

As Introduced

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H. B. No. 281

Representative Schlichter

Cosponsors: Representatives Gibbs, McGregor, J., Brown, Wagoner,
Combs, Webster, Stebelton, Collier, Aslanides

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A B I L L

To amend sections 955.12, 955.14, 955.27, 955.29, 1
955.32, 955.34, 955.35, 955.37, and 955.38; to 2
amend, for the purpose of adopting a new section 3
number as indicated in parentheses, section 955.34 4
(955.351); and to repeal sections 955.31 and 5
955.33 of the Revised Code to provide for the 6
uniform determination of the fair market value of 7
certain animals killed by a dog. 8

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

Section 1. That sections 955.12, 955.14, 955.27, 955.29, 9
955.32, 955.34, 955.35, 955.37, and 955.38 be amended and section 10
955.34 (955.351) of the Revised Code be amended for the purpose of 11
adopting a new section number as indicated in parentheses to read 12
as follows: 13

Sec. 955.12. The board of county commissioners shall appoint 14
or employ a county dog warden and deputies in such number, for 15
such periods of time, and at such compensation as the board 16
considers necessary to enforce sections 955.01 to 955.27, 955.29 17
to 955.38, and 955.50 of the Revised Code. 18

The warden and deputies shall give bond in a sum not less 19
than five hundred dollars and not more than two thousand dollars, 20
as set by the board, conditioned for the faithful performance of 21
their duties. The bond or bonds may, in the discretion of the 22
board, be individual or blanket bonds. The bonds shall be filed 23
with the county auditor of their respective counties. ~~The~~ 24

The warden and deputies shall make a record of all dogs 25
owned, kept, and harbored in their respective counties. They shall 26
patrol their respective counties and seize and impound on sight 27
all dogs found running at large and all dogs more than three 28
months of age found not wearing a valid registration tag, except 29
any dog that wears a valid registration tag and is: on the 30
premises of its owner, keeper, or harborer, under the reasonable 31
control of its owner or some other person, hunting with its owner 32
or its handler at a field trial, kept constantly confined in a 33
registered dog kennel, or acquired by, and confined on the 34
premises of, an institution or organization of the type described 35
in section 955.16 of the Revised Code. A dog that wears a valid 36
registration tag may be seized on the premises of its owner, 37
keeper, or harborer and impounded only in the event of a natural 38
disaster. ~~If~~ 39

If a dog warden has reason to believe that a dog is being 40
treated inhumanely on the premises of its owner, keeper, or 41
harborer, the warden shall apply to the court of common pleas for 42
the county in which the premises are located for an order to enter 43
the premises, and if necessary, seize the dog. If the court finds 44
probable cause to believe that the dog is being treated 45
inhumanely, it shall issue such an order. ~~The~~ 46

The warden and deputies shall also investigate all claims for 47
damages to animals, ~~fowl, or poultry~~ reported to them under 48
section 955.29 of the Revised Code and assist claimants to fill 49
out the claim form therefor. They shall make weekly reports, in 50

writing, to the board in their respective counties of all dogs 51
seized, impounded, redeemed, and destroyed and of all claims for 52
damage to animals, ~~fowl, or poultry~~ inflicted by dogs. ~~The~~ 53

The wardens and deputies shall have the same police powers as 54
are conferred upon sheriffs and police officers in the performance 55
of their duties as prescribed by sections 955.01 to 955.27, 955.29 56
to 955.38, and 955.50 of the Revised Code. They shall also have 57
power to summon the assistance of bystanders in performing their 58
duties and may serve writs and other legal processes issued by any 59
court in their respective counties with reference to enforcing 60
~~such~~ those sections. County auditors may deputize the wardens or 61
deputies to issue dog licenses as provided in sections 955.01 and 62
955.14 of the Revised Code. ~~Whenever~~ 63

