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**BILL REQUEST - CODE REVISER'S OFFICE**

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BILL REQ. #: H-3470.2/12 2nd draft 1/11/2012  
ATTY/TYPIST: AI:crs  
BRIEF DESCRIPTION: Concerning the humane treatment of dogs.

*Note: This is a draft of proposed substitute house bill 1755 as of January 11, 2012. This is NOT an official copy of proposed substitute house bill 1755.*

*Although we expect no substantive differences between this draft and the official version of the substitute bill to be heard in the House Judiciary Committee, it is possible that the official version will differ from this draft. We suggest that you track house bill 1755 and review posted committee materials on the bill's legislative [web page](#).*

*--Limit Tethering Advocates*

AN ACT Relating to the humane treatment of dogs; amending RCW 16.52.165; adding new sections to chapter 16.52 RCW; and prescribing penalties.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

**Sec. 1.** RCW 16.52.165 and 1982 c 114 s 7 are each amended to read as follows:

Every person convicted of any misdemeanor under RCW 16.52.080 (~~(or)~~), 16.52.090, or section 2 of this act shall be punished by a fine of not exceeding one hundred and fifty dollars, or by imprisonment in the county jail not exceeding sixty days, or both such fine and imprisonment, and shall pay the costs of the prosecution.

NEW SECTION. **Sec. 2.** A new section is added to chapter 16.52 RCW to read as follows:

(1)(a) An owner shall be charged with unlawful tethering if the owner leaves a dog restrained or tied outside by use of a tether, chain, rope, cord, pulley, trolley system, or other device under any of the following circumstances:

(i) Between the hours of 10:00 p.m. and 6:00 a.m.;

(ii) For more than ten hours consecutively, or more than ten hours within any twenty-four hour period;

(iii) During any severe weather advisories, warnings, or emergencies that have been issued or declared by the national weather service for the location at which the dog is tethered, unless the dog is provided with natural or manmade shelter that is adequate to keep the dog safe, dry, and protected under such conditions;

(iv) On the same chain, tether, rope, cord, pulley, trolley system, or fixed point as another animal;

(v) In a manner that allows the dog to be within ten feet of any public right-of-way;

(vi) In a manner that prevents the dog from lying, sitting, and standing comfortably, and without the restraint becoming taut, and that does not allow the dog a range of movement equal to at least three times the length of the dog, measured from the tip of its nose to the base of its tail;

(vii) In a manner that results, or could reasonably result, in the dog becoming entangled on the restraint or another object;

(viii) If the dog is sick, injured, or in distress, in the advanced stages of pregnancy, or under six months of age;

(ix) In a manner that results in the dog being left in unsafe or unsanitary conditions, or that forces the dog to stand, sit, or lie down in its own excrement or urine; or

(x) In a manner that causes injury or pain to the dog.

(b) An owner shall be charged with unlawful tethering if the devices used to tie or restrain the dog do not meet the following specifications:

(i) Any tether, fastener, chain, tie, or other restraint must weigh no more than one-eighth the body weight of the dog, and must be attached to a properly fitted buckle-type harness or collar, not less than one inch in width, that provides enough room between the collar or harness and the dog's throat to allow normal breathing and swallowing.

(ii) Choke, pinch, or prong-type collars may not be used in tethering, fastening, chaining, or tying a dog.

(2) The provisions of subsection (1)(a) (i) through (viii) of this section do not apply to a dog:

(a) Tethered, chained, tied, or otherwise restrained while the dog is receiving medical care or treatment under the supervision of a licensed veterinarian;

(b) Participating temporarily in an exhibition, show, contest, or other event in which the skill, breeding, or stamina of the dog is judged or examined;

(c) Being kept temporarily at a camping or recreation area;

(d) Being cared for temporarily after having been picked up as a stray or as part of a rescue operation;

(e) Being transported in a motor vehicle; or

(f) Being trained or used by a federal, state, or local law enforcement agency or military or national guard unit.

(3) Each incident involving any violation of this section is a separate offense. A person who violates this section is subject to the following penalties:

(a) For a first offense, the owner shall be given a written notice of warning, which specifies the applicable subsection or subsections of this section that has been violated, and describes the nature of the violation or violations.

(i) The notice must give the owner fourteen days to remedy the violation or violations.

(ii) Whenever possible, the owner must also be provided with educational information about the dangers of tethering, as well as information about humane and safe restraint methods, and referrals to organizations able to offer assistance with establishing humane and safe restraint methods. Pamphlets or other information prepared by local or national nonprofit organizations may be used for this purpose.

(b) A second offense, or a failure to remedy the violation or violations noted in a written notice of warning within fourteen days, is a class 2 civil infraction under RCW 7.80.120(1)(b).

(c) Third and subsequent offenses are misdemeanors under RCW 16.52.165.

(4) This section does not preempt ordinances enacted by local jurisdictions that are more restrictive or establish greater civil penalties or criminal penalties for unlawful tethering.

NEW SECTION. **Sec. 3.** A new section is added to chapter 16.52 RCW to read as follows:

(1) A written exemption to section 2(1)(a)(i) or (ii) of this act, or both may be granted to an individual owner at the discretion of the animal control authority with appropriate jurisdiction, either before or after a notice of warning has been issued, upon the owner's demonstration of the following circumstances, which shall be documented in writing:

(a) The existence of unusual circumstances that make the tethering of a dog necessary for a duration, or during a time period, otherwise prohibited by section 2(1)(a)(i) and (ii) of this act;

(b) That the dog is not tethered for more than sixteen hours in any twenty-four hour period;

(c) That the dog is provided with necessary food and necessary water, receives adequate exercise and socialization, and has access to natural or manmade shelter that is sufficient to keep the dog safe, dry, and protected from the elements; and

(d) That adequate precautions have been taken to safeguard the health and safety of the dog, and to prevent the dog from being a nuisance or danger to the public.

(2) A written exemption to section 2(1)(a)(i) or (ii) of this act, or both shall be granted to an individual owner by the animal control authority with the appropriate jurisdiction, either before or after a notice of warning has been issued, if the animal control authority determines the owner has adequately demonstrated the following circumstances, which shall be documented in writing:

(a) That the dog is an arctic breed, and the dog is used regularly in competitive or recreational sled dog activities, or in training for such activities;

(b) That the dog is provided with necessary food and necessary water, receives adequate exercise and socialization, and has access to natural or manmade shelter that is sufficient to keep the dog safe, dry, and protected from the elements; and

(c) That adequate precautions have been taken to safeguard the health and safety of the dog, and to prevent the dog from being a nuisance or danger to the public.

(3) An exemption issued under this section may be revoked in writing at any time by the animal control authority when the animal control authority determines, in its discretion, that:

(a) The conditions required to obtain the exemption no longer exist; or

(b) A well-founded complaint has been made alleging that the dog is abused or neglected, has created a nuisance, or poses a threat to the safety of people or domestic animals.

(4) Exemptions authorized under this section may be granted only on a case-by-case basis to individual owners of dogs and shall not be granted as blanket exemptions to multiple owners or groups of owners.