

House File 651 - Introduced

HOUSE FILE 651
BY COMMITTEE ON STATE
GOVERNMENT

(SUCCESSOR TO HSB 152)

A BILL FOR

1 An Act relating to the ownership of dogs, making penalties
2 applicable, and including effective date and applicability
3 provisions.

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

1 Section 1. Section 351.25, Code 2023, is amended by striking
2 the section and inserting in lieu thereof the following:

3 **351.25 Dogs as property — right to own dog.**

4 1. A dog shall be deemed property if the dog is any of the
5 following:

6 a. Less than four months of age.

7 b. Owned by a person as evidenced by proof of
8 identification, which may include any of the following:

9 (1) A valid rabies vaccination tag attached to the dog's
10 collar.

11 (2) A tattoo imprinted on the dog's skin that may be
12 visually observed.

13 (3) A device implanted under the dog's skin that stores
14 information in an electronic format.

15 (4) A receipt or contract indicating ownership.

16 (5) A record of an ongoing patient-client relationship with
17 a veterinarian.

18 (6) An otherwise documented history of ownership.

19 2. A county shall not adopt, enforce, or otherwise
20 administer an ordinance, motion, resolution, or amendment
21 that restricts or hinders a person's right to own or keep
22 a dog based on the breed, perceived breed, or physical
23 characteristics of the dog. This subsection does not inhibit
24 the authority of a county to adopt, enforce, or administer an
25 ordinance, motion, resolution, or amendment that applies to all
26 dogs.

27 Sec. 2. Section 351.26, Code 2023, is amended by striking
28 the section and inserting in lieu thereof the following:

29 **351.26 Peace officer authority to kill dog.**

30 It shall be lawful for a peace officer to kill a dog
31 within the peace officer's respective jurisdiction if such
32 jurisdiction has not otherwise provided for the seizure and
33 impoundment of dogs or, if the jurisdiction has provided for
34 the seizure and impoundment of dogs, no temporary housing
35 can reasonably be secured in or near the jurisdiction. This

1 section does not apply to a dog that is under the control of the
2 owner or an agent of the owner.

3 Sec. 3. Section 351.27, Code 2023, is amended to read as
4 follows:

5 **351.27 Right Authority to kill tagged dog.**

6 It shall be lawful for any person to kill a dog, ~~wearing a~~
7 ~~collar with a rabies vaccination tag attached,~~ when the dog is
8 caught in the act of chasing, maiming, or killing any domestic
9 animal or fowl, or when such dog is attacking or attempting to
10 bite a person.

11 Sec. 4. Section 351.33, Code 2023, is amended to read as
12 follows:

13 **351.33 Rabies vaccination.**

14 Every owner of a dog shall obtain a rabies vaccination for
15 such animal. It shall be unlawful for any person to own or have
16 a dog in the person's possession, ~~six~~ four months of age or
17 over, ~~which~~ that has not been vaccinated against rabies. Dogs
18 kept in kennels and not allowed to run at large shall not be
19 subject to these vaccination requirements.

20 Sec. 5. Section 351.37, subsections 1 and 2, Code 2023, are
21 amended to read as follows:

22 1. A dog shall be apprehended and impounded by a local board
23 of health or law enforcement official or designated agent if
24 the dog is running at large and ~~the dog is not wearing a valid~~
25 ~~rabies vaccination tag or a rabies vaccination certificate is~~
26 ~~not presented to the local board of health or law enforcement~~
27 ~~official.~~

28 2. The local board of health or law enforcement official
29 shall provide written notice to the owner if the local board of
30 health or law enforcement official can reasonably determine the
31 owner's name and current address by accessing a tag or other
32 device that is on or a part of the dog. The notice shall be
33 sent within two days after the dog has been impounded. The
34 notice shall provide that if the owner does not redeem the dog
35 within seven days from the date that the notice is delivered,

1 the dog may be humanely destroyed or otherwise disposed of in
2 accordance with law. For purposes of [this section](#), notice is
3 delivered when the local board of health or law enforcement
4 official mails the notice, which may be by regular mail. An
5 owner may redeem a dog by having it immediately vaccinated,
6 if the dog is overdue for vaccination, and paying the cost of
7 impoundment.

