 ~~If-the~~ The owner of any dog required to be licensed by the

1 county and upon which a license fee is due ~~so-desires~~, the  
 2 ~~owner~~ may pay such the fee to the assessor and the assessor  
 3 shall give a receipt therefor for it, showing the name of the  
 4 owner, the number of dogs owned upon which the fee is paid,  
 5 the sex of each such dog, and the amount of the fee for each  
 6 such dog. The assessor shall ~~forthwith~~ promptly pay ~~said the~~  
 7 fees collected to the auditor and shall make a full report to  
 8 ~~said the~~ auditor showing the name and address of the owner,  
 9 the number of dogs and the sex of each dog owned by each  
 10 owner, the evidence of rabies vaccination for each dog, and  
 11 the fee paid on each such dog. The auditor shall ~~forthwith~~  
 12 promptly mail to ~~said the~~ owner the proper license tag or  
 13 tags. The auditor may also assign the license tags to the  
 14 assessor who may issue and record them when license fees are  
 15 collected by the assessor as provided in this section.

16 Sec. 9. Section 351.22, unnumbered paragraph 1, Code 1987,  
 17 is amended to read as follows:

18 The city clerk or county auditor shall keep a book to be  
 19 known as the record of licenses which shall show:

6250 20 Sec. 10. Section 351.33, Code 1987, is amended to read as  
 21 follows:

22 351.33 RABIES VACCINATION.

23 Every The owner of a dog shall obtain a rabies vaccination  
 24 for such the animal. It ~~shall-be~~ is unlawful ~~for-any-person~~  
 25 to own or have ~~a-dog~~ in the a person's possession, ~~six a dog~~  
 26 four months of age or over, which has not been vaccinated  
 27 ~~against rabies. Dogs-kept-in-kennels-and-not-allowed-to-run~~  
 28 ~~at-large-shall-not-be-subject-to-these-vaccination~~  
 29 requirements.

6250 30 Sec. 11. Section 351.37, unnumbered paragraphs 2 and 3,  
 31 Code 1987, are amended to read as follows:

32 When such the dog has been apprehended and impounded, the  
 33 official shall give written notice in not less than two days  
 34 to the owner, if known. If the owner does not redeem the dog  
 35 within ~~seven~~ five days of the date of the notice, the dog may

1 be humanely destroyed or otherwise disposed of in accordance  
2 with law. An owner may redeem a dog by having it immediately  
3 vaccinated and by paying the cost of impoundment.

4 If the owner of a dog apprehended or impounded cannot be  
5 located within ~~seven~~ five days, the animal may be humanely  
6 destroyed or otherwise disposed of in accordance with law.

62507 Sec. 12. Section 351.39, Code 1987, is amended to read as  
8 follows:

9 351.39 CONFINEMENT.

10 When a local board of health receives information that any  
11 a person has been bitten by an animal or that a dog or an  
12 animal is suspected of having rabies, it the board shall order  
13 the owner to confine such the animal in the manner it directs  
14 consistent with published procedures. If the owner fails to  
15 confine such the animal in the manner directed, the animal  
16 shall be apprehended and impounded by such the local board,  
17 and after two-weeks ten days the board may humanely destroy  
18 the animal. If such an animal is returned to its owner, the  
19 owner shall pay the cost of impoundment. The board may also  
20 authorize euthanasia as defined in section 162.2 for an  
21 animal, whether or not the animal's owner is known, and order  
22 an immediate laboratory examination for rabies. However, a  
6252 23 wild or exotic animal that has bitten a person, whether or not  
24 the animal's owner is known, shall be euthanatized and  
6262 25 subjected to a laboratory examination for rabies.

6260 26 Sec. 13. This Act takes effect January 1, 1989.

27

#### EXPLANATION

28 This bill provides for the licensing of dogs with either  
29 the city in which the owner resides or the county if the owner  
30 does not reside in a city which requires the licensing of  
31 dogs. The annual license fee is set by the city or county, as  
32 applicable. The licensing requirement applies to dogs four  
33 months of age or older. The license application must be  
34 accompanied by evidence that the dog has been vaccinated  
35 against rabies.

1 The bill also provides for the issuance of duplicate tags  
2 and the transfer of licenses.

3 Failure to comply with the licensing requirements is  
4 punishable by a fine of not more than fifty dollars or by  
5 imprisonment for not more than thirty days.