Whenever any person files an affidavit in a court of 64
competent jurisdiction that there is a dog running at large that 65
is not kept constantly confined either in a registered dog kennel 66
or on the premises of an institution or organization of the type 67
described in section 955.16 of the Revised Code or that a dog is 68
kept or harbored in ~~his~~ the warden's jurisdiction without being 69
registered as required by law, the court shall immediately order 70
the warden to seize and impound the ~~animal~~ dog. Thereupon the 71
warden shall immediately seize and impound the dog complained of. 72
The warden shall give immediate notice by certified mail to the 73
owner, keeper, or harborer of the dog seized and impounded by ~~him~~ 74
the warden, if the owner, keeper, or harborer can be determined 75
from the current year's registration list maintained by the warden 76
and the county auditor of the county where the dog is registered, 77
that the dog has been impounded and that, unless the dog is 78
redeemed within fourteen days of the date of the notice, it may 79
thereafter be sold or destroyed according to law. If the owner, 80
keeper, or harborer cannot be determined from the current year's 81
registration list maintained by the warden and the county auditor 82

of the county where the dog is registered, the officer shall post 83
a notice in the pound or animal shelter both describing the dog 84
and place where seized and advising the unknown owner that, unless 85
the dog is redeemed within three days, it may thereafter be sold 86
or destroyed according to law. 87

As used in this section, "animal" has the same meaning as in 88
section 955.51 of the Revised Code. 89

Sec. 955.14. (A) Notwithstanding section 955.01 of the 90
Revised Code, a board of county commissioners by resolution may 91
increase dog and kennel registration fees in the county. The 92
amount of the fees shall not exceed an amount that the board, in 93
its discretion, estimates is needed to pay all expenses for the 94
administration of this chapter and to pay claims allowed for 95
animals, ~~fowl, or poultry~~ injured or destroyed by dogs. Such a 96
resolution shall be adopted not earlier than the first day of 97
February and not later than the thirty-first day of August of any 98
year and shall apply to the registration period commencing on the 99
first day of December of the current year and ending on the 100
thirty-first day of January of the following year, unless the 101
period is extended under section 955.01 of the Revised Code. Any 102
increase in fees adopted under this division shall be in the ratio 103
of two dollars for a dog registration fee and ten dollars for a 104
kennel registration fee. 105

(B) Not later than the fifteenth day of October of each year, 106
the board of county commissioners shall determine if there is 107
sufficient money in the dog and kennel fund, after paying the 108
expenses of administration incurred or estimated to be incurred 109
for the remainder of the year, to pay the claims allowed for 110
animals, ~~fowl, or poultry~~ injured or destroyed by dogs. If the 111
board determines there is not sufficient money in the dog and 112
kennel fund to pay the claims allowed, the board shall provide by 113

resolution that all claims remaining unpaid shall be paid from the 114
general fund of the county. All money paid out of the general fund 115
for those purposes may be replaced by the board from the dog and 116
kennel fund at any time during the following year notwithstanding 117
section 5705.14 of the Revised Code. 118

(C) Notwithstanding section 955.20 of the Revised Code, if 119
dog and kennel registration fees in any county are increased above 120
two and ten dollars, respectively, under authority of division (A) 121
of this section, then on or before the first day of March 122
following each year in which the increased fees are in effect, the 123
county auditor shall draw on the dog and kennel fund a warrant 124
payable to the college of veterinary medicine of the Ohio state 125
university in an amount equal to ten cents for each dog and kennel 126
registration fee received during the preceding year. The money 127
received by the college of veterinary medicine of the Ohio state 128
university under this division shall be applied for research and 129
study of the diseases of dogs, particularly those transmittable to 130
humans, and for research of other diseases of dogs that by their 131
nature will provide results applicable to the prevention and 132
treatment of both human and canine illness. 133

(D) The Ohio state university college of veterinary medicine 134
shall be responsible to report annually to the general assembly 135
the progress of the research and study authorized and funded by 136
division (C) of this section. The report shall briefly describe 137
the research projects undertaken and assess the value of each. The 138
report shall account for funds received pursuant to division (C) 139
of this section and for the funds expended attributable to each 140
research project and for other necessary expenses in conjunction 141
with the research authorized by division (C) of this section. The 142
report shall be filed with the general assembly by the first day 143
of May of each year. 144

(E) The county auditor may authorize agents to receive 145

applications for registration of dogs and kennels and to issue 146
certificates of registration and tags. If authorized agents are 147
employed in a county, each applicant for a dog or kennel 148
registration shall pay to the agent an administrative fee of 149
seventy-five cents in addition to the registration fee. The 150
administrative fee shall be the compensation of the agent. The 151
county auditor shall establish rules for reporting and accounting 152
by the agents. No administrative or similar fee shall be charged 153
in any county except as authorized by this division or division 154
(F) of this section. 155

