

**As Reported by the Senate Agriculture Committee**

**127th General Assembly**

**Regular Session**

**2007-2008**

**Am. H. B. No. 281**

**Representative Schlichter**

**Cosponsors: Representatives Gibbs, McGregor, J., Brown, Wagoner,  
Combs, Webster, Stebelton, Collier, Aslanides, Domenick, Evans,  
Batchelder, Book, Daniels, Flowers, Gardner, Hagan, R., Harwood, Hottinger,  
Patton, Setzer, Zehringer  
Senators Mumper, Padgett, Carey**

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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 harbinger of the dog seized and impounded by ~~him~~ 74  
the warden, if the owner, keeper, or harbinger 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 harbinger 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 178  
Code. 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 ten~~ days 269  
after the ~~loss or injury was discovered~~ warden finds that not all 270  
of the owner's statements are correct or disagrees with the 271  
owner's estimated fair market value, whichever is applicable. The 272  
warden shall submit to the board of ~~township trustees~~ county 273  
commissioners whatever documents, testimony, or other information 274  
he the warden has received relating to the loss or injury. 275

As used in this section and sections 955.32 to 955.38 of the 276  
Revised Code: 277

(A) "Animal" and "grade animal" have the same meanings as in 278  
section 955.51 of the Revised Code. 279

(B) "Fair market value" means the average price that is paid 280  
for a healthy grade animal at a livestock auction licensed under 281  
Chapter 943. of the Revised Code and selected by the applicable 282  
board of county commissioners. 283

**Sec. 955.32.** If the ~~animals, fowl, or poultry~~ animal that has 284  
been killed or injured as described in section 955.29 of the 285  
Revised Code ~~are~~ is registered in any accepted association of 286  
registry, the owner, or ~~his~~ the owner's employee or tenant, shall 287  
submit with the claim form the registration papers showing the 288  
animal's lines of breeding, age, and other matters. If the ~~animals~~ 289  
~~are~~ animal is the offspring of registered stock and is eligible 290  
for registration, the registration papers showing the breeding of 291  
the offspring shall be submitted. 292

**Sec. 955.35.** The board of county commissioners, at the next 293  
regular meeting after claims in accordance with ~~sections~~ section 294  
955.29 ~~to 955.34~~ of the Revised Code have been submitted, shall 295  
examine the same and may hear additional testimony or receive 296  
additional affidavits in regard thereto and may allow the amount 297

previously certified by the dog warden ~~or allowed by the board of~~ 298  
~~township trustees~~, or a part thereof, or any amount in addition 299  
thereto, as it may find to be just, but in no event shall the 300  
amount allowed exceed the lesser of five hundred dollars per 301  
animal or the uninsured amount of the loss or injury. The board 302  
shall make the final determination of the fair market value of an 303  
animal that is the subject of a claim. 304

If the animal that is the subject of a claim dies as a result 305  
of the injuries that it received from a dog, the amount of 306  
indemnity is the fair market value of the animal on the date of 307  
its death subject to the limit established in this section. If the 308  
animal that is the subject of a claim does not die as a result of 309  
the injuries that it received from a dog, the amount of indemnity 310  
is the fair market value of the animal on the date on which it 311  
received its injuries subject to the limit established in this 312  
section. If the animal that is the subject of a claim is 313  
registered or eligible for registration as described in section 314  
955.32 of the Revised Code, the amount of indemnity is one hundred 315  
twenty-five per cent of the fair market value of the animal on the 316  
date on which the animal was killed or injured subject to the 317  
limit established in this section. If the date of death or injury 318  
of an animal cannot be determined, the amount of indemnity shall 319  
be based on the fair market value of the animal on the date on 320  
which the death or injury was discovered by its owner. A fetus 321  
that is aborted by an animal because of stress inflicted by a dog 322  
and that does not, on that account, survive shall be considered to 323  
have been killed by the dog regardless of the stage of pregnancy 324  
at which the abortion occurs. In the case of any such alleged 325  
cause of death, the warden, as part of the warden's investigation, 326  
may request the chief of the division of animal industry in the 327  
department of agriculture to have a state veterinarian certify the 328  
cause of death. The chief shall promptly comply, and the 329  
veterinarian shall send the certification to the board of county 330

commissioners. 331

The claims shall be paid out of the dog and kennel fund or 332  
out of the general fund of the county, as provided in section 333  
955.14 of the Revised Code. Such claims as are allowed in whole or 334  
in part shall be paid by voucher issued by the county auditor five 335  
days after the approval of the board of county commissioners has 336  
been entered. If the claim is to be paid out of the dog and kennel 337  
fund and the funds therein are insufficient to pay the claims, 338  
they shall be paid in the order allowed at the close of the next 339  
calendar month in which sufficient funds are available in the 340  
fund. 341

**Sec. 955.34 955.351.** Witnesses not exceeding four in number, 342  
who give testimony ~~in the hearing provided for in~~ under section 343  
~~955.33~~ 955.35 of the Revised Code at a meeting of the board of 344  
county commissioners, shall be allowed six dollars each and 345  
mileage at the rate of ten cents per mile, going and returning, in 346  
each case. The board ~~of township trustees~~ shall administer an oath 347  
or affirmation to each claimant or witness. 348

If the ~~animals, fowl, or poultry~~ animal that ~~have~~ has been 349  
killed or injured ~~are~~ is in the care of an employee or tenant of 350  
the owner thereof, the affidavit provided for in section 955.29 of 351  
the Revised Code may be made by ~~such~~ that employee or tenant, 352  
whose testimony may be received in regard to all relative matters 353  
to which ~~said~~ the owner would be competent to testify. 354

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

the facts in the case as contended by the owner. Proceedings shall 361  
be as provided by law in civil cases, and the board shall be made 362  
party defendant. 363

**Sec. 955.38.** The probate court shall hear the appeals 364  
provided for in section 955.37 of the Revised Code as in equity 365  
and shall determine the fair market value of the ~~animals, fowl, or~~ 366  
~~poultry~~ animal that has been killed or injured. Not more than 367  
three witnesses shall be called by each party. The amount found by 368  
the court shall not exceed the lesser of five hundred dollars per 369  
animal or the uninsured amount of the loss or injury. The amount 370  
found shall be final, and the judge shall certify it to the board 371  
of county commissioners. Like proceedings shall be had as to 372  
payment thereof, as if the amount had been found by the board in 373  
the first instance. 374

If an increased allowance is made by the court, the costs 375  
shall be paid equally by the parties; if no increase is made, the 376  
plaintiff shall pay all the costs. 377

**Section 2.** That existing sections 955.12, 955.14, 955.27, 378  
955.29, 955.32, 955.34, 955.35, 955.37, and 955.38 and sections 379  
955.31 and 955.33 of the Revised Code are hereby repealed. 380