
As Introduced

126th General Assembly
Regular Session
2005-2006

H. B. No. 189

Representatives Walcher, Webster

A BILL

To amend sections 955.11, 955.22, 955.28, 955.99, 1901.18, 1907.031, and 4741.03 and to enact section 955.222 of the Revised Code to establish a process by which owners, keepers, or harborers of dogs that have been designated as dangerous or vicious may appeal that designation, to revise the definitions of "dangerous dog," "vicious dog," and "without provocation," to increase the fee imposed for the transfer of ownership of a dog, and to make other changes to the laws governing dogs.

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

Section 1. That sections 955.11, 955.22, 955.28, 955.99, 1901.18, 1907.031, and 4741.03 be amended and section 955.222 of the Revised Code be enacted to read as follows:

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

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

(b) "Dangerous dog" does not include a police dog that has chased or approached any person 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~~ is 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 of the following:

(i) Has killed or caused serious ~~injury~~ physical harm to any person without provocation;

(ii) ~~Has caused injury, other than killing or serious injury, to any person, or has killed another dog.~~ without provocation;

(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~~ Has been possessed, trained, or used for purposes of dogfighting.

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

(i) A police dog that has killed or caused serious ~~injury~~ physical harm to any person or that has caused injury, other than killing or serious ~~injury~~ physical harm, 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~~ physical harm to any person while a person was committing or attempting to commit a trespass or other criminal offense on the property of the owner, keeper, or harbinger of the dog.

(5) "Without provocation" means that a dog was not teased, tormented, ~~or physically abused, or attempted to be physically abused~~ by a person or another animal, or that the dog was not coming to the aid or the defense of a person who was not engaged in illegal or criminal activity and who was not using the dog as a means of carrying out such activity.

(6) "Serious physical harm" means physical harm that involves any of the following:

(a) A substantial risk of death;

(b) Permanent incapacity, whether partial or total, or temporary, substantial incapacity;

(c) Permanent disfigurement or temporary, serious disfigurement;

(d) Acute pain of a duration that results in substantial suffering;

(e) Any degree of prolonged or intractable pain.

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

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

(D) Within ten days after the transfer of ownership or possession of any dog, if the seller or other transferor of the dog has knowledge that the dog is a dangerous or vicious dog, ~~he~~ the seller or other transferor shall give to the buyer or other transferee, the board of health for the district in which the buyer or other transferee

resides, and the dog warden of the county in which the buyer or other transferee resides, a completed copy of a written form on which the seller or other transferor shall furnish the following information:

- (1) The name and address of the buyer or other transferee of the dog;
- (2) The age, sex, color, breed, and current registration number of the dog.

In addition, the seller or other transferor shall answer the following questions, which shall be specifically stated on the form as follows:

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

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

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

The dog warden of the county in which the seller or other transferor resides shall furnish the form to the seller or other transferor at no cost.

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

Sec. 955.22. (A) As used in this section, "dangerous;

(1) "Dangerous dog" and "vicious dog" have the same meanings as in section 955.11 of the Revised Code.

(2) "Locked" means secured with a device that requires a key or combination to open.

(B) No owner, keeper, or harbinger of any female dog shall permit it to go beyond the premises of the owner, keeper, or harbinger at any time the dog is in heat unless the dog is properly in leash.

(C) Except when a dog is lawfully engaged in hunting or a nationally recognized canine competition and accompanied by the owner, keeper, harbinger, or handler of the dog, no owner, keeper, or harbinger of any dog shall fail at any time to do either of the following:

(1) Keep the dog physically confined or restrained upon the premises of the owner, keeper, or harbinger by a an adequate leash, tether, adequate or fence, under adequate supervision, or within a secure enclosure to prevent escape;

(2) Keep the dog under the reasonable physical control of some person.

