

# TITLE XLV ANIMALS

## CHAPTER 466 DOGS AND CATS

### Licensing of Dogs

#### Section 466:1

**466:1 Procuring License; Tag.** – Every owner or keeper of a dog 4 months old or over shall annually, cause it to be registered, numbered, described, and licensed for one year in the office of the clerk of the city or town in which the dog is kept, and shall cause it to wear around its neck a collar to which shall be attached a metal tag with the following information thereon: the name of the city or town, year of issue of license and its registered number. The tag and license shall be furnished by the clerk at the expense of the city or town. Regardless of when the license is obtained, the license shall be effective from May 1 of each year to April 30 of the subsequent year.

**Source.** 1891, 60:1. 1925, 96:1. PL 150:6. RL 180:6. RSA 466:1. 1957, 217:1. 1995, 298:1. 1996, 67:1. 1997, 273:1, eff. Jan. 1, 1998.

#### Section 466:1-a

##### **466:1-a Vaccination Required.** –

I. Before a license is issued under the provisions of this subdivision, the owner or keeper of a dog shall furnish to the clerk verification from a licensed veterinarian that the dog has been vaccinated against rabies in accordance with the provisions of RSA 436. Persons applying for a group license under RSA 466:6 shall also furnish to the clerk verification from a licensed veterinarian that the dogs have been vaccinated against rabies in accordance with RSA 436.

II. Notwithstanding paragraph I, if a valid rabies certificate is on file with the clerk in accordance with RSA 436:102, the owner shall not be required to produce such verification at time of licensure.

**Source.** 1967, 188:2. 1994, 353:2. 1997, 162:1, eff. Aug. 8, 1997.

#### Section 466:1-b

**466:1-b Rabies Certificate.** – Upon receipt of a copy of a rabies certificate from a veterinarian pursuant to RSA 436:102, the clerk of the town or city shall send written notice to the owner or keeper of any unlicensed dog relative to the licensing requirements provided for in RSA 466:1. If the owner or keeper of the unlicensed dog fails to license the dog in a timely manner, the town or city clerk shall notify the local law enforcement officer of a violation of RSA 466:1.

**Source.** 1994, 353:3, eff. Jan. 1, 1995.

#### Section 466:1-c

**466:1-c Authorization to Issue Licenses; Local Law Enforcement Officers.** – The town or city clerk may authorize a local law enforcement officer to issue licenses and collect license fees pursuant to RSA 466:4. For the purposes of this section, a local law enforcement officer means the local police department of the city or town, the dog officer in a city or town, or a humane society which performs animal control functions as may be designated by the local governing body. The town or city clerk shall determine the criteria for the receipt of funds and recordkeeping.

**Source.** 1994, 353:3, eff. Jan. 1, 1995.

### **Section 466:1-d**

#### **466:1-d Lists of Licensed Dog Owners.** –

I. Except as provided in paragraphs II and III and RSA 466:11 and RSA 466:14, no dog registration records, information, or lists shall be sold, rented, transferred, or otherwise made available in whole or in part, in any form or format, directly or indirectly, to another person.

II. Dog registration records, information, or lists may be made available pursuant to a court order or in response to a request from the state, a political subdivision of the state, the federal government, or a law enforcement agency solely for use in official business. The request shall be on a case-by-case basis. Any information, record, or list received pursuant to this paragraph shall not be further transferred or otherwise made available to any other person or listed entity not authorized under this paragraph, except as provided in RSA 466:13.

III. Without otherwise compromising the confidentiality of the files, nothing in this section shall prohibit a body or agency from releasing information relative to health or safety from investigative files on a limited basis to persons whose health or safety may be affected, or to a person or agency attempting to provide for the welfare of an animal.

**Source.** 2007, 67:1, eff. Aug. 10, 2007.

### **Section 466:2**

**466:2 Part of Year.** – An owner of a dog may at any time have it licensed until the ensuing May 1; and a person becoming the owner or keeper of a dog not duly licensed after May 1 shall cause it to be registered, numbered, described and licensed as provided in RSA 466:1.

**Source.** 1891, 60:2. PL 150:7. RL 180:7.

### **Section 466:3**

**466:3 Transfer.** – A license duly recorded shall be valid in any part of the state, and may be transferred with the dog licensed. The clerk of the town or city may charge \$1.50 to cover the cost of the tag for the new license.

