

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

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HOUSE BILL 956

Short Title: Regulate Ownership of Aggressive Dog Breeds. (Public)

Sponsors: Representative R. Moore (Primary Sponsor).

For a complete list of Sponsors, refer to the North Carolina General Assembly Web Site.

Referred to: Rules, Calendar, and Operations of the House.

April 18, 2013

1 A BILL TO BE ENTITLED
2 AN ACT TO REGULATE THE OWNERSHIP OF AGGRESSIVE DOG BREEDS.
3 The General Assembly of North Carolina enacts:

4 SECTION 1. Chapter 58 of the General Statutes is amended by adding a new
5 Article to read:

6 "Article 82B.

7 "Regulation of Aggressive Dog Breeds.

8 **"§ 58-82B-1. Regulation of aggressive dog breeds; permits.**

9 (a) For purposes of this section, the term "aggressive dog breed" means any of the
10 following breeds of dog and dogs that are predominantly of any of the following breeds:

11 (1) Pit bull, including the Staffordshire Bull Terrier breed, American
12 Staffordshire Terrier breed, and American Pit Bull Terrier breed.

13 (2) Rottweiler.

14 (3) Mastiff.

15 (4) Chow.

16 (5) Perro de Presa Canario.

17 The term "aggressive dog breed" also includes wolf hybrids.

18 (b) A person shall not take ownership of a dog belonging to an aggressive dog breed on
19 or after January 1, 2014, unless that person does the following:

20 (1) Submits to a criminal background check by the sheriff of the county where
21 the owner resides. The sheriff shall determine the criminal and background
22 history of the owner by accessing computerized criminal history records as
23 maintained by the State Bureau of Investigation and the Federal Bureau of
24 Investigation by conducting a national criminal history records check, by
25 conducting a check through the National Instant Criminal Background
26 Check System (NICS), and by conducting a criminal history check through
27 the Administrative Office of the Courts.

28 (2) Enrolls in a course of instruction of no less than four hours' duration
29 provided by the Humane Society of the United States, or any of the rescue
30 organizations for any of the aggressive dog breeds as defined in subsection
31 (a) of this section, that is designed to educate the owners of these dogs about
32 their temperament and about the requirements for responsible ownership of
33 the breed, or any other similar course of instruction approved by the
34 Department of Insurance. Each organization offering such a course shall
35 register a syllabus of the course with the Department of Insurance and, in



1 consultation with the Department of Insurance, shall develop a certification
2 process to enable owners of aggressive dog breeds to demonstrate to insurers
3 that they have successfully participated in that course. If the owner of the
4 dog is under 18 years of age, then the parent or guardian of the owner shall
5 enroll in the course with the owner and be responsible for obtaining the
6 certification.

7 (3) Notifies the issuer of the person's homeowners' or renters' insurance policy,
8 if any, that the person has complied with the provisions of this section in
9 order to establish the level of risk involved in providing insurance to the
10 person.

11 (4) Applies to the Department of Insurance for a special permit to possess a dog
12 belonging to an aggressive dog breed pursuant to subsection (c) of this
13 section and obtain such a permit.

14 For purposes of this subsection, the term "take ownership" means the purchasing, adopting,
15 or otherwise taking possession of a dog for the first time by a person who intends to maintain
16 possession of the dog.

17 (c) The Department of Insurance shall develop and implement a program for issuing
18 special permits to owners of dogs of an aggressive dog breed, as defined in subsection (a) of
19 this section. Before issuing a permit under the program, the Department shall confirm that the
20 applicant has complied with the provisions of subsection (b) of this section, as well as any
21 additional requirements designed to increase the likelihood that the person may obtain
22 affordable insurance to cover the risks to the public that may result from the person's ownership
23 of such a dog. If the Department determines that the criminal background check required under
24 subdivision (1) of subsection (b) of this section indicates that an applicant is not suitable for the
25 ownership of a dog belonging to an aggressive dog breed or that an applicant has not fully
26 complied with the provisions of subsection (b) of this section, then the Department shall not
27 issue a permit to the person. The Department shall provide to the applicant within seven days of
28 the refusal a written statement of the reason for the refusal to issue a permit. An appeal from
29 the refusal shall lie by way of petition to the chief district court judge for the district in which
30 the application was filed. The determination by the court on appeal shall be upon the facts, the
31 law, and the reasonableness of the Department's refusal and shall be final.

32 (d) The Department may charge a fee of up to twenty-five dollars (\$25.00) for issuance
33 of an aggressive dog breed permit under this section.

34 (e) Effective January 1, 2014, until December 31, 2015, any person to whom subsection
35 (b) of this section applies who possesses a dog belonging to an aggressive dog breed without
36 complying with the provisions of this section and obtaining a permit under this section commits
37 an infraction and, if found responsible, is liable for a penalty of up to fifty dollars (\$50.00).
38 Effective January 1, 2015, any person to whom subsection (b) of this section applies who
39 possesses a dog belonging to an aggressive dog breed without complying with the provisions of
40 this section and obtaining a permit under this section is guilty of a Class 3 misdemeanor."

41 **SECTION 2.** This act becomes effective January 1, 2014, and applies to persons
42 who take ownership of dogs covered by this act on or after that date, and the provisions of
43 G.S. 58-82B-1(e) become effective January 1, 2014, and apply to offenses committed on or
44 after that date.