~~(D) Except when a dangerous or vicious dog is lawfully engaged in hunting or training for the purpose of hunting and is accompanied by the owner, keeper, harbinger, or handler of the dog, no owner, keeper, or harbinger of a dangerous or vicious dog shall fail to do either of the following:~~

~~(1) While that any dangerous or vicious dog is on the premises of the owner, keeper, or harbinger, it must be securely ~~confine~~ confined it at all times in a locked pen that has a top, ~~locked fenced~~ a yard that is enclosed by a locked fence not less than six feet in height, or some other locked enclosure that has a top. ~~except that a dangerous dog may, in the alternative, be tied with a leash or tether so that the dog is adequately restrained;~~~~

~~(2) While that dog is off the premises of the owner, keeper, or harbinger, keep that dog on a chain-link leash or tether that is not more than six feet in length and additionally do at least one of the following:~~

(a) ~~Keep that dog in a locked pen that has a top, locked fenced a yard that is enclosed by a locked fence not less than six feet in height, or some other locked enclosure that has a top;~~

~~(b) Have the leash or tether controlled by a person who is of suitable age and discretion or securely attach, tie, or affix the leash or tether to the ground or a stationary object or fixture so that the dog is adequately restrained and station such a person in close enough proximity to that dog so as to prevent it from causing injury to any person;~~

~~(c) Muzzle that dog Adequately muzzle the dog and keep the dog on a chain-link leash that is not more than six feet in length and that is controlled by a person who is of suitable age and discretion. In no case shall the person controlling the leash be younger than 14 21 years of age.~~

(E) No owner, keeper, or harbinger of a vicious dog shall fail to obtain liability insurance with an insurer authorized to write liability insurance in this state providing coverage in each occurrence, subject to a limit, exclusive of interest and costs, of not less than one hundred thousand dollars because of damage or bodily injury to or death of a person caused by the vicious dog. Failure to produce proof of the required liability insurance at the request of a person who is authorized to enforce this chapter shall be prima-facie evidence of the lack of the insurance.

(F) No person shall do any of the following:

~~(1) Debark or surgically silence a dog that the person knows or has reason to believe is a vicious dog;~~

~~(2) Possess a vicious dog if the person knows or has reason to believe that the dog has been debarked or surgically silenced;~~

~~(3) (1) Falsely attest on a waiver form provided by the veterinarian under division (G) of this section that the person's dog is not a vicious dog or otherwise provide false information on that written waiver form.~~

~~(G) Before a veterinarian debarks or surgically silences a dog, the veterinarian may give the owner of the dog a written waiver form that attests that the dog is not a vicious dog. The written waiver form shall include all of the following:~~

~~(1) The veterinarian's license number and current business address;~~

~~(2) The number of the license of the dog if the dog is licensed;~~

~~(3) A reasonable description of the age, coloring, and gender of the dog as well as any notable markings on the dog;~~

~~(4) The signature of the owner of the dog attesting that the owner's dog is not a vicious dog;~~

~~(5) A statement that division (F) of section 955.22 of the Revised Code prohibits any person from doing any of the following:~~

~~(a) Debarking or surgically silencing a dog that the person knows or has reason to believe is a vicious dog;~~

~~(b) Possessing a vicious dog if the person knows or has reason to believe that the dog has been debarked or surgically silenced;~~

~~(c) Falsely attesting on a waiver form provided by the veterinarian under division (G) of section 955.22 of the Revised Code that the person's dog is not a vicious dog or otherwise provide false information on that written waiver form.~~

~~(H) It is an affirmative defense to a charge of a violation of division (F) of this section that the veterinarian who is charged with the violation obtained, prior to debarking or surgically silencing the dog, a written waiver form that complies with division (G) of this section and that attests that the dog is not a vicious dog.~~

(I) No person shall own, keep, or harbor more than one dangerous or vicious dog or allow the presence of more than one vicious dog on the premises where the person resides.

(J) No person who has been convicted of a violation of this chapter or of Chapter 959. or 2925. of the Revised Code that is a felony shall own, keep, or harbor a dangerous or vicious dog or reside on premises where a vicious dog is owned, kept, or harbored.

(K) Before releasing a dog that has been seized by a person who is authorized to enforce this chapter in response to an alleged violation of this chapter, the person who seized the dog may require the owner, keeper, or harbored of the dog to have the dog registered and vaccinated as required by law and, if the dog is a dangerous or vicious dog, may require proof that the owner, keeper, or harbored possesses the liability insurance that is required under this section. The person who seized the dog may hold the owner, keeper, or harbored liable for any costs associated with registering and vaccinating the dog that the person incurred as well as for costs associated with the housing, feeding, and care of the dog after the seizure. The person who seized the dog is not required to release the dog until the owner, keeper, or harbored pays all applicable costs.

