

**As Introduced**

**127th General Assembly  
Regular Session  
2007-2008**

**H. B. No. 366**

**Representative Webster**

**Cosponsor: Representative Schindel**

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**A B I L L**

To amend sections 955.11 and 955.221 of the Revised 1  
Code to remove pit bulls from the definition of 2  
"vicious dog" in state law and to authorize the 3  
adoption of local ordinances or resolutions that 4  
define "dangerous dog" and "vicious dog" more 5  
broadly than state law defines those terms. 6

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

**Section 1.** That sections 955.11 and 955.221 of the Revised 7  
Code be amended to read as follows: 8

**Sec. 955.11.** (A) As used in this section: 9

(1)(a) "Dangerous dog" means a dog that, without provocation, 10  
and subject to division (A)(1)(b) of this section, has chased or 11  
approached in either a menacing fashion or an apparent attitude of 12  
attack, or has attempted to bite or otherwise endanger any person, 13  
while that dog is off the premises of its owner, keeper, or 14  
harborer and not under the reasonable control of its owner, 15  
keeper, harborer, or some other responsible person, or not 16  
physically restrained or confined in a locked pen ~~which~~ that has a 17  
top, locked fenced yard, or other locked enclosure ~~which~~ that has 18  
a top. 19

(b) "Dangerous dog" does not include a police dog that has  
chased or approached in either a menacing fashion or an apparent  
attitude of attack, or has attempted to bite or otherwise endanger  
any person while the police dog is being used to assist one or  
more law enforcement officers in the performance of their official  
duties.

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

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

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

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

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

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

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

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

(ii) A dog that has killed or caused serious injury to any  
person while a person was committing or attempting to commit a

trespass or other criminal offense on the property of the owner, 50  
keeper, or harborer of the dog. 51

(5) "Without provocation" means that a dog was not teased, 52  
tormented, or abused by a person, or that the dog was not coming 53  
to the aid or the defense of a person who was not engaged in 54  
illegal or criminal activity and who was not using the dog as a 55  
means of carrying out such activity. 56

(B) Upon the transfer of ownership of any dog, the seller of 57  
the dog shall give the buyer a transfer of ownership certificate 58  
that shall be signed by the seller. The certificate shall contain 59  
the registration number of the dog, the name of the seller, and a 60  
brief description of the dog. Blank forms of the certificate may 61  
be obtained from the county auditor. A transfer of ownership shall 62  
be recorded by the auditor upon presentation of a transfer of 63  
ownership certificate that is signed by the former owner of a dog 64  
and that is accompanied by a fee of twenty-five cents. 65

(C) Prior to the transfer of ownership or possession of any 66  
dog, upon the buyer's or other transferee's request, the seller or 67  
other transferor of the dog shall give to the person a written 68  
notice relative to the behavior and propensities of the dog. 69

(D) Within ten days after the transfer of ownership or 70  
possession of any dog, if the seller or other transferor of the 71  
dog has knowledge that the dog is a dangerous or vicious dog, ~~he~~ 72  
the seller or other transferor shall give to the buyer or other 73  
transferee, the board of health for the district in which the 74  
buyer or other transferee resides, and the dog warden of the 75  
county in which the buyer or other transferee resides, a completed 76  
copy of a written form on which the seller shall furnish the 77  
following information: 78

(1) The name and address of the buyer or other transferee of 79  
the dog; 80

(2) The age, sex, color, breed, and current registration 81  
number of the dog. 82

In addition, the seller shall answer the following questions, 83  
which shall be specifically stated on the form as follows: 84

"Has the dog ever chased or attempted to attack or bite a 85  
person? If yes, describe the incident(s) in which the behavior 86  
occurred." 87

"Has the dog ever bitten a person? If yes, describe the 88  
incident(s) in which the behavior occurred." 89

"Has the dog ever seriously injured or killed a person? If 90  
yes, describe the incident(s) in which the behavior occurred." 91

The dog warden of the county in which the seller resides 92  
shall furnish the form to the seller at no cost. 93

(E) No seller or other transferor of a dog shall fail to 94  
comply with the applicable requirements of divisions (B) to (D) of 95  
this section. 96

**Sec. 955.221.** (A) For the purposes of this section, 97  
ordinances or resolutions to control dogs include, but are not 98  
limited to, ordinances or resolutions concerned with the 99  
ownership, keeping, or harboring of dogs, the restraint of dogs, 100  
dogs as public nuisances, and dogs as a threat to public health, 101  
safety, and welfare, except that such ordinances or resolutions as 102  
permitted in division (B) of this section shall not prohibit the 103  
use of any dog ~~which~~ that is lawfully engaged in hunting or 104  
training for the purpose of hunting while accompanied by a 105  
licensed hunter. However, such dogs at all other times and in all 106  
other respects shall be subject to the ordinance or resolution 107  
permitted by this section, unless actually in the field and 108  
engaged in hunting or in legitimate training for ~~such~~ that 109  
purpose. Ordinances or resolutions to control dogs that are 110

adopted pursuant to this section may define "dangerous dog" or 111  
"vicious dog" more broadly than those terms are defined in section 112  
955.11 of the Revised Code, and such expanded definitions shall 113  
not be considered to be in conflict with the Revised Code. 114

(B)(1) A board of county commissioners may adopt and enforce 115  
resolutions to control dogs within the unincorporated areas of the 116  
county that are not otherwise in conflict with any other provision 117  
of the Revised Code. 118

(2) A board of township trustees may adopt and enforce 119  
resolutions to control dogs within the township that are not 120  
otherwise in conflict with any other provision of the Revised 121  
Code, if the township is located in a county where the board of 122  
county commissioners has not adopted resolutions to control dogs 123  
within the unincorporated areas of the county under this section. 124  
In the event that the board of county commissioners adopts 125  
resolutions to control dogs in the county after a board of 126  
township trustees has adopted resolutions to control dogs within 127  
the township, the resolutions adopted by the ~~county~~ board of 128  
county commissioners prevail over the resolutions adopted by the 129  
board of township trustees. 130

(3) A municipal corporation may adopt and enforce ordinances 131  
to control dogs within the municipal corporation that are not 132  
otherwise in conflict with any other provision of the Revised 133  
Code. 134

(C) No person shall violate any resolution or ordinance 135  
adopted under this section. 136

**Section 2.** That existing sections 955.11 and 955.221 of the 137  
Revised Code are hereby repealed. 138