WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1981

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ENROLLED

HOUSE BILL No. 1041

(By Mr. Hughes and Mr. Harmon, 33rd Dist.)

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Passed April 4, 1981

In Effect Ninety Days From Passage
AN ACT to amend and reenact sections two and six, article twenty, chapter nineteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended; and to further amend said article twenty by adding thereto four new sections, designated sections nine-a, twenty, twenty-one and twenty-two, all relating to dogs; increasing the head tax on dogs; posting description of unlicensed dogs at animal shelters; authorizing county commissions to promulgate and enforce certain ordinances, rules and regulations; requiring owners of dogs which bite any person to confine the dog for rabies observation; the killing of vicious dogs by humane officers; requirement of special license for dangerous or vicious dog; and the confinement of female dogs during period of estrus.

Be it enacted by the Legislature of West Virginia:

That sections two and six, article twenty, chapter nineteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted; and that said article twenty be further amended by adding thereto four new sections, designated sections nine-a, twenty, twenty-one and twenty-two, all to read as follows:

ARTICLE 20. DOGS.

§19-20-2. Collection of head tax on dogs; duties of assessor and sheriff; registration of dogs; disposition of head tax; taxes on dogs not collected by assessor.

1 It shall be the duty of the county assessor and his deputies
of each county within this state, at the time they are making
assessment of the personal property within such county, to
assess and collect a head tax of three dollars on each dog,
male or female; and in addition to the above, the assessor and
his deputies shall have the further duty of collecting any such
head tax on dogs as may be levied by the ordinances of each
and every municipality within the county. In the event that
the owner, keeper, or person having in his possession or
allowing to remain on any premises under his control any dog
above the age of six months, shall refuse or fail to pay such
tax, when the same is assessed or within fifteen days there-
after, to the assessor or deputy assessor, then such assessor
or deputy assessor shall certify such tax to the county dog
warden; if there be no county dog warden he shall certify
such tax to the county sheriff, who shall take charge of the
dog for which the tax is delinquent and impound the same
for a period of fifteen days, for which service he shall be
allowed a fee of one dollar and fifty cents to be charged
against such delinquent taxpayer in addition to the taxes
herein provided for. In case the tax and impounding charge
herein provided for shall not have been paid within the period
of fifteen days, then the sheriff may sell the impounded dog
and deduct the impounding charge and the delinquent tax
from the amount received therefor, and return the balance, if
any, to the delinquent taxpayer. Should the sheriff fail to sell
the dog so impounded within the time specified herein, he
shall kill such dog and dispose of its body.

At the same time as the head tax is assessed, the assessor
and his deputies shall, on the forms prescribed under section
four of this article, take down the age, sex, color, character of
hair (long or short) and breed (if known) and the name and
address of the owner, keeper or harborer thereof. When the
head tax, and extra charges, if any, are paid, the officer to
whom payment is made shall issue a certificate of registration
and a registration tag for such dog.

In addition to the assessment and registration above pro-
vided for, whenever a dog either is acquired or becomes
six months of age after the assessment of the personal property
of the owner, keeper or harborer thereof, the said owner,
keeper or harborer of said dog shall, within ten days after
the acquisition or saturation, register the said dog with
the assessor, and pay the head tax thereon unless the prior
owner, keeper or harborer paid the head tax.

All certificates of registration and registration tags issued
pursuant to the provisions of this section shall be issued for
the fiscal year and shall be valid from the date on which
issued until the thirtieth day of June of that fiscal year, or
until reissued by the assessor or his deputy in the regular
performance of his duties, but in no case shall previous
registration tags be valid after September thirtieth of the next
ensuing fiscal year.

The assessor collecting the head tax on dogs shall be
allowed a commission of ten percent upon all such taxes
collected by him, and shall turn in to the county treasury
ninety percent of such taxes so collected, as are levied by this
section; and the assessor shall turn over the treasurer or
other proper officer of each and every municipality within the
county ninety percent of such taxes levied by the ordinances
of such municipality. All such dog taxes, except those be-
longing to municipalities, shall be accredited to the dog
and kennel fund provided for in section ten of this article.

Such dog taxes as are collected for and turned over to
municipalities shall be deposited by the proper officer of such
municipalities to such fund and shall be expended in such
manner as the law of such municipality may provide. All
taxes on dogs not collected by the assessor shall be col-
lected by the regular tax collecting officer of the county and
placed to the credit of the dog and kennel fund.