Sec. 955.222. (A)(1) Except as otherwise provided in division (A)(2) of this section, the board of county commissioners of each county shall appoint at least one hearing officer to conduct hearings in accordance with this section concerning the designation of a dog as a dangerous or vicious dog. In order to be eligible for appointment as a hearing officer, a person shall be an employee of the county or shall be experienced and knowledgeable concerning canine behavior, or both. The board shall not appoint a person as a hearing officer if the person is authorized to enforce this chapter, is employed by a person authorized to enforce this chapter, or is employed by a court.

A person who is appointed as a hearing officer under this section shall complete a course in canine behavior that is at least six hours in length and that is approved by the state veterinary medical licensing board under section 4741.03 of the Revised Code. The training requirement shall be considered to be satisfied if the course is completed during the time period that begins two years prior to the appointment and ends six months after the appointment. The training requirement does not apply to an appointee who has graduated from a veterinary college approved by the state veterinary medical licensing board or accredited by the American veterinary medical association or who has been issued a certificate by the education commission for foreign veterinary graduates of the American veterinary medical association.

A board of county commissioners has complete discretion concerning matters of compensation of any hearing officer that it appoints under this section.

(2) A board of county commissioners may choose not to appoint any hearing officers to conduct hearings in accordance with this section. In that case, the

municipal court or county court that has territorial jurisdiction over the residence of the owner, keeper, or harbinger of a dog shall conduct any hearing concerning the designation of the dog as a dangerous or vicious dog.

(B) If a person who is authorized to enforce this chapter has reasonable cause to believe that a dog in the person's jurisdiction is a dangerous or vicious dog, the person shall notify the owner, keeper, or harbinger of that dog, by certified mail or in person, of both of the following:

(1) That the person has designated the dog a dangerous or vicious dog, as applicable;

(2) That the owner, keeper, or harbinger of the dog may request a hearing regarding the designation in accordance with this section. The notice shall include instructions for filing a request for a hearing in the county in which the dog's owner, keeper, or harbinger resides.

(C) If the owner, keeper, or harbinger of the dog refutes its designation as a dangerous or vicious dog, as applicable, the owner, keeper, or harbinger, not later than ten days after receiving notification of the designation, may request a hearing regarding the determination. The request for a hearing shall be in writing and shall be filed with a hearing officer who has been appointed in accordance with this section for the county in which the dog's owner, keeper, or harbinger resides. If no such hearing officer has been appointed, the request shall be filed with the municipal court or county court that has territorial jurisdiction over the residence of the dog's owner, keeper, or harbinger.

If the request is filed with a hearing officer, the hearing officer, not later than five days after the filing of the request, shall set the date and time for a hearing on the request and shall notify the owner, keeper, or harbinger of the dog and the person who designated the dog as dangerous or vicious, by certified mail or in person. The date of the hearing shall be not more than thirty days after the request is filed with the hearing officer.

At a hearing conducted by a hearing officer, the owner, keeper, or harbinger of the dog and the person who designated the dog as dangerous or vicious may bring witnesses and submit information to support or refute the dog's designation. After the hearing, the hearing officer shall make a final determination on whether the dog is a dangerous or vicious dog, as applicable. The hearing officer shall notify, by certified mail, the owner, keeper, or harbinger of the dog and the person who designated the dog as dangerous or vicious of the hearing officer's determination.

Not later than thirty days after the hearing officer makes a final determination, the owner, keeper, or harbinger of the dog or the person who designated the dog as dangerous or vicious may appeal the hearing officer's determination to the municipal court or county court that has territorial jurisdiction over the residence of the owner, keeper, or harbinger.

In the case of a hearing conducted by a municipal court or county court, the owner, keeper, or harbinger of the dog or the person who designated the dog as dangerous or vicious may appeal the court's final determination as in any other case filed in that court.