6 A rabies vaccination is also required of dogs four months  
7 of age or older. A dog apprehended and impounded may be  
8 humanely destroyed five days after notice to the owner if the  
9 dog is not redeemed. An animal suspected of having rabies may  
10 be confined by order of a local board of health consistent  
11 with published procedures. The board may also authorize  
12 euthanasia for an animal and order an immediate laboratory  
13 examination for rabies. Wild or exotic animals that have  
14 bitten a person shall be euthanatized and subjected to  
15 laboratory examination for rabies.

16 The bill takes effect January 1, 1989.

17 SIMILAR TO HSB 831 (LSB 8467HC)

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## HOUSE FILE 2462

H-6262

1 Amend House File 2462 as follows:

2 1. Page 4, line 11, by striking the word "bitten"  
3 and inserting the following: "bitten attacked".

4 2. Page 4, line 25, by inserting after the word  
5 "rabies." the following: "As used in this section,  
6 "attack" means a menacing act directed toward causing  
7 injury."

8 3. Page 4, by striking line 26, and inserting the  
9 following:

10 "Sec. 13. NEW SECTION. 351B.1 DEFINITIONS.

11 As used in this chapter, unless the context  
12 otherwise requires:

13 1. "Animal warden" means the same as defined in  
14 section 162.2, subsection 17.

15 2. "Attack" means a menacing act directed toward  
16 causing injury to a person or domestic animal.

17 3. "Impounded" means to be confined in a dog pound  
18 as defined in section 162.2, subsection 1.

19 4. "Licensing authority" means the county or city  
20 in which the owner resides, and which licenses dogs.

21 5. "Owner" includes a person who owns, keeps, or  
22 harbors a dog.

23 6. "Person" means the same as defined in section  
24 4.1, subsection 13.

25 7. "Primary enclosure" or "enclosure" means a  
26 primary enclosure as defined in section 162.2,  
27 subsection 12. However, the primary enclosure must be  
28 constructed to prevent the entry of children and the  
29 escape of the dog or dogs confined in the enclosure.

30 8. "Provocation" means an action which causes or  
31 intends to cause harm to a dog or which threatens to  
32 cause harm to a dog, committed by a person knowing  
33 that the action may incite a normal dog to act  
34 violently.

35 9. "Serious injury" means a physical injury which  
36 results in broken bones or disfiguring lacerations  
37 requiring multiple sutures or cosmetic surgery.

38 10. "Vicious dog" means any of the following:

39 a. A dog owned or harbored primarily or in part  
40 for the purpose of dog fighting.

41 b. A dog which without provocation chases or  
42 approaches a person upon public or private property in  
43 a menacing fashion or apparent attitude of attack.

44 c. A dog having a known propensity or disposition  
45 to attack without provocation and to cause injury to  
46 human beings or domestic animals.

47 d. A dog which without provocation inflicts  
48 serious injury upon a person.

49 e. A dog which kills a domestic animal while not  
50 on the owner's property.

H-6262

Page 2

1 f. A dog which is used by the owner to guard  
2 property located on the premises of a business.

3 g. A dog which has been declared to be abused as  
4 determined by a court.

5 h. A dog which has been found running at large, or  
6 which has been impounded for four or more times.

7 Sec. 14. NEW SECTION. 351B.2 REGISTRATION

8 REQUIREMENTS.

9 1. A licensing authority shall not license a  
10 vicious dog unless the dog has been registered. If a  
11 city is the registering authority, it shall report the  
12 information required under this section to the county  
13 where the owner resides. The county shall file the  
14 information for immediate access. The registration  
15 requirements include all of the following:

16 a. The owner shall present proof to the licensing  
17 authority that the owner has procured liability  
18 insurance in the amount of at least one hundred  
19 thousand dollars, covering any damage or injury which  
20 may be caused by the dog during the twelve-month  
21 period for which licensing is sought. The owner shall  
22 present to the licensing authority a certificate of  
23 insurance provided to the owner by the insurer. The  
24 policy shall contain a provision requiring the  
25 licensing authority to be named as additional insured  
26 and ensuring notification of the licensing authority  
27 if the liability insurance policy is canceled or  
28 expires.