(F) For any county that accepts the payment of dog and kennel 156
registration fees by financial transaction devices in accordance 157
with section 955.013 of the Revised Code, in addition to those 158
registration fees, the county auditor shall collect for each 159
registration paid by a financial transaction device one of the 160
following: 161

(1) An administrative fee of seventy-five cents or another 162
amount necessary to cover actual costs designated by the county 163
auditor; 164

(2) If the board of county commissioners adopts a surcharge 165
or convenience fee for making payments by a financial transaction 166
device under division (E) of section 301.28 of the Revised Code, 167
that surcharge or convenience fee; 168

(3) If the county auditor contracts with a third party to 169
provide services to enable registration via the internet as 170
provided ~~in section~~ in section 955.013 of the Revised Code, a 171
surcharge ~~of~~ or convenience fee as agreed to between that third 172
party and the county for those internet registration services. Any 173
additional expenses incurred by the county auditor that result 174
from a contract with a third party as provided in this section and 175
section 955.013 of the Revised Code and that are not covered by a 176
surcharge or convenience fee shall be paid out of the allowance 177

provided to the county auditor under section 955.20 of the Revised Code. 178
179

(G) The county auditor shall post conspicuously the amount of 180
the administrative fee, surcharge, or convenience fee that is 181
permissible under this section on the web page where the auditor 182
accepts payments for registrations made under division (B)(1) of 183
section 955.013 of the Revised Code, ~~if.~~ If any person chooses to 184
pay by financial transaction device, the administrative fee, 185
surcharge, or convenience fee shall be considered voluntary and is 186
not refundable. 187

(H) As used in this section, "animal" has the same meaning as 188
in section 955.51 of the Revised Code. 189

Sec. 955.27. After paying all necessary expenses of 190
administering the sections of the Revised Code relating to the 191
registration, seizing, impounding, and destroying of dogs, 192
including the purchase, construction, and repair of vehicles and 193
facilities necessary for the proper administration of such 194
sections, making compensation for injuries to livestock inflicted 195
by dogs, and after paying all ~~horse, sheep, cattle, swine, mule~~ 196
~~and goat~~ animal claims, the board of county commissioners, at the 197
December session, if there remains more than two thousand dollars 198
in the dog and kennel fund for ~~such~~ that year in a county in which 199
there is a society for the prevention of cruelty to children and 200
animals, incorporated and organized by law, and having one or more 201
agents appointed pursuant to law, or any other society organized 202
under Chapter 1717. of the Revised Code, that owns or controls a 203
suitable dog kennel or a place for the keeping and destroying of 204
dogs ~~which~~ that has one or more agents appointed and employed 205
pursuant to law, may pay to the treasurer of ~~such~~ the society, 206
upon warrant of the county auditor, all such excess as the board 207
deems necessary for the uses and purposes of ~~such~~ the society. 208

As used in this section, "animal" has the same meaning as in 209
section 955.51 of the Revised Code. 210

Sec. 955.29. Any owner of ~~horses, sheep, cattle, swine,~~ 211
~~mules, goats, domestic rabbits, or domestic fowl or poultry~~ an 212
animal that ~~have an aggregate~~ the owner believes has a fair market 213
value of ten dollars or more and that ~~have~~ has been injured or 214
killed by a dog not belonging to the owner or harbored on ~~his~~ the 215
owner's premises, in order to be eligible to receive compensation 216
from the dog and kennel fund, shall notify a member of the board 217
of county commissioners or dog warden within three days after the 218
loss or injury has been discovered. A commissioner who is notified 219
shall immediately notify the dog warden of the loss or injury. The 220
warden shall investigate or have the loss or injury investigated 221
promptly, and the person making the investigation shall provide 222
the owner with duplicate copies of the claim form authorized by 223
section 955.36 of the Revised Code and assist ~~him~~ the owner in 224
filling it out. ~~The~~ 225