(D) A hearing officer or a court, as applicable, upon motion of an owner, keeper, or harbinger or an attorney representing the owner, keeper, or harbinger,

may order that the dog designated as a dangerous or vicious dog be held in the possession of the owner, keeper, or harbinger until the hearing officer or court makes a final determination under this section or during the pendency of an appeal, as applicable. Until the hearing officer or court makes a final determination and during the pendency of any appeal, the dog shall be confined or restrained in accordance with the provisions of division (D) of section 955.22 of the Revised Code that apply to dangerous dogs regardless of whether the dog has been designated as a vicious dog rather than a dangerous dog. The owner, keeper, or harbinger of the dog shall not be required to comply with any other requirements established in the Revised Code that concern a dangerous or vicious dog, as applicable, until the hearing officer or court makes a final determination and during the pendency of any appeal.

Sec. 955.28. (A) Subject to divisions (A)(2) and (3) of section 955.261 of the Revised Code, a dog that is chasing or approaching in a menacing fashion ~~or apparent attitude of attack, that~~ or attempts to bite or otherwise endanger, or that kills or injures a person or a dog that chases, injures, or kills livestock, poultry, other domestic animal, or other animal, that is the property of another person, except a cat or another dog, can be killed at the time of that chasing, approaching, attempting to killing kill, or injury injure. If, in attempting to kill such a dog, a person wounds it, ~~he~~ that person is not liable to prosecution under the penal laws ~~which that~~ punish cruelty to animals.

(B) The owner, keeper, or harbinger of a dog is liable in damages for any injury, death, or loss to person or property that is caused by the dog, unless the injury, death, or loss was caused to the person or property of an individual who, at the time, was committing or attempting to commit a trespass or other criminal offense on the property of the owner, keeper, or harbinger, or was committing or attempting to commit a criminal offense against any person, or was teasing, tormenting, or abusing the dog on the owner's, keeper's, or harbinger's property.

Sec. 955.99. (A)(1) Whoever violates division (E) of section 955.11 of the Revised Code because of a failure to comply with division (B) of that section is guilty of a minor misdemeanor.

(2) Whoever violates division (E) of section 955.11 of the Revised Code because of a failure to comply with division (C) or (D) of that section is guilty of a ~~minor misdemeanor on a first offense and of a misdemeanor of the fourth degree, on each subsequent offense.~~

(B) Whoever violates section 955.10, 955.23, ~~955.24,~~ or 955.25 of the Revised Code is guilty of a minor misdemeanor.

(C) Whoever violates section 955.261, 955.39, or 955.50 of the Revised Code is guilty of a minor misdemeanor on a first offense and of a misdemeanor of the fourth degree on each subsequent offense.

(D) Whoever violates division (F) of section 955.16, section 955.24, or division (B) of section 955.43 of the Revised Code is guilty of a misdemeanor of the fourth degree.

(E)(1) Whoever violates section 955.21 or division (B) or (C) of section 955.22 of the Revised Code shall be fined not less ~~than twenty-five dollars or more than one hundred dollars on a first offense, and on each subsequent offense shall be fined not~~

less than seventy-five dollars or more than two hundred fifty dollars and may be imprisoned for not more than thirty days.

(2) In addition to the penalties prescribed in division (E)(1) of this section, if the offender is guilty of a violation of division (B) or (C) of section 955.22 of the Revised Code, the court may order the offender to personally supervise the dog that the offender owns, keeps, or harbors, to cause that dog to complete dog obedience training, or to do both.

(F) If a violation of division (D) of section 955.22 of the Revised Code involves a dangerous dog, whoever violates that division is guilty of a misdemeanor of the fourth degree ~~on a first offense and of a misdemeanor of the third degree on each subsequent offense. Additionally, the court may order the offender to personally supervise the dangerous dog that the offender owns, keeps, or harbors, to cause that dog to complete dog obedience training, or to do both, and the court may order the offender to obtain liability insurance pursuant to division (E) of section 955.22 of the Revised Code.~~ The court, in the alternative, may order the dangerous dog to be humanely destroyed by a licensed veterinarian, the county dog warden, or the county humane society.