8 Sec. 6. Section 351.45, subsection 1, paragraph b, Code
9 2023, is amended to read as follows:

10 b. The rabies vaccination tag is attached to a collar worn
11 by a dog, including as provided in ~~sections~~ section 351.25 and
12 [351.26](#).

13 Sec. 7. Section 364.3, Code 2023, is amended by adding the
14 following new subsection:

15 NEW SUBSECTION. 18. A city shall not adopt, enforce, or
16 otherwise administer an ordinance, motion, resolution, or
17 amendment that restricts or hinders a person's right to own or
18 keep a dog based on the breed, perceived breed, or physical
19 characteristics of the dog. This subsection does not inhibit
20 the authority of a city to adopt, enforce, or administer an
21 ordinance, motion, resolution, or amendment that applies to all
22 dogs.

23 Sec. 8. NEW SECTION. 515.116 **Homeowner's and renter's**
24 **insurance — dangerous or high risk dogs.**

25 1. This section shall be known and may be cited as the "*Dog*
26 *Breed Insurance Underwriting Protection Act*".

27 2. As used in this section, unless the context otherwise
28 requires:

29 a. "*Custody*" means to possess, keep, or harbor.

30 b. "*Insurer*" means the same as defined in section 515.115.

31 3. If a homeowner or a renter has custody of a dog
32 classified as dangerous or high risk pursuant to an applicable
33 city ordinance, the homeowner or renter shall have a
34 homeowner's insurance policy or renter's insurance policy in an
35 amount that is equal to or greater than the coverage required

1 by the applicable city ordinance.

2 4. *a.* An insurer shall not, based solely upon a
3 policyholder or potential policyholder having custody of a
4 dog of a specific breed or mixture of breeds, do any of the
5 following:

6 (1) Refuse to issue or renew the policyholder's or potential
7 policyholder's homeowner's or renter's insurance policy.

8 (2) Charge or impose an increased premium or rate for the
9 policyholder's or potential policyholder's homeowner's or
10 renter's insurance policy.

11 (3) Cancel a policyholder's homeowner's or renter's
12 insurance policy.

13 *b.* An insurer shall not exclude, limit, restrict, or reduce
14 coverage under a homeowner's or renter's insurance policy based
15 solely upon the policyholder or potential policyholder having
16 custody of a dog of a specific breed or mixture of breeds.

17 5. Notwithstanding subsection 4, if a policyholder has
18 custody of a dog of a specific breed or mixture of breeds
19 classified as dangerous or high risk pursuant to a county
20 or city ordinance authorized under section 351.25 or 364.3,
21 an insurer may, based on sound underwriting and actuarial
22 principles reasonably related to actual or anticipated loss
23 experience as determined by rules adopted by the insurance
24 commissioner, do any of the following:

25 *a.* Refuse to issue or renew the policyholder's or potential
26 policyholder's homeowner's or renter's insurance policy.

27 *b.* Charge or impose a reasonable premium or rate increase
28 for the policyholder's homeowner's or renter's insurance
29 policy.

30 *c.* Cancel the policyholder's homeowner's or renter's
31 insurance policy.

32 6. The commissioner shall adopt rules pursuant to chapter
33 17A to implement and administer this section.

34 Sec. 9. REPEAL. Section 351.29, Code 2023, is repealed.

35 Sec. 10. EFFECTIVE DATE. The section of this Act enacting

1 section 515.116 takes effect one hundred eighty days after
2 enactment.

3 Sec. 11. APPLICABILITY. The section of this Act enacting
4 section 515.116 applies to all homeowner's and renter's
5 insurance policies issued or renewed in the state on or after
6 the effective date of the section of this Act enacting section
7 515.116.

8

EXPLANATION

9 The inclusion of this explanation does not constitute agreement with
10 the explanation's substance by the members of the general assembly.

11 This bill relates to the ownership of dogs.

12 Under current law, a dog is deemed property if the dog is
13 under six months of age or if the dog is at least six months of
14 age and wearing a collar with a valid rabies vaccination tag
15 attached to the collar. A person is prohibited from owning or
16 having in possession a dog that is at least six months of age if
17 the dog has not been vaccinated against rabies.

