

AN ACT

To amend sections 951.02, 951.10, 951.11, 951.12, 951.13, 951.99, and 971.18 and to repeal section 951.01 of the Revised Code regarding the liability of owners of certain animals that are running at large.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 951.02, 951.10, 951.11, 951.12, 951.13, 951.99, and 971.18 of the Revised Code be amended to read as follows:

Sec. 951.02. No person, who is the owner or keeper of horses, mules, cattle, bison, sheep, goats, swine, llamas, alpacas, or geese, shall permit them to run at large in the public road, highway, street, lane, or alley, or upon unenclosed land, or cause ~~such~~ the animals to be herded, kept, or detained for the purpose of grazing on premises other than those owned or lawfully occupied by the owner or keeper of ~~such~~ the animals.

~~The running at large of any such animal in or upon any of the places mentioned in this section is prima-facie evidence that it is running at large in violation of this section.~~

Sec. 951.10. (A) The owner or keeper of an animal described in section ~~951.01 or~~ 951.02 of the Revised Code, who negligently permits it to run at large in violation of ~~either of such sections~~ that section, is liable for all damages resulting from injury, death, or loss to person or property caused by ~~such~~ the animal in any of the places specified in section 951.02 of the Revised Code or upon the premises of another without reference to the fence ~~which that~~ may enclose ~~such~~ the premises.

(B) The running at large of any animal specified in section 951.02 of the Revised Code in or upon any of the places specified in that section is prima-facie evidence in a civil action for damages under division (A) of this section that the owner or keeper of the animal negligently permitted the animal to run at large in violation of section 951.02 of the Revised Code.

Sec. 951.11. A person finding an animal at large in violation of section ~~951.01 or~~ 951.02 of the Revised Code, may, and a law enforcement officer of a county, township, city, or village, on view or information, shall, take and confine ~~such~~ that animal, ~~forthwith~~ promptly giving notice ~~thereof of~~

the taking and confining of the animal to the owner or keeper, if known, and, if not known, by publishing a notice describing ~~such the~~ animal at least once in a newspaper of general circulation in the county, township, city, or village ~~wherein where~~ the animal was found. If the owner or keeper does not appear and claim the animal and pay the compensation prescribed in section 951.13 of the Revised Code for so taking, advertising, and keeping it within ten days from the date of ~~such the~~ notice, ~~such that~~ person or the county shall have a lien ~~therefor for that compensation~~, and the animal may be sold at public auction as provided in section 1311.49 of the Revised Code, ~~and the~~. The residue of the proceeds of sale shall be paid and deposited by the treasurer in the general fund of the county.

Sec. 951.12. If it is proven that an animal running at large in violation of section ~~951.01 or~~ 951.02 of the Revised Code escaped from its owner or keeper without ~~his the owner's or keeper's~~ knowledge or fault, ~~such the~~ animal shall be returned to its owner or keeper upon payment of the compensation prescribed in section 951.13 of the Revised Code for its taking, advertising, and keeping.

Sec. 951.13. The person or county, township, city, or village whose law enforcement officer takes an animal running at large in violation of section ~~951.01 or~~ 951.02 of the Revised Code is entitled to receive from the owner or keeper ~~thereof of the animal~~ the following compensation:

(A) For taking and advertising each horse, mule, head of cattle, bison, swine, sheep, goat, llama, alpaca, or goose, five dollars;

(B) Reasonable expenses actually incurred for keeping each ~~such~~ animal described in division (A) of this section.

Compensation for taking, advertising, and keeping a single herd or flock shall not exceed fifty dollars when ~~such the~~ flock or herd belongs to one person.

Sec. 951.99. Whoever recklessly violates section ~~951.01 or~~ 951.02 of the Revised Code is guilty of a misdemeanor of the fourth degree.

Sec. 971.18. An owner of livestock who negligently permits the livestock to run at large out of the livestock's enclosure is liable for all damages resulting from injury, death, or loss to person or property caused by the livestock on the premises of another.

SECTION 2. That existing sections 951.02, 951.10, 951.11, 951.12, 951.13, 951.99, and 971.18 and section 951.01 of the Revised Code are hereby repealed.

Speaker _____ *of the House of Representatives.*

President _____ *of the Senate.*

Passed _____, 20____

Approved _____, 20____

Governor.

Sub. H. B. No. 22

129th G.A.

The section numbering of law of a general and permanent nature is complete and in conformity with the Revised Code.

Director, Legislative Service Commission.

Filed in the office of the Secretary of State at Columbus, Ohio, on the ___ day of _____, A. D. 20____.

Secretary of State.

File No. _____ Effective Date _____