29 b. The owner shall have the license number  
30 assigned to the dog tattooed upon the dog by a  
31 licensed veterinarian on the upper inner lip, the ear,  
32 the medial side of the fold of the flank, or on the  
33 medial side of the mid thigh of the dog. The licensing  
34 number and method of tattooing shall conform with  
35 requirements established by the county in which the  
36 owner resides. The county requirements shall ensure  
37 that tattoos are immediately identifiable by county  
38 authorities. The first two digits of the licensing  
39 number shall designate the county in which the dog is  
40 registered. The digits designating a county shall  
41 correspond to the name of the county as listed in a  
42 ranking in alphabetical order of all counties. The  
43 list of counties shall begin with Adair county which  
44 shall be designated with the digits "01" and end with  
45 Wright county which shall be designated with the  
46 digits "99". For the purposes of this section,  
47 "tattoo" means a permanent numbering of a dog by means  
48 of indelible or permanent ink which the number  
49 designated by the licensing authority, or any other  
50 permanent method of tattooing acceptable to the

R-6262

Page 3

1 licensing authority.

2 c. The owner shall display at least one sign on  
3 the owner's premises which provides reasonable warning  
4 that there is a vicious dog on the premises. The sign  
5 displayed shall be visible and legible from the public  
6 highway. The sign shall include a symbol warning  
7 children of the presence of the dog.

8 d. The owner shall sign a statement attesting  
9 that:

10 (1) The owner will maintain and not voluntarily  
11 cancel the liability insurance required by this  
12 section during the twelve-month period for which  
13 licensing is sought, unless the owner ceases to own or  
14 keep the dog before the license expires.

15 (2) The owner, on or before the effective date of  
16 the license for which application is being made, will  
17 have a primary enclosure for the dog on the property  
18 where the dog will be kept, and the enclosure will  
19 always be locked when it confines a vicious dog.

20 (3) The owner will notify the licensing authority  
21 within twenty-four hours if a vicious dog is on the  
22 loose, is unconfined, has attacked another animal, has  
23 attacked a human, has died, or has been sold or given  
24 away. If the dog has been sold or given away, the  
25 owner shall also provide the licensing authority with  
26 the name, address, and telephone number of the new  
27 owner of the dog.

28 2. Animal wardens may make any necessary inquiry  
29 to ensure compliance with this chapter, and may seize  
30 and impound any vicious dog whose owner or keeper  
31 fails to comply.

32 3. This section does not apply to boarding kennels  
33 or commercial kennels as defined in section 162.2,  
34 subsections 5 and 6.

35 Sec. 15. NEW SECTION. 351B.3 CONFINEMENT OF  
36 VICIOUS DOGS.

37 A vicious dog shall be confined in a primary  
38 enclosure. It is unlawful for an owner to maintain a  
39 vicious dog on premises which do not have a primary  
40 enclosure.

41 It is unlawful for an owner to allow a vicious dog  
42 outside of the housing facilities, as defined in  
43 section 162.2, subsection 13, of the owner unless it  
44 is necessary for the owner to obtain veterinary care  
45 for the dog, to sell or give away the dog, to comply  
46 with commands or directions of the animal warden with  
47 respect to the dog, or to comply with section 351B.2,  
48 subsection 1, paragraphs "a" and "b". In those  
49 events, the vicious dog shall be securely muzzled and  
50 restrained with a chain having a minimum tensile

H-6262

Page 4

1 strength of three hundred pounds, not exceeding three  
2 feet in length, and under the owner's direct control  
3 and supervision.

4 Sec. 16. NEW SECTION. 351B.4 PURPOSE OR INTENT  
5 OF HARBORING.

6 1. A person shall not own, harbor, or breed a dog  
7 for the purpose of dog fighting, or train, torment,  
8 badger, bait, or use a dog for the purpose of causing  
9 or encouraging the dog to make unprovoked attacks upon  
10 human beings or domestic animals.

11 2. A person shall not possess with intent to sell,  
12 offer for sale, breed, buy, or attempt to buy a  
13 vicious dog in this state.

14 Sec. 17. NEW SECTION. 351B.5 LIABILITY OF  
15 PARENTS OR GUARDIANS.

16 The parent or guardian of a minor who owns a  
17 vicious dog is liable for all injuries or property  
18 damage resulting from an unprovoked attack by the  
19 vicious dog.