(G) If a violation of division (D) of section 955.22 of the Revised Code involves a vicious dog, whoever violates that division is guilty of one of the following:

(1) A felony of the fourth degree ~~on a first or subsequent offense if the dog kills or seriously injures~~ causes serious physical harm to a person, as "serious physical harm" is defined in section 955.11 of the Revised Code. Additionally, the court shall order that the vicious dog be humanely destroyed by a licensed veterinarian, the county dog warden, or the county humane society.

(2) A misdemeanor of the first degree ~~on a first offense and a felony of the fourth degree on each subsequent offense. Additionally, the court may order the vicious dog to be humanely destroyed by a licensed veterinarian, the county dog warden, or the county humane society or to be surgically spayed or neutered by a licensed veterinarian at the expense of the owner, keeper, or harborer.~~

(3) A misdemeanor of the first degree ~~if the dog causes injury, other than killing or serious injury~~ physical harm, to any person, as "serious physical harm" is defined in section 955.11 of the Revised Code.

(H) Whoever violates division (A)(2) of section 955.01 or division (E) of section 955.22 of the Revised Code is guilty of a misdemeanor of the first degree.

(I) Whoever violates division (C) of section 955.221 of the Revised Code is guilty of a minor misdemeanor. Each day of continued violation constitutes a separate offense. Fines levied and collected for violations of that division shall be distributed by the mayor or clerk of the municipal or county court in accordance with section 733.40, division (F) of section 1901.31, or division (C) of section 1907.20 of the Revised Code to the treasury of the county, township, or municipal corporation whose resolution or ordinance was violated.

(J) Whoever violates division (F)(1), (2), or (3) of section 955.22 of the Revised Code is guilty of a felony of the fourth degree. Additionally, the court shall order that the vicious dog be humanely destroyed by a licensed veterinarian, the county dog warden, or the county humane society.

(K) Whoever violates division (I) or (J) of section 955.22 of the Revised Code is guilty of a misdemeanor of the first degree on a first offense and a felony of the fourth degree on each subsequent offense. Additionally, the court may order either of the following with respect to a vicious dog that was involved in the violation:

(1) Humane destruction of the dog by a licensed veterinarian, the county dog warden, or the county humane society;

(2) Surgical spaying or neutering of the dog by a licensed veterinarian at the expense of the dog's owner, keeper, or harbinger.

Sec. 1901.18. (A) Except as otherwise provided in this division or section 1901.181 of the Revised Code, subject to the monetary jurisdiction of municipal courts as set forth in section 1901.17 of the Revised Code, a municipal court has original jurisdiction within its territory in all of the following actions or proceedings and to perform all of the following functions:

(1) In any civil action, of whatever nature or remedy, of which judges of county courts have jurisdiction;

(2) In any action or proceeding at law for the recovery of money or personal property of which the court of common pleas has jurisdiction;

(3) In any action at law based on contract, to determine, preserve, and enforce all legal and equitable rights involved in the contract, to decree an accounting, reformation, or cancellation of the contract, and to hear and determine all legal and equitable remedies necessary or proper for a complete determination of the rights of the parties to the contract;

(4) In any action or proceeding for the sale of personal property under chattel mortgage, lien, encumbrance, or other charge, for the foreclosure and marshalling of liens on personal property of that nature, and for the rendering of personal judgment in the action or proceeding;

(5) In any action or proceeding to enforce the collection of its own judgments or the judgments rendered by any court within the territory to which the municipal court has succeeded, and to subject the interest of a judgment debtor in personal property to satisfy judgments enforceable by the municipal court;

(6) In any action or proceeding in the nature of interpleader;

(7) In any action of replevin;

(8) In any action of forcible entry and detainer;

(9) In any action concerning the issuance and enforcement of temporary protection orders pursuant to section 2919.26 of the Revised Code or protection orders pursuant to section 2903.213 of the Revised Code or the enforcement of protection orders issued by courts of another state, as defined in section 2919.27 of the Revised Code;

(10) If the municipal court has a housing or environmental division, in any action over which the division is given jurisdiction by section 1901.181 of the Revised Code, provided that, except as specified in division (B) of that section, no judge of the court other than the judge of the division shall hear or determine any action over which the division has jurisdiction;

