

As Introduced

**128th General Assembly
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H. B. No. 79

Representative Sears

Cosponsors: Representatives Skindell, Stebelton, Wachtmann

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A B I L L

To amend section 955.11 of the Revised Code to remove 1
pit bulls from the definition of "vicious dog" in 2
state law. 3

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

Section 1. That section 955.11 of the Revised Code be amended 4
to read as follows: 5

Sec. 955.11. (A) As used in this section: 6

(1)(a) "Dangerous dog" means a dog that, without provocation, 7
and subject to division (A)(1)(b) of this section, has chased or 8
approached in either a menacing fashion or an apparent attitude of 9
attack, or has attempted to bite or otherwise endanger any person, 10
while that dog is off the premises of its owner, keeper, or 11
harborer and not under the reasonable control of its owner, 12
keeper, harborer, or some other responsible person, or not 13
physically restrained or confined in a locked pen ~~which~~ that has a 14
top, locked fenced yard, or other locked enclosure ~~which~~ that has 15
a top. 16

(b) "Dangerous dog" does not include a police dog that has 17
chased or approached in either a menacing fashion or an apparent 18
attitude of attack, or has attempted to bite or otherwise endanger 19

any person while the police dog is being used to assist one or 20
more law enforcement officers in the performance of their official 21
duties. 22

(2) "Menacing fashion" means that a dog would cause any 23
person being chased or approached to reasonably believe that the 24
dog will cause physical injury to that person. 25

(3) "Police dog" means a dog that has been trained, and may 26
be used, to assist one or more law enforcement officers in the 27
performance of their official duties. 28

(4)(a) "Vicious dog" means a dog that, without provocation 29
and subject to division (A)(4)(b) of this section, meets ~~any~~ 30
either of the following: 31

(i) Has killed or caused serious injury to any person; 32

(ii) Has caused injury, other than killing or serious injury, 33
to any person, or has killed another dog. 34

~~(iii) Belongs to a breed that is commonly known as a pit bull 35
dog. The ownership, keeping, or harboring of such a breed of dog 36
shall be prima facie evidence of the ownership, keeping, or 37
harboring of a vicious dog. 38~~

(b) "Vicious dog" does not include either of the following: 39

(i) A police dog that has killed or caused serious injury to 40
any person or that has caused injury, other than killing or 41
serious injury, to any person while the police dog is being used 42
to assist one or more law enforcement officers in the performance 43
of their official duties; 44

(ii) A dog that has killed or caused serious injury to any 45
person while a person was committing or attempting to commit a 46
trespass or other criminal offense on the property of the owner, 47
keeper, or harbinger of the dog. 48

(5) "Without provocation" means that a dog was not teased, 49

tormented, or abused by a person, or that the dog was not coming 50
to the aid or the defense of a person who was not engaged in 51
illegal or criminal activity and who was not using the dog as a 52
means of carrying out such activity. 53

(B) Upon the transfer of ownership of any dog, the seller of 54
the dog shall give the buyer a transfer of ownership certificate 55
that shall be signed by the seller. The certificate shall contain 56
the registration number of the dog, the name of the seller, and a 57
brief description of the dog. Blank forms of the certificate may 58
be obtained from the county auditor. A transfer of ownership shall 59
be recorded by the auditor upon presentation of a transfer of 60
ownership certificate that is signed by the former owner of a dog 61
and that is accompanied by a fee of twenty-five cents. 62

(C) Prior to the transfer of ownership or possession of any 63
dog, upon the buyer's or other transferee's request, the seller or 64
other transferor of the dog shall give to the person a written 65
notice relative to the behavior and propensities of the dog. 66

(D) Within ten days after the transfer of ownership or 67
possession of any dog, if the seller or other transferor of the 68
dog has knowledge that the dog is a dangerous or vicious dog, ~~he~~ 69
the seller or other transferor shall give to the buyer or other 70
transferee, the board of health for the district in which the 71
buyer or other transferee resides, and the dog warden of the 72
county in which the buyer or other transferee resides, a completed 73
copy of a written form on which the seller shall furnish the 74
following information: 75

(1) The name and address of the buyer or other transferee of 76
the dog; 77

(2) The age, sex, color, breed, and current registration 78
number of the dog. 79

In addition, the seller shall answer the following questions, 80

which shall be specifically stated on the form as follows: 81

"Has the dog ever chased or attempted to attack or bite a 82
person? If yes, describe the incident(s) in which the behavior 83
occurred." 84

"Has the dog ever bitten a person? If yes, describe the 85
incident(s) in which the behavior occurred." 86

"Has the dog ever seriously injured or killed a person? If 87
yes, describe the incident(s) in which the behavior occurred." 88

The dog warden of the county in which the seller resides 89
shall furnish the form to the seller at no cost. 90

(E) No seller or other transferor of a dog shall fail to 91
comply with the applicable requirements of divisions (B) to (D) of 92
this section. 93

Section 2. That existing section 955.11 of the Revised Code 94
is hereby repealed. 95