20 Sec. 18. NEW SECTION. 351B.6 SEIZURE OF VICIOUS  
21 DOGS.

22 If an animal warden or peace officer has probable  
23 cause to believe that a vicious dog is being harbored  
24 or cared for in violation of a provision of this  
25 chapter, the warden or officer may order the seizure  
26 and impoundment of the dog pending trial. If the dog  
27 is not registered under section 351B.2, the court  
28 shall determine whether the dog is a vicious dog.  
29 Upon determining if a dog is a vicious dog, the dog  
30 shall be declared and deemed to be a vicious dog. The  
31 owner shall have ten days from the date of receiving  
32 custody of the dog in which to comply with section  
33 351B.2.

34 Sec. 19. NEW SECTION. 351B.7 DESTRUCTION OF  
35 VICIOUS DOGS.

36 If a vicious dog kills or wounds, or assists in  
37 killing or wounding a domestic animal, or attacks or  
38 injures a person, whether or not confined or on a  
39 leash or securely muzzled, or whether or not having  
40 escaped without fault of the owner, the owner is  
41 liable to the person aggrieved for all damage  
42 sustained, to be recovered in a civil action, with  
43 costs of suit. It is presumed as a matter of law that  
44 owning a vicious dog in violation of a provision of  
45 this chapter is a nuisance. Upon attack or injury,  
46 the animal warden in the licensing authority where the  
47 attack or injury occurred may confiscate and destroy  
48 the dog if the conduct of the dog or its owner  
49 constituted a violation of a provision of this  
50 chapter.

H-6262

Page 5

1 Sec. 20. NEW SECTION. 351B.8 PENALTIES.

2 1. A person who violates a provision of this  
3 chapter, other than this section, is guilty of a  
4 serious misdemeanor. A person found guilty of a third  
5 or subsequent violation is guilty of an aggravated  
6 misdemeanor.

7 2. The owner of a dog is guilty of a serious  
8 misdemeanor if the dog attacks and causes injury to a  
9 person, and the dog, prior to the violation, was not a  
10 vicious dog.

11 3. The owner of a dog is guilty of an aggravated  
12 misdemeanor if the dog attacks and causes injury to a  
13 person, and the dog, prior to the violation, was a  
14 vicious dog.

15 4. The owner of a dog is guilty of a class "D"  
16 felony, if the dog attacks and causes serious injury  
17 to a person and the dog was a vicious dog prior to the  
18 violation. In addition, the dog shall be immediately  
19 confiscated by the animal control officer, placed in  
20 quarantine for the proper length of time, and  
21 thereafter euthanatized.

22 Sec. 21. NEW SECTION. 351B.9 EXCEPTIONS.

23 This chapter does not apply to the following:

24 1. An act by a dog performed against a person  
25 assaulting the owner of the dog.

26 2. An act by a dog performed against a trespasser  
27 on the property of the owner, unless the trespasser is  
28 ten years old or younger.

29 3. An act by a dog performed to defend a person  
30 from attack by another person or dog.

31 4. An act by a dog performed to defend its young  
32 or another animal from attack or threat of attack.

33 5. An act by a dog in performance of duties  
34 related to law enforcement, if the dog is on duty and  
35 under the control of a law enforcement officer  
36 competent to control the dog.

37 6. An act by a dog in response to teasing or  
38 baiting, unless the act is directed against a person  
39 ten years old or younger.

40 Sec. 22. Section 351.42, Code 1987, is repealed.

41 Sec. 23. Sections 1 through 12 of this Act take  
42 effect January 1, 1989. Sections 13 through 22 of  
43 this Act take effect January 1, 1990, by which time  
44 all licensing authorities shall have conducted  
45 registration drives and counties shall have adopted  
46 registration requirements designed to ensure  
47 compliance with this chapter."

48 4. Title page, line 1, by striking the word "by".  
By CONNORS of Polk

H-6262 FILED APRIL 6, 1988

*Filed not yet printed 4/7/88*

HOUSE FILE 2462

H-6252

1 Amend House File 2462, as follows:

- 2 1. Page 4, line 23, by inserting after the word
- 3 "person" the following: "or a wild animal suspected
- 4 of having rabies".

By SPEAR of Lee

H-6252 FILED APRIL 6, 1988

HOUSE FILE 2462

H-6301

1 Amend House File 2462 as follows:

- 2 1. Title page by striking lines 1 through 3 and
- 3 inserting the following: "An Act relating to the
- 4 licensing of dogs, subjecting violators to a penalty,
- 5 and providing an effective date."