The owner shall set forth the kind, grade, quality, and fair 226
market value of the ~~animals, fowl, or poultry,~~ animal, as 227
estimated by the owner, the nature and amount of the loss or 228
injury, the place where the loss or injury occurred, and all other 229
facts in the possession of the claimant that will enable the 230
warden to fix responsibility for the loss or injury. ~~If the~~ 231
~~animals, fowl, or poultry die as a result of their injuries, their~~ 232
~~fair market value shall be the market value of uninjured animals,~~ 233
~~fowl, or poultry on the date of the death of the injured animals,~~ 234
~~fowl, or poultry. If the animals, fowl, or poultry do not die as a~~ 235
~~result of their injuries, their fair market value shall be their~~ 236
~~market value on the date on which they received their injuries.~~ 237
~~Any fetus that is aborted by an animal because of stress inflicted~~ 238
~~by a dog and that does not, on that account, survive shall be~~ 239
~~considered to have been killed by the dog, regardless of the stage~~ 240

~~of pregnancy at which the abortion occurs. In the case of any such~~ 241
~~alleged cause of death, the warden may, as part of his~~ 242
~~investigation, request the chief of the division of animal~~ 243
~~industry to have a state veterinarian certify the cause of death.~~ 244
~~The chief shall promptly comply, and the veterinarian shall send~~ 245
~~the certification to the warden.~~ The owner shall also sign a 246
statement that the information set forth is a true account of the 247
loss or injury and that, on the date the loss or injury occurred, 248
the claimant did not own or harbor an unregistered dog required to 249
be registered under section 955.01 of the Revised Code. No 250
claimant who owned or harbored an unregistered dog on that date 251
may recover from the dog and kennel fund. 252

If the warden finds all the statements that the owner made on 253
the form to be correct and agrees with the owner as to the fair 254
market value of the ~~animals, fowl, or poultry, he~~ animal, the 255
warden shall promptly so certify and send both copies of the form, 256
together with whatever other documents, testimony, or information 257
~~he~~ the warden has received relating to the loss or injury, to the 258
board of county commissioners. 259

If the warden does not find all the statements to be correct 260
or does not agree with the owner as to the fair market value, the 261
owner may appeal to the board of ~~township trustees~~ county 262
commissioners for a determination as provided in section ~~955.30 to~~ 263
~~955.34~~ 955.35 of the Revised Code. In that case the owner shall 264
secure statements as to the nature and amount of the loss or 265
injury from at least two witnesses who viewed the results of the 266
killing or injury and who can testify thereto and submit both 267
copies of the form to the board of ~~township trustees~~ county 268
commissioners or a member thereof not later than twenty days after 269
the loss or injury was discovered. The warden shall submit to the 270
board of ~~township trustees~~ county commissioners whatever 271
documents, testimony, or other information ~~he~~ the warden has 272

received relating to the loss or injury. 273

As used in this section and sections 955.32 to 955.38 of the 274
Revised Code: 275

(A) "Animal" and "grade animal" have the same meanings as in 276
section 955.51 of the Revised Code. 277

(B) "Fair market value" means the average price that is paid 278
for a healthy grade animal at a livestock auction licensed under 279
Chapter 943. of the Revised Code and selected by the applicable 280
board of county commissioners. 281

Sec. 955.32. If the animals, fowl, or poultry animal that has 282
been killed or injured as described in section 955.29 of the 283
Revised Code ~~are~~ is registered in any accepted association of 284
registry, the owner, or ~~his~~ the owner's employee or tenant, shall 285
submit with the claim form the registration papers showing the 286
animal's lines of breeding, age, and other matters. If the ~~animals~~ 287
~~are~~ animal is the offspring of registered stock and is eligible 288
for registration, the registration papers showing the breeding of 289
the offspring shall be submitted. 290

Sec. 955.35. The board of county commissioners, at the next 291
regular meeting after claims in accordance with ~~sections~~ section 292
955.29 ~~to 955.34~~ of the Revised Code have been submitted, shall 293
examine the same and may hear additional testimony or receive 294
additional affidavits in regard thereto and may allow the amount 295
previously certified by the dog warden ~~or allowed by the board of~~ 296
~~township trustees~~, or a part thereof, or any amount in addition 297
thereto, as it may find to be just, but in no event shall the 298
amount allowed exceed the lesser of five hundred dollars per 299
animal or the uninsured amount of the loss or injury. The board 300
shall make the final determination of the fair market value of an 301
animal that is the subject of a claim. 302