**Source.** 1891, 60:7. PL 150:8. RL 180:8. RSA 466:3. 1996, 67:2, eff. Jan. 1, 1997.

### **Section 466:4**

#### **466:4 Fees.** –

I. (a) The fee for every license for a year or portion of a year shall be:

(1) \$4.50 for dogs at least 4 months old but less than 7 months old which are not spayed or neutered and \$4.50 for a neutered male or spayed female dog 7 months old or older; provided, however,

that the owner or keeper of such spayed female dog or neutered male dog shall comply with the provisions of RSA 466:1-a to the satisfaction of the clerk of the town or city in which such dog is owned or kept; or

(2) \$7 for any unneutered male or unspayed female dog 7 months old or older.

(b) In addition to the sum required in subparagraphs I(a)(1) and (2), each year the owner of each dog shall pay the clerk of the city or town where the dog is registered a companion animal population control fee of \$2.

(c) The clerk shall remit all companion animal population control fees collected to the state treasurer along with the fees sent in accordance with RSA 466:9, provided that such companion animal population control fees shall be deposited into the companion animal neutering fund, established in RSA 437-A:4-a.

II. Notwithstanding paragraph I, the fee for every license for a year or a portion of a year shall be \$2 for a dog of either sex if the owner is 65 years of age or older. Such owner shall not be required to pay the companion animal population control fee, under RSA 466:4, I(b), for licensing of one dog; provided, however, that, if such owner wishes to license more than one dog, the fee for any additional license shall be as provided in paragraph I.

III. Fees for dogs licensed in a commercial kennel shall be based on the numbers of dogs licensed, as in RSA 466:6 for group licenses. For purposes of this paragraph, "commercial kennel" means the establishment or domicile of any person who sells dogs at wholesale or retail; and, if retail, who sells or transfers 10 or more litters per year, or sells or transfers 50 or more puppies per year; or who derives 40 percent or more of gross annual income from the sale or transfer of dogs. The owner or keeper of any dog licensed under this paragraph shall not be assessed a companion animal population control fee.

**Source.** 1891, 60:3. 1903, 109:1. PL 150:9. RL 180:9. RSA 466:4. 1977, 356:1. 1979, 98:1. 1983, 228:1. 1986, 213:1. 1989, 157:1. 1993, 219:1, 5. 1995, 298:2; 298:3. 1996, 67:3; 242:1, 3; 242:4. 1997, 162:2; 273:3; 332:4, eff. Aug. 22, 1997.

### Section 466:5

**466:5 Disposal of Fees.** – All moneys arising from the licensing of dogs and cats, if the municipality licenses cats, remaining in the treasury of any town or city at the end of the town or city fiscal year, which is not due to holders of orders given for loss of or damages to domestic animals by dogs, or which has not been paid to the department of agriculture, markets, and food under RSA 466:9 or the state treasurer under RSA 466:4, I(c) shall be for the use of the town or city.

**Source.** 1867, 4:1. GS 105:15. 1876, 18:1. GL 115:18. PS 88:14. 1921, 85, VI:10. PL 121:17. RL 140:17. 1949, 22:1. RSA 466:5. 1995, 298:4, eff. Jan. 1, 1996.

### Section 466:6

#### 466:6 Group Licenses. –

I. The owner or keeper of 5 or more dogs shall annually by April 30 pay the required fee and obtain a license authorizing the owner or keeper to keep the dogs upon the premises described in the license, or off the premises while under such owner's or keeper's control. Such owner or keeper shall not be required to obtain a "commercial kennel" license under RSA 466:4, III unless such person has a commercial kennel as defined under RSA 466:4, III.

II. No town clerk shall refuse to issue a group license to an owner or keeper who has complied with the requirements of this subdivision.

III. The fee shall be \$20 for the group license, \$2 of which shall be remitted to the town clerk for deposit into the companion animal neutering fund, established in RSA 437-A:4-a, as the companion

animal population control fee, and \$18 shall be retained by the town or municipality.

IV. No fee shall be required for dogs which are under the age of 3 months.

V. Upon request, an owner or keeper shall receive numbered license tags for each dog included under the owner's or keeper's group license.