(11) In any action brought pursuant to division (I) of section 3733.11 of the Revised Code, if the residential premises that are the subject of the action are located within the territorial jurisdiction of the court;

(12) In any civil action as described in division (B)(1) of section 3767.41 of the Revised Code that relates to a public nuisance, and, to the extent any provision of this chapter conflicts or is inconsistent with a provision of that section, the provision of that section shall control in the civil action;

(13) In a proceeding brought pursuant to section 955.222 of the Revised Code by the owner of a dog that has been designated as a dangerous or vicious dog if the owner resides in a county in which no hearing officer has been appointed under that section to conduct hearings concerning such designations.

A municipal court has appellate jurisdiction within its territory in any appeal brought pursuant to section 955.222 of the Revised Code with respect to the final determination of a hearing officer concerning the designation of a dog as a dangerous or vicious dog.

(B) The Cleveland municipal court also shall have jurisdiction within its territory in all of the following actions or proceedings and to perform all of the following functions:

(1) In all actions and proceedings for the sale of real property under lien of a judgment of the municipal court or a lien for machinery, material, or fuel furnished or labor performed, irrespective of amount, and, in those actions and proceedings, the court may proceed to foreclose and marshal all liens and all vested or contingent rights, to appoint a receiver, and to render personal judgment irrespective of amount in favor of any party.

(2) In all actions for the foreclosure of a mortgage on real property given to secure the payment of money or the enforcement of a specific lien for money or other encumbrance or charge on real property, when the amount claimed by the plaintiff does not exceed fifteen thousand dollars and the real property is situated within the territory, and, in those actions, the court may proceed to foreclose all liens and all vested and contingent rights and may proceed to render judgments and make findings and orders between the parties in the same manner and to the same extent as in similar actions in the court of common pleas.

(3) In all actions for the recovery of real property situated within the territory to the same extent as courts of common pleas have jurisdiction;

(4) In all actions for injunction to prevent or terminate violations of the ordinances and regulations of the city of Cleveland enacted or promulgated under the police power of the city of Cleveland, pursuant to Section 3 of Article XVIII, Ohio Constitution, over which the court of common pleas has or may have jurisdiction, and, in those actions, the court may proceed to render judgments and make findings and orders in the same manner and to the same extent as in similar actions in the court of common pleas.

Sec. 1907.031. (A) Except as otherwise provided in section 1907.03 of the Revised Code and in addition to the jurisdiction authorized in other sections of this chapter and in section 1909.11 of the Revised Code, a county court has original jurisdiction within its district in all of the following actions or proceedings and to perform all of the following functions:

(1) In an action or proceeding at law for the recovery of money or personal property of which the court of common pleas has jurisdiction;

(2) In an action at law based on contract, to determine, preserve, and enforce all legal and equitable rights involved in the contract, to decree an accounting, reformation, or cancellation of the contract, and to hear and determine all legal and equitable remedies necessary or proper for a complete determination of the rights of the parties to the contract;

(3) In an action or proceeding for the sale of personal property under chattel mortgage, lien, encumbrance, or other charge, for the foreclosure and marshalling of liens on the personal property, and for the rendering of personal judgment in the action or proceeding;

(4) In an action or proceeding to enforce the collection of its own judgments and to subject the interest of a judgment debtor in personal property to satisfy judgments enforceable by the county court;

(5) In an action or proceeding in the nature of interpleader;

(6) In an action of forcible entry and detainer;

(7) In a proceeding brought pursuant to section 955.222 of the Revised Code by the owner of a dog that has been designated as a dangerous or vicious dog if the owner resides in a county in which no hearing officer has been appointed under that section to conduct hearings concerning such designations.

A county court has appellate jurisdiction within its territory in any appeal brought pursuant to section 955.222 of the Revised Code with respect to the final determination of a hearing officer concerning the designation of a dog as a dangerous or vicious dog.

(B) A county court has original jurisdiction in civil actions as described in division (B)(1) of section 3767.41 of the Revised Code that relate to a public nuisance. To the extent any provision of this chapter conflicts or is inconsistent with a provision of that section, the provision of that section shall control in such a civil action.