By BISIGNANO of Polk

H-6301 FILED APRIL 7, 1988

ADOPTED BY UNANIMOUS CONSENT (2/15/88)

HOUSE FILE 2462

H-6183

1 Amend House File 2462 as follows:

- A 2 1. Page 3, line 35, by striking the word "five"  
3 and inserting the following: "ten".  
B 4 2. Page 4, line 5, by striking the word "five"  
5 and inserting the following: "ten".  
6 3. Page 4, line 22, by striking the words  
C 7 "However, a".  
8 4. Page 4, by striking lines 23 through 25.

By SWARTZ of Marshall

H-6183 FILED APRIL 4, 1988

*A. B. (as adopted by 2/19/88) adopted 4/4 (p. 1359)  
Walter C. Brown - A presented  
A-10 4/4 (p. 1359)*

HOUSE FILE 2462

H-6190

1 Amend amendment H-6183 to House File 2462 as  
2 follows:

- 3 1. Page 1, line 5, by striking the word "ten" and  
4 inserting the word "seven".

By SWARTZ OF Marshall

H-6190 FILED APRIL 4, 1988

*Adopted 4/4 (p. 1359)*

HOUSE FILE 2462

H-6191

1 Amend amendment H-6183 to House File 2462 as  
2 follows:

- 3 1. Page 1, line 3, by striking the word "ten" and  
4 inserting the word "seven".

By SWARTZ of Marshall

H-6191 FILED APRIL 4, 1988

*Adopted 4/4 (p. 1359)*

HOUSE FILE 2462

H-6195

1 Amend House File 2462 as follows:

- 2 1. Page 4, line 20, by striking the word "an" and  
3 inserting the following: "a domestic".  
4 2. Page 4, line 21, by inserting after the word  
5 "animal" the following: "that has bitten a person".

By SPEAR of Lee

H-6195 FILED APRIL 4, 1988

*Adopted 4/7 (p. 1355)*

HOUSE FILE 2462

H-6250

1 Amend House File 2462 as follows:

- 2 1. By striking page 3, line 20 through page 4,  
3 line 25.  
4 2. By renumbering as necessary.

By BISIGNANO of Polk

H-6250 FILED APRIL 5, 1988

*Adopted 4/7 (p. 1355)*

HOUSE FILE 2462  
FISCAL NOTE

In compliance with a written request received March 31, 1988, a fiscal note for HOUSE FILE 2462 is hereby submitted pursuant to Joint Rule 17. Data used in developing this fiscal note are available from the Legislative Fiscal Bureau to members of the Legislature upon request.

House File 2462 provides for the licensing of dogs, the annual licensing fee being set by the city or county, and evidence that the dog has been vaccinated against rabies. Procedures to be followed and penalties to be incurred in the event of violations are in House File 2462.

ASSUMPTION:

1. The only costs to the General Fund would be administrative costs to implement the law. There is no significant involvement by state government in House File 2462.

	<u>FY 1989</u>	<u>FY 1990</u>
<u>REVENUE</u>		
General Fund	\$ 0	\$ 0
<u>EXPENDITURES</u>		
Administrative Costs	\$ 1,000	\$ 0
<u>NET EFFECT</u>	<u>\$ 1,000</u>	<u>\$ 0</u>

Source: Department of Public Health

(LSB 8467b, RRS)

FILED APRIL 7, 1988

BY DENNIS PROUTY, FISCAL DIRECTOR

HOUSE FILE 2462  
BY COMMITTEE ON WAYS AND MEANS

(As Amended and Passed by the House April 7, 1988)

Passed House, Date 4/7/88 (p. 1536) Passed Senate, Date 4/14/88 (p. 1724)  
Vote: Ayes 90 Nays 6 Vote: Ayes 40 Nays 0  
Approved May 7, 1988

**A BILL FOR**

1 An Act relating to the licensing of dogs, subjecting violators to  
2 a penalty, and providing an effective date.

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

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House Amendments \_\_\_\_\_  
Deleted Language ~~\*~~

1 Section 1. Section 351.1, Code 1987, is amended to read as  
2 follows:

3 351.1 ANNUAL LICENSE.

4 The owners of all dogs ~~six~~ four months old or over, except  
5 dogs kept in state or federally licensed kennels and not  
6 allowed to run at large, shall annually obtain a license  
7 therefor, as herein provided in this chapter.