**Source.** 1909, 135:1. 1925, 97:1. PL 150:10. 1927, 61:1. 1941, 59:1. RL 180:10. RSA 466:6. 1977, 356:2. 1981, 306:2. 1986, 213:2, 3. 1987, 186:1. 1995, 298:5, 6. 1996, 242:2. 1997, 332:5, eff. Aug. 22, 1997.

### Section 466:6-a

#### **466:6-a Breeder's Health Certificate. –**

I. No dog shall be transferred in the state or out of the state by a breeder without first being inoculated against infectious canine diseases using a vaccine approved by the state veterinarian and unless accompanied by an official health certificate issued by a licensed veterinarian within 14 days. Said certificate shall be in triplicate, one copy of which shall be sent to the state veterinarian, one copy of which shall be kept by the breeder of said dog for a period of at least 3 years and one copy of which shall be given to the purchaser. If an official health certificate is produced, it shall be prima facie evidence of transfer.

II. For purposes of this section, an official health certificate means a certificate signed by a licensed veterinarian on a form approved by the state veterinarian, containing the name and address of the breeder, the age, sex, breed and description of the dog, a list of all types of vaccines or medication administered to said dog, and the certification of the veterinarian that the dog is free from visual evidence of communicable diseases such as kennel cough (infectious tracheo bronchitis), canine distemper, and external and internal parasites (including coccidiosis).

III. No breeder shall deliver or cause to be delivered any dog less than 8 weeks of age.

IV. All incorporated or chartered humane societies with operating shelters in the state of New Hampshire are exempt from the requirements of this section relative to selling or transferring dogs except that dogs which have been imported into the state for transfer with or without a fee shall be accompanied by an official health certificate.

V. In this section, "breeder" means any person who breeds dogs for sale, gift or transfer in any manner.

V-a. The commissioner of the department of agriculture, markets, and food or designee is hereby authorized on the commissioner's own initiative or pursuant to complaints of other persons to investigate any complaints made pursuant to this section and to enforce the penalties of RSA 466:6-a, VI. The commissioner shall adopt rules under RSA 541-A relative to the procedures for such investigations.

VI. (a) Any person who violates this subdivision shall be guilty of a misdemeanor.

(b) In addition, any person or owner who violates any of the provisions of this subdivision or rule adopted under it may be subject to an administrative fine levied by the commissioner not to exceed \$1,000 for each violation.

**Source.** 1977, 356:3. 1979, 24:1, 2. 1987, 186:2, 3. 1995, 130:4; 298:7. 2004, 7:3, eff. April 5, 2004. 2007, 160:4, eff. Aug. 17, 2007. 2009, 296:11, eff. Sept. 29, 2009.

### Section 466:7

**466:7 Additional Charge Where Payment of License Fee is Delayed. –** In addition to the license fees provided in RSA 466:4, there shall be a charge of \$1 for each month or any part thereof that the fees remain unpaid if said fees are not paid before June 1 in any year.

**Source.** 1953, 39:1. RSA 466:7. 1965, 325:1. 1977, 356:4, eff. Aug. 30, 1977.

### **Section 466:8**

**466:8 Exemption From.** – No fee shall be required for the registration and licensing of a dog which has served with the forces of the United States and has received an honorable discharge therefrom. No fee shall be required for the registration and licensing of a guide dog which is used as a guide for a blind person, a hearing ear dog which is used by a deaf person, or a service dog which is used by a mobility impaired person. When a blind, a deaf or hearing impaired, or mobility impaired person is applying for a license, he shall present a proper identification card from a recognized guide dog, hearing ear dog, or service dog training agency or school.

**Source.** 1945, 102:1. RSA 466:8. 1955, 16:1. 1977, 542:3. 1983, 275:2. 1989, 45:9. 1990, 131:4, eff. June 18, 1990.

### **Section 466:9**

#### **466:9 Payment of Fees.** –

I. Clerks of the towns and cities shall issue dog licenses, receive the money for the licenses, and pay the same into the treasuries of their respective towns and cities on or before June 1 each year, retaining to their own use \$1 for each license and submitting \$.50 for each license to the department of agriculture, markets, and food for the purpose specified in paragraph II. The clerks shall return to their respective town or city treasurer a sworn statement of the amount of moneys thus received and paid over by them.

II. The \$.50 received by the department of agriculture, markets, and food for each license issued pursuant to paragraph I shall be credited to a special nonlapsing fund to be used exclusively for the operation of the veterinary diagnostic laboratory established under RSA 436:92, and are hereby continually appropriated for such purpose to be expended under the supervision of the commissioner of agriculture, markets, and food.