§19-20-6. Appointment of county dog warden; qualifications; com-
penation; bond; powers and duties.

(a) The county commission of each county may appoint
and employ a county dog warden, and such number of deputies,
for such time, and at such compensation, as such county
commission shall deem reasonable and necessary to enforce
the provisions of this code with respect to the control and
registration of dogs, the impounding, care and destruction
of unlicensed dogs. Such county dog warden may be ap-
pointed a deputy assessor for the purpose of collecting the
dog tax and registration fees, taking the dog registration and
providing the tags authorized by this article. The county dog
warden or any deputies may, in the discretion of the county
commission, be regularly employed officers or agents of any
humane society or society for the prevention of cruelty to
animals, organized and operating under the laws of this
state and owning, controlling and operating a suitable place
within the county for impounding and destroying dogs. In
addition to the compensation provided for above, a bounty of
fifty cents per dog shall be paid to the county dog warden
or deputy who captures an unregistered dog. Such county dog
warden and deputy wardens shall each give bond in a sum of
not less than one thousand dollars and not more than two
thousand dollars conditioned on the faithful performance of
their duties. Such bonds shall be filed with the county com-
mission by which such persons are appointed.

The county dog warden and his deputies shall patrol the
county in which they are appointed and shall seize on sight
and impound any dog more than six months of age found not
wearing a valid registration tag, except dogs kept constantly
confined in a registered dog kennel. They shall be responsible
for the proper care and final disposition of all impounded
dogs. The county dog warden shall make a monthly report,
in writing, to the county commission of his county. When
any dog shall have been seized and impounded, the county
dog warden shall forthwith give notice to the owner of such
dog, if such owner be known to the warden, that such dog
has been impounded and that it will be sold or destroyed if
not redeemed within five days. If the owner of such dog be
not known to the dog warden, he shall post a notice in the
county courthouse. The notice shall describe the dog and the
place where seized and shall advise the unknown owner that
such dog will be sold or destroyed if not redeemed within five
days.

(b) Any county commission may promulgate and enforce
such ordinances, rules and regulations, not inconsistent with the
provisions of this article, as it considers necessary or con-
venient for the control and management of all dogs in the
county, or any portion thereof, regardless of the age of any such dog: Provided, That the county commissions may promulgate and enforce such ordinances, rules and regulations to the extent necessary for the implementation of the provisions contained in this article.

§19-20-9a. Rabies observation of dog; owner's expense.

Any person who owns or harbors a dog, whether licensed or unlicensed, which bites any other person shall forthwith confine and quarantine the dog for a period of fourteen days for rabies observation. If such dog is not so confined and quarantined, the humane officer, dog warden or sheriff may cause such dog to be placed in the custody and care of a licensed veterinarian for such purpose at the owner's expense.

§19-20-20. Keeping vicious dogs; humane officers may kill such dogs.

Except as provided in section twenty-one of this article, no person shall own, keep or harbor any dog known by him to be vicious, dangerous, or in the habit of biting or attacking other persons, whether or not such dog wears a tag or muzzle. Upon satisfactory proof before a circuit court or magistrate that such dog is vicious, dangerous, or in the habit of biting or attacking other persons or other dogs or animals, the judge may authorize the humane officer to cause such dog to be killed.

§19-20-21. License fee for keeping vicious or dangerous dog.

Any person who keeps a dog which is generally considered to be vicious, for the purpose of protection, shall acquire a special license therefor from the county assessor. The assessor shall charge ten dollars for such license. Such license shall be required in addition to the license required under section two of this article. The keeper or owner shall properly secure such dog in such a manner so as to prevent injury to a person who lawfully passes through or enters upon the property of the keeper or owner. Nothing contained in this section shall constitute a defense to any action for personal injury, wrongful death or damage to property.

1 Every person owning or harboring a female dog, whether licensed or unlicensed, shall keep such dog confined in a building or secure enclosure for twenty-five days during the period of estrus.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

[Signature]
Chairman Senate Committee

[Signature]
Chairman House Committee

Originated in the House.

Takes effect ninety days from passage.

[Signature]
Clerk of the Senate

[Signature]
Clerk of the House of Delegates

[Signature]
President of the Senate

[Signature]
Speaker House of Delegates

The within approved this the 24
day of April, 1981.

[Signature]
Governor