

# Senate Bill 378

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## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Creates and revises definitions in dog control laws. Revises special licensing provision for dogs that are considered inventory.

## A BILL FOR AN ACT

1  
2 Relating to dogs; amending ORS 609.035 and 609.100.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1.** ORS 609.035 is amended to read:

5 609.035. As used in ORS 609.035 to 609.110 and 609.990:

6 (1) **“Boarding kennel”:**

7 (a) **Means, except as provided in paragraph (b) of this subsection, a facility that provides**  
8 **care for a fee to dogs that stay at the facility an average of less than 30 days.**

9 (b) **Does not mean a facility that is subject to ORS 167.374 or 167.376.**

10 [(1)] (2) “Dog control board” means a group of persons whose duties include, but need not be  
11 limited to, fulfilling the duties of a dog control district board of supervisors as described in ORS  
12 609.030.

13 [(2)] (3) “Dog control officer” means a person whose duties include, but need not be limited to,  
14 enforcing the dog control laws for a dog control district.

15 [(3)] (4) “Keeper” means a person who owns, possesses, controls or otherwise has charge of a  
16 dog, other than:

17 [(a) *A licensed business primarily intended to obtain a profit from the kenneling of dogs;*]

18 (a) **A boarding kennel;**

19 (b) A humane society or other nonprofit animal shelter;

20 (c) A facility impounding dogs on behalf of a city or county; or

21 (d) A veterinary facility.

22 [(4)] (5) “Menaces” means lunging, growling, snarling or other behavior by a dog that would  
23 cause a reasonable person to fear for the person's safety.

24 [(5)] (6) “Potentially dangerous dog” means a dog that:

25 (a) Without provocation and while not on premises from which the keeper may lawfully exclude  
26 others, menaces a person;

27 (b) Without provocation, inflicts physical injury on a person that is less severe than a serious  
28 physical injury; or

29 (c) Without provocation and while not on premises from which the keeper may lawfully exclude  
30 others, inflicts physical injury on or kills a domestic animal as defined in ORS 167.310.

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted.  
New sections are in **boldfaced** type.

1 [(6)] (7) “Running at large” means that a dog is off or outside of the premises from which the  
 2 keeper of the dog may lawfully exclude others, or is not in the company of and under the control  
 3 of its keeper, except if the dog is:

- 4 (a) Being used to legally hunt, chase or tree wildlife while under the supervision of the keeper;
- 5 (b) Being used to control or protect livestock or for other activities related to agriculture; or
- 6 (c) Within any part of a vehicle.

7 [(7)] (8) “Serious physical injury” has the meaning given that term in ORS 161.015.

8 **SECTION 2.** ORS 609.100 is amended to read:

9 609.100. (1) In a county or city having a dog control program under ORS 609.030, 609.035 to  
 10 609.110 and 609.405, every person keeping a dog that has a set of permanent canine teeth or is six  
 11 months old, whichever comes first, shall procure a license for the dog. The license must be procured  
 12 by paying a license fee to the county in which the person resides not later than March 1 of each  
 13 year or within 30 days after the person becomes keeper of the dog. However, the county governing  
 14 body may provide for dates other than March 1 for annual payment of fees. The fee for the license  
 15 shall be determined by the county governing body in such amount as it finds necessary to carry out  
 16 ORS 609.035 to 609.110. A license fee shall not be less than \$25 for each dog, except that the fee  
 17 shall not be less than \$3 for each spayed female or neutered male dog for which a veterinarian’s  
 18 certificate of operation for the spaying or neutering of the dog is presented to the county. If the  
 19 person fails to procure a license within the time provided by this section, the county governing body  
 20 may prescribe a penalty in an additional sum to be set by the governing body.

21 (2) The county shall, at the time of issuing a license, supply the licensee, without charge, with  
 22 a suitable identification tag, which shall be fastened by the licensee to a collar and kept on the dog  
 23 at all times when not in the immediate possession of the licensee.

24 (3) The license fees in subsection (1) of this section do not apply to dogs that are *[kept primarily*  
 25 *in kennels]* **considered inventory under ORS 307.400** and are not permitted to run at large. The  
 26 county governing body may establish a separate license for dogs that *[are kept primarily in kennels*  
 27 *when the dogs]* cease to be considered inventory under ORS 307.400, the fee for which shall not ex-  
 28 ceed \$5 per dog.

29 (4) A license fee is not required to be paid for any dog kept by a person who is blind and who  
 30 uses the dog as a guide. A license shall be issued for such dog upon the filing by the person who  
 31 is blind of an affidavit with the county showing that the dog qualifies for exemption.

32 (5) The county shall keep a record of dog licenses.

33 (6) Notwithstanding any other provision of this section or ORS 609.015, when the keeper of a  
 34 dog obtains a license for the dog, that license is valid and is in lieu of a license for the dog required  
 35 by any other city or county within this state, for the remainder of the license period:

36 (a) If the keeper of the dog changes residence to a city or county other than the city or county  
 37 in which the license was issued; or

38 (b) If the keeper of the dog transfers the keeping of the dog to a person who resides in a city  
 39 or county other than the city or county in which the license was issued.

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