**Source.** 1891, 60:5. PL 150:12. RL 180:12. RSA 466:9. 1977, 353:1. 1992, 289:10. 1994, 353:4. 1995, 130:4, 5, eff. July 23, 1995.

### **Section 466:10**

**466:10 Hydrophobia Symptoms to be Printed on License.** – [Repealed 1977, 30:1, eff. May 28, 1977.]

### **Section 466:11**

#### **466:11 Records.** –

I. Clerks of towns and cities shall keep a record of all licenses issued by them, with the names of the keepers or owners of dogs licensed, and the names, registered numbers and descriptions of all such dogs. Clerks of towns and cities shall furnish yearly to the local governing body a list of those owners who have failed to renew their license for use in preparing the warrant of unlicensed dogs.

II. With the owner's consent, a veterinarian may report the euthanizing or death during treatment of a licensed dog to the town or city clerk in order to have the record reflect that the dog was euthanized or died. A veterinarian providing such a report may also provide the town or city clerk with the mailing and street addresses of the owner of the dog. Written reports, if any, shall be destroyed after receipt by the town or city clerk, and any resulting record reflecting the dog's death shall not specify the manner or

cause of death.

**Source.** 1891, 60:5. PL 150:13. RL 180:13. RSA 466:11. 1994, 353:5, eff. Jan. 1, 1995. 2008, 42:1, eff. July 11, 2008.

### **Section 466:12**

**466:12 Account.** – Each city and town treasurer shall keep an accurate and separate account of all moneys received and expended by such treasurer under the provisions of this chapter relating to dogs and cats.

**Source.** 1891, 60:6. PL 150:14. RL 180:14. 1995, 298:8, eff. Jan. 1, 1996.

### **Section 466:13**

**466:13 Forfeiture.** – Whoever is the owner or keeper of a dog and who fails to license or renew the dog license pursuant to RSA 466:1 shall forfeit \$25 to the town or city clerk of the municipality in which the dog is kept. If the forfeiture is not made to the town or city clerk within 15 calendar days of the notice of forfeiture, the case may be disposed of in a district court as a violation with a fine not to exceed \$50, notwithstanding the provisions of RSA 651:2, IV. A forfeiture shall not relieve the owner or keeper of the requirement of proper licensing of the dog as required by RSA 466:1. This section shall also apply to cats, if the municipality licenses cats. Any forfeitures collected under this section may be retained by the city or town for the administration and enforcement of this chapter.

**Source.** 1891, 60:8. PL 150:15. RL 180:15. RSA 466:13. 1994, 353:6. 1995, 298:9. 1996, 67:4. 2001, 274:6, eff. July 16, 2001.

## **Licensing of Cats**

### **Section 466:13-a**

**466:13-a Licensing of Cats.** – The governing body of a municipality may vote to license cats in a similar manner as it licenses dogs. If a municipality elects to license cats, the same penalties shall apply for unlicensed cats as for unlicensed dogs, and the provisions of RSA 466:6-a and 466:8 of the preceding subdivision shall not apply to cats. If a municipality elects to license cats, it shall also develop a procedure similar to the procedure in RSA 466:4, III and 466:6 for group licensure. If a municipality elects to license cats, it shall require cats to have a form of identification, including, but not limited to a tattoo, collar, surgically implanted microchip or ear tag, or any other form approved by the commissioner of agriculture, markets, and food. The commissioner of agriculture, markets, and food shall adopt rules, under RSA 541-A, relative to the forms of identification.

**Source.** 1994, 99:3. 1995, 130:5, eff. July 23, 1995.

## **Unlicensed Dogs**

### **Section 466:14**

**466:14 Warrants; Proceedings.** – The town or city clerk shall annually, between June 1 and June 20, present to the local governing body a list of those owners of dogs that have failed to license or not

renewed their dog licenses pursuant to RSA 466:1. The local governing body shall, within 20 days from June 20, issue a warrant to a local official authorized to issue a civil forfeiture for each unlicensed dog. The warrant may also authorize a local law enforcement officer to seize any unlicensed dog. The civil forfeiture may be sent by certified mail, or delivered in hand, or left at the abode of the dog owner. The cost