18 The bill instead states that a dog is deemed property if
19 the dog is less than four months of age or certain evidence
20 exists to demonstrate ownership. A person is prohibited from
21 owning or having in possession a dog that is at least four
22 months of age if the dog has not been vaccinated for rabies.
23 By operation of law, a person who owns or possesses a dog that
24 is at least four months of age that is not vaccinated against
25 rabies is guilty of a simple misdemeanor. A simple misdemeanor
26 is punishable by confinement for no more than 30 days and a
27 fine of at least \$105 but not more than \$855.

28 Under current law, a person may lawfully kill any dog for
29 which a rabies vaccination tag is required when the dog is not
30 wearing a collar with a rabies vaccination tag attached. A
31 peace officer has a duty to kill such a dog within the peace
32 officer's jurisdiction when the jurisdiction does not otherwise
33 provide for the seizure and impoundment of dogs. If a dog
34 is wearing a collar with a rabies vaccination tag attached,
35 a person may lawfully kill the dog if the dog is chasing,

1 maiming, or killing any domestic animal or fowl, or when the
2 dog is attacking or attempting to bite a person. A dog running
3 at large shall be impounded by a local board of health or law
4 enforcement official if the dog is not wearing a valid rabies
5 vaccination tag or a rabies vaccination certificate is not
6 presented to the local board of health or law enforcement
7 official.

8 The bill instead authorizes only a peace officer to kill a
9 dog within the peace officer's respective jurisdiction if such
10 jurisdiction has not otherwise provided for the seizure and
11 impoundment of dogs or, if the jurisdiction has provided for
12 the seizure and impoundment of dogs, no temporary housing can
13 reasonably be secured in or near the jurisdiction. The bill
14 does not authorize a peace officer to kill a dog that is under
15 the control of the owner or an agent of the owner. However,
16 any person may kill a dog that is chasing, maiming, or killing
17 any domestic animal or fowl, or when the dog is attacking or
18 attempting to bite a person, regardless of whether the dog is
19 wearing a collar with a rabies vaccination tag attached. The
20 bill authorizes a designated agent of a local board of health
21 or law enforcement official to impound a dog running at large.

22 The bill prohibits a county or city from adopting,
23 enforcing, or otherwise administering an ordinance, motion,
24 resolution, or amendment that restricts or hinders a person's
25 right to own or keep a dog based on the breed, perceived
26 breed, or physical characteristics of the dog, but does not
27 inhibit the authority of a county or city to adopt, enforce, or
28 administer an ordinance, motion, resolution, or amendment that
29 applies to all dogs.

30 The bill requires a homeowner or renter who has custody
31 of a dog classified as dangerous or high risk pursuant to
32 an applicable city ordinance to have a homeowner's insurance
33 policy or renter's insurance policy, respectively, in an amount
34 that is equal to or greater than the coverage required by the
35 applicable city ordinance. The bill prohibits an insurer

1 from, based solely on a policyholder or potential policyholder
2 having custody of a dog of a specific breed or mixture of
3 breeds, refusing to issue or renew the policyholder's or
4 potential policyholder's homeowner's or renter's insurance
5 policy; charging or imposing an increased premium or rate for
6 the policyholder's or potential policyholder's policy; or from
7 canceling a policyholder's homeowner's or renter's policy.

8 An insurer is also prohibited from excluding, limiting,
9 restricting, or reducing coverage under a homeowner's or
10 renter's policy based solely upon the policyholder having
11 custody of a specified dog. "Custody" is defined in the bill
12 as possessing, keeping, or harboring.

13 If, however, a policyholder has custody of a dog classified
14 as dangerous or high risk pursuant to an applicable city
15 ordinance authorized by the bill, an insurer may, based on
16 sound underwriting and actuarial principles reasonably related
17 to actual or anticipated loss experience determined by rules
18 adopted by the commissioner of insurance, refuse to issue or
19 renew the homeowner's or renter's policy. An issuer may also
20 impose a reasonable premium or rate increase or cancel the
21 homeowner's or renter's policy.

22 The provisions of the bill relating to insurance policies
23 take effect 180 days after enactment and apply to all
24 homeowner's and renter's insurance policies issued or renewed
25 in the state on or after that date.