

Senate File 170 - Introduced

SENATE FILE _____
BY BLACK

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

A BILL FOR

1 An Act relating to the authority of persons to destroy untagged
2 or threatening dogs and the liability of owners of such dogs.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
4 TLSB 2166SS 82
5 da/es/88

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1 1 Section 1. Section 351.26, Code 2007, is amended to read
1 2 as follows:
1 3 351.26 ~~RIGHT AND DUTY TO KILL OF PEACE OFFICER TO DESTROY~~
1 4 ~~UNTAGGED DOG.~~
1 5 ~~It shall be lawful for any person, and the duty of all~~
1 6 ~~peace officers within their respective jurisdictions unless~~
1 7 ~~such Unless a jurisdiction shall have has otherwise provided~~
1 8 ~~for the seizure and impoundment of dogs, to kill any a peace~~
1 9 ~~officer of the jurisdiction may destroy a dog for which a~~
1 10 ~~rabies vaccination tag is required, when if the dog is not~~
1 11 ~~wearing a collar with the rabies vaccination tag attached, and~~
1 12 ~~the dog appears rabid.~~

1 13 Sec. 2. Section 351.27, Code 2007, is amended to read as
1 14 follows:

1 15 351.27 ~~RIGHT TO KILL TAGGED OF AUTHORIZED PERSON TO~~
1 16 ~~DESTROY A DOG.~~

1 17 ~~It shall be lawful for any An authorized person to kill may~~
1 18 ~~destroy a dog, wearing a collar with a rabies vaccination tag~~
1 19 ~~attached, when if the dog is caught in the act of worrying,~~
1 20 ~~chasing, maiming, or killing any a domestic animal or fowl, or~~
1 21 ~~when such if the dog is attacking or attempting to bite a~~
1 22 ~~person. For purposes of this section, an "authorized person"~~
1 23 ~~is the owner or lessee of the land where the dog is located,~~
1 24 ~~an agent of the owner or lessee, or a person who the owner or~~
1 25 ~~lessee has given permission to be on the land.~~

1 26 Sec. 3. Section 351.28, Code 2007, is amended to read as
1 27 follows:

1 28 351.28 LIABILITY FOR DAMAGES.

1 29 The owner of a dog ~~shall be is~~ liable to an injured party
1 30 for all damages done by the dog, when the dog is caught in the
1 31 ~~action act of worrying, chasing, maiming, or killing a~~
1 32 ~~domestic animal or fowl, or the dog is attacking or attempting~~
1 33 ~~to bite a person, except when the injured party damaged is~~
1 34 ~~doing committing an unlawful act, directly contributing to the~~
1 35 ~~injury. This section does not apply to damage done by a dog~~
2 1 ~~affected with hydrophobia unless the owner of the dog had~~
2 2 ~~reasonable grounds to know that the dog was afflicted with~~
2 3 ~~hydrophobia and by reasonable effort might have prevented the~~
2 4 ~~injury.~~

EXPLANATION

2 5 This bill amends provisions in Code chapter 351, which
2 6 regulates dogs, including by providing for the vaccination of
2 7 dogs for rabies (Code section 351.33), the destruction of dogs
2 8 which are not wearing collars with rabies vaccination tags
2 9 (Code section 351.26), the destruction of dogs which are
2 10 attacking domestic animals, fowl, or persons (Code section
2 11 351.27), and the liability of owners of dogs engaged in an
2 12 attack (Code section 351.28).

2 13 Code section 351.26 authorizes a peace officer or any other
2 14 person to destroy a dog which is not wearing a rabies
2 15 vaccination tag. This bill limits that authority to peace
2 16 officers and requires that the dog appear rabid.

2 17 Code section 351.27 provides that regardless of whether a
2 18 dog has a rabies vaccination tag, any person may destroy the
2 19 dog when it is worrying, chasing, maiming, or killing a
2 20 dog

2 21 domestic animal or fowl or is attacking a person. The bill
2 22 limits this right to an authorized person, defined as the
2 23 owner or lessee of the land where the dog is located, an agent
2 24 of the owner or lessee, or a person who the owner or lessee
2 25 has given permission to be on the land. The bill also removes
2 26 the term "worrying".
2 27 Code section 351.28 provides that the owner of a dog is
2 28 liable for damages done by the owner's dog when the dog is
2 29 worrying, chasing, maiming, or killing a domestic animal or is
2 30 attacking a person. However, the Code section provides that
2 31 the owner is not liable in two situations: (1) if the injured
2 32 party suffering the damages is engaged in an unlawful act
2 33 contributing to the injury; and (2) if the dog is infected
2 34 with rabies, unless the owner knew or should have known of the
2 35 dog's condition. The bill replaces the term "worrying" with
3 1 "chasing" and includes "fowl" to be consistent with other Code
3 2 provisions. It provides that the dog's owner is not liable
3 3 for the injured party's damages if the injured party was
3 4 engaged in an unlawful act, regardless of whether it
3 5 contributed to the injury, and it provides that rabies is no
3 6 longer a defense for the dog's owner.
3 7 LSB 2166SS 82
3 8 da:nh/es/88