8 Sec. 2. Section 351.3, Code 1987, is amended to read as  
9 follows:

10 351.3 APPLICATION BY OWNER.

11 The owner of a dog for which a license is required shall,  
12 on or before the first day of January of each year, apply to  
13 ~~the auditor of the county in which the owner resides~~ for a  
14 license for each dog owned. An owner residing in a city which  
15 licenses dogs shall apply to the city clerk. An owner not  
16 residing in a city which licenses dogs shall apply to the  
17 auditor of the county in which the owner resides.

18 Sec. 3. Section 351.5, unnumbered paragraph 1, Code 1987,  
19 is amended to read as follows:

20 ~~Such~~ The application shall be in writing on blanks provided  
21 by the city clerk or county auditor and shall state the breed,  
22 sex, age, color, markings, and name, if any, of the dog, and  
23 the address of the owner, and be signed by the owner.

24 Sec. 4. Section 351.6, Code 1987, is amended to read as  
25 follows:

26 351.6 FEE.

27 The annual license fee shall be set by the city council or  
28 the board of supervisors, as applicable. The fee shall  
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30 Sec. 5. Section 351.7, Code 1987, is amended to read as  
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32 351.7 TAG.

33 The city clerk or the county auditor shall, upon receipt of  
34 ~~said~~ the application, deliver or mail to the applicant a  
35 license which shall be in the form of a metal tag stamped as

1 follows:

2 1. ~~One~~-year Year in which issued.

3 2. Name of city or county issuing it.

4 3. Serial number as shown by the record book in the office  
5 of the city clerk or county auditor.

6 Sec. 6. Section 351.11, Code 1987, is amended to read as  
7 follows:

8 351.11 TRANSFER ON CHANGE OF RESIDENCE.

9 When a dog licensed in one county is permanently  
10 transferred to another county or is permanently transferred to  
11 a city which licenses dogs, the owner shall surrender the  
12 original license tag to the auditor of the county or to the  
13 clerk of the city to which the dog is removed. When a dog  
14 licensed in a city is permanently transferred outside the  
15 city, the owner shall surrender the original license tag to  
16 the city to which the dog is removed, if the city licenses  
17 dogs, or to the auditor of the county if the dog is removed  
18 outside a city or to a city which does not license dogs. The  
19 city clerk or auditor shall preserve the surrendered tag, and,  
20 without license fee, issue a new license tag. The city clerk  
21 or auditor shall note on the license record the fact that the  
22 newly issued license tag is issued to effect a transfer of,  
23 and is in lieu of, such surrendered license tag.

24 Sec. 7. Section 351.14, Code 1987, is amended to read as  
25 follows:

26 351.14 DUPLICATE TAG.

27 Upon the filing of an affidavit that the license tag has  
28 been lost or destroyed, the owner may obtain another tag on  
29 the payment of twenty-five cents. The city clerk or county  
30 auditor shall enter in the license record the new number  
31 assigned.

32 Sec. 8. Section 351.16, Code 1987, is amended to read as  
33 follows:

34 351.16 PAYMENT TO ASSESSOR.

35 ~~If-the~~ The owner of any dog required to be licensed by the

1 county and upon which a license fee is due so-desires, the  
2 owner may pay such the fee to the assessor and the assessor  
3 shall give a receipt therefor for it, showing the name of the  
4 owner, the number of dogs owned upon which the fee is paid,  
5 the sex of each such dog, and the amount of the fee for each  
6 such dog. The assessor shall forthwith promptly pay said the  
7 fees collected to the auditor and shall make a full report to  
8 said the auditor showing the name and address of the owner,  
9 the number of dogs and the sex of each dog owned by each  
10 owner, the evidence of rabies vaccination for each dog, and  
11 the fee paid on each such dog. The auditor shall forthwith  
12 promptly mail to said the owner the proper license tag or  
13 tags. The auditor may also assign the license tags to the  
14 assessor who may issue and record them when license fees are  
15 collected by the assessor as provided in this section.

16 Sec. 9. Section 351.22, unnumbered paragraph 1, Code 1987,  
17 is amended to read as follows:

18 The city clerk or county auditor shall keep a book to be  
19 known as the record of licenses which shall show:

\* 20 Sec. 10. This Act takes effect January 1, 1989.

21 SIMILAR TO HSB 831 (LSB 8467HC)

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HOUSE FILE 2462

AN ACT

RELATING TO THE LICENSING OF DOGS, SUBJECTING VIOLATORS TO A PENALTY, AND PROVIDING AN EFFECTIVE DATE.

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

Section 1. Section 351.1, Code 1987, is amended to read as follows:

351.1 ANNUAL LICENSE.

The owners of all dogs ~~six~~ four months old or over, except dogs kept in state or federally licensed kennels and not allowed to run at large, shall annually obtain a license therefor, as herein provided in this chapter.

Sec. 2. Section 351.3, Code 1987, is amended to read as follows:

351.3 APPLICATION BY OWNER.

The owner of a dog for which a license is required shall, on or before the first day of January of each year, apply to ~~the auditor of the county in which the owner resides~~ for a license for each dog owned. An owner residing in a city which licenses dogs shall apply to the city clerk. An owner not residing in a city which licenses dogs shall apply to the auditor of the county in which the owner resides.

Sec. 3. Section 351.5, unnumbered paragraph 1, Code 1987, is amended to read as follows:

Such The application shall be in writing on blanks provided by the city clerk or county auditor and shall state the breed, sex, age, color, markings, and name, if any, of the dog, and the address of the owner, and be signed by the owner.

Sec. 4. Section 351.6, Code 1987, is amended to read as follows:

351.6 FEE.

The annual license fee shall be set by the city council or the board of supervisors, as applicable. The fee shall accompany the application.

Sec. 5. Section 351.7, Code 1987, is amended to read as follows:

351.7 TAG.

The city clerk or the county auditor shall, upon receipt of ~~said~~ the application, deliver or mail to the applicant a license which shall be in the form of a metal tag stamped as follows:

1. The-year Year in which issued.
2. Name of city or county issuing it.
3. Serial number as shown by the record book in the office of the city clerk or county auditor.

Sec. 6. Section 351.11, Code 1987, is amended to read as follows:

351.11 TRANSFER ON CHANGE OF RESIDENCE.

When a dog licensed in one county is permanently transferred to another county or is permanently transferred to a city which licenses dogs, the owner shall surrender the original license tag to the auditor of the county or to the clerk of the city to which the dog is removed. When a dog licensed in a city is permanently transferred outside the city, the owner shall surrender the original license tag to the city to which the dog is removed, if the city licenses dogs, or to the auditor of the county if the dog is removed

outside a city or to a city which does not license dogs. The city clerk or auditor shall preserve the surrendered tag, and, without license fee, issue a new license tag. The city clerk or auditor shall note on the license record the fact that the newly issued license tag is issued to effect a transfer of, and is in lieu of, such surrendered license tag.

Sec. 7. Section 351.14, Code 1987, is amended to read as follows:

351.14 DUPLICATE TAG.

Upon the filing of an affidavit that the license tag has been lost or destroyed, the owner may obtain another tag on the payment of twenty-five cents. The city clerk or county auditor shall enter in the license record the new number assigned.

Sec. 8. Section 351.16, Code 1987, is amended to read as follows:

351.16 PAYMENT TO ASSESSOR.

~~If the~~ The owner of any dog required to be licensed by the county and upon which a license fee is due so desires, the owner may pay such the fee to the assessor and the assessor shall give a receipt therefor for it, showing the name of the owner, the number of dogs owned upon which the fee is paid, the sex of each such dog, and the amount of the fee for each such dog. The assessor shall forthwith promptly pay said the fees collected to the auditor and shall make a full report to said the auditor showing the name and address of the owner, the number of dogs and the sex of each dog owned by each owner, the evidence of rabies vaccination for each dog, and the fee paid on each such dog. The auditor shall forthwith promptly mail to said the owner the proper license tag or tags. The auditor may also assign the license tags to the assessor who may issue and record them when license fees are collected by the assessor as provided in this section.

Sec. 9. Section 351.22, unnumbered paragraph 1, Code 1987, is amended to read as follows:

The city clerk or county auditor shall keep a book to be known as the record of licenses which shall show:

Sec. 10. This Act takes effect January 1, 1989.

\_\_\_\_\_  
DONALD D. AVENSON  
Speaker of the House

\_\_\_\_\_  
JO ANN ZIMMERMAN  
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 2462, Seventy-second General Assembly.

\_\_\_\_\_  
JOSEPH O'HERN  
Chief Clerk of the House

Approved May 7, 1988

\_\_\_\_\_  
TERRY E. BRANSTAD  
Governor