If the animal that is the subject of a claim dies as a result 303
of the injuries that it received from a dog, the amount of 304
indemnity is the fair market value of the animal on the date of 305
its death subject to the limit established in this section. If the 306
animal that is the subject of a claim does not die as a result of 307
the injuries that it received from a dog, the amount of indemnity 308
is the fair market value of the animal on the date on which it 309
received its injuries subject to the limit established in this 310
section. If the animal that is the subject of a claim is 311
registered or eligible for registration as described in section 312
955.32 of the Revised Code, the amount of indemnity is one hundred 313
twenty-five per cent of the fair market value of the animal on the 314
date on which the animal was killed or injured subject to the 315
limit established in this section. If the date of death or injury 316
of an animal cannot be determined, the amount of indemnity shall 317
be based on the fair market value of the animal on the date on 318
which the death or injury was discovered by its owner. A fetus 319
that is aborted by an animal because of stress inflicted by a dog 320
and that does not, on that account, survive shall be considered to 321
have been killed by the dog regardless of the stage of pregnancy 322
at which the abortion occurs. In the case of any such alleged 323
cause of death, the warden, as part of the warden's investigation, 324
may request the chief of the division of animal industry in the 325
department of agriculture to have a state veterinarian certify the 326
cause of death. The chief shall promptly comply, and the 327
veterinarian shall send the certification to the board of county 328
commissioners. 329

The claims shall be paid out of the dog and kennel fund or 330
out of the general fund of the county, as provided in section 331
955.14 of the Revised Code. Such claims as are allowed in whole or 332
in part shall be paid by voucher issued by the county auditor five 333
days after the approval of the board of county commissioners has 334
been entered. If the claim is to be paid out of the dog and kennel 335

fund and the funds therein are insufficient to pay the claims, 336
they shall be paid in the order allowed at the close of the next 337
calendar month in which sufficient funds are available in the 338
fund. 339

Sec. 955.34 955.351. Witnesses not exceeding four in number, 340
who give testimony ~~in the hearing provided for in~~ under section 341
~~955.33 955.35~~ of the Revised Code at a meeting of the board of 342
county commissioners, shall be allowed six dollars each and 343
mileage at the rate of ten cents per mile, going and returning, in 344
each case. The board ~~of township trustees~~ shall administer an oath 345
or affirmation to each claimant or witness. 346

If the ~~animals, fowl, or poultry~~ animal that ~~have~~ has been 347
killed or injured ~~are~~ is in the care of an employee or tenant of 348
the owner thereof, the affidavit provided for in section 955.29 of 349
the Revised Code may be made by ~~such~~ that employee or tenant, 350
whose testimony may be received in regard to all relative matters 351
to which ~~said~~ the owner would be competent to testify. 352

Sec. 955.37. An owner of ~~animals, fowl, or poultry~~ an animal 353
that has been killed or injured by a dog may, if the fair market 354
value is ten dollars or more, appeal from a final allowance made 355
by the board of county commissioners, within thirty days after the 356
allowance. The appeal shall be made to the probate court by 357
filing, as party plaintiff, a petition with the court setting out 358
the facts in the case as contended by the owner. Proceedings shall 359
be as provided by law in civil cases, and the board shall be made 360
party defendant. 361

Sec. 955.38. The probate court shall hear the appeals 362
provided for in section 955.37 of the Revised Code as in equity 363
and shall determine the fair market value of the ~~animals, fowl, or~~ 364
~~poultry~~ animal that has been killed or injured. Not more than 365

three witnesses shall be called by each party. The amount found by 366
the court shall not exceed the lesser of five hundred dollars per 367
animal or the uninsured amount of the loss or injury. The amount 368
found shall be final, and the judge shall certify it to the board 369
of county commissioners. Like proceedings shall be had as to 370
payment thereof, as if the amount had been found by the board in 371
the first instance. 372

If an increased allowance is made by the court, the costs 373
shall be paid equally by the parties; if no increase is made, the 374
plaintiff shall pay all the costs. 375

Section 2. That existing sections 955.12, 955.14, 955.27, 376
955.29, 955.32, 955.34, 955.35, 955.37, and 955.38 and sections 377
955.31 and 955.33 of the Revised Code are hereby repealed. 378