Sec. 4741.03. (A) The state veterinary medical licensing board shall meet at least once in each calendar year and may hold additional meetings as often as it considers necessary to conduct the business of the board. The president of the board may call special meetings and the executive secretary shall call special meetings upon the written request of three members of the board. The board shall organize by electing a president and vice-president from its veterinarian members and such other officers as the board prescribes by rule. Each officer shall serve for a term specified by board rule or until a successor is elected and qualified. A quorum of the board consists of four members of which at least three are members who are veterinarians. The concurrence of four members is necessary for the board to take any action.

(B) The board may appoint a person, not one of its members, to serve as its executive secretary. The executive secretary is in the unclassified service and serves at the pleasure of the board. The executive secretary shall serve as the board's secretary-treasurer ex officio. The board may employ additional employees for professional, technical, clerical, and special work as it considers necessary. The executive secretary shall give a surety bond to the state in the sum the board requires, conditioned upon the faithful performance of the executive secretary's duties. The board shall pay the cost of the bond. The executive secretary shall keep a

complete accounting of all funds received and of all vouchers presented by the board to the director of budget and management for the disbursement of funds. The president or executive secretary shall approve all vouchers of the board. All money received by the board shall be credited to the occupational licensing and regulatory fund.

(C) In addition to any other duty required under this chapter, the board shall do all of the following:

(1) Prescribe a seal;

(2) Hold at least one examination during each calendar year for applicants for a license. The board shall provide public notice of the time and place for the examination. The examination for applicants for a license to practice veterinary medicine shall be either written or oral, or both, as determined by the board, and may include a practical demonstration. The examination may include all subjects relevant to veterinary medicine the board determines appropriate, including public health and jurisprudence.

(3) Keep a record of all of its meetings and proceedings;

(4) Maintain a register that records all applicants for a certificate of license or a temporary permit, all persons who have been denied a license or permit, all persons who have been granted or reissued a license or permit, and all persons whose license or permit has been revoked or suspended. The register shall also include a record of persons licensed prior to October 17, 1975.

(5) Maintain a register, in such form as the board determines by rule, of all colleges and universities that teach veterinary medicine and that are approved by the board;

(6) Enforce this chapter, and for that purpose, make investigations relative as provided in section 4741.26 of the Revised Code;

(7) Issue licenses and permits to persons who meet the qualifications set forth in this chapter;

(8) Approve colleges and universities ~~which~~ that meet the board's requirements for veterinary medicine and associated fields of study and withdraw or deny, after an adjudication conducted in accordance with Chapter 119. of the Revised Code, approval from colleges and universities ~~which~~ that fail to meet those requirements;

(9) Adopt rules, in accordance with Chapter 119. of the Revised Code, ~~which~~ that are necessary for its government and for the administration and enforcement of this chapter;

(10) Develop standards for courses in canine behavior that must be completed by hearing officers under section 955.222 of the Revised Code and approve courses that meet the standards.

(D) The board may do all of the following:

(1) Subpoena witnesses and require their attendance and testimony, require the production by witnesses of books, papers, public records, animal patient records, and other documentary evidence, and examine them in relation to any matter ~~which~~ that the board has authority to investigate, inquire into, or hear. Except for any officer or employee of the state or any political subdivision of the state, the treasurer of state shall pay all witnesses in any proceeding before the

board, upon certification from the board, witness fees in the same amount as provided in section 2335.06 of the Revised Code.

(2) Examine and inspect books, papers, public records, animal patient records, and other documentary evidence at the location where the books, papers, records, and other evidence are normally stored or maintained;

(3) Create an advisory committee consisting of members of the animal health and allied medical services in this state to confer with and assist the board in the adoption of rules pertaining to divisions (B) to (E) of section 4741.19 and divisions (A), (D), (E), and (F) of section 4741.20 of the Revised Code.

(E) All registers, books, and records kept by the board are the property of the board and are open for public examination and inspection at all reasonable times. The registers, books, and records are prima-facie evidence of the matters contained therein.

Section 2. That existing sections 955.11, 955.22, 955.28, 955.99, 1901.18, 1907.031, and 4741.03 of the Revised Code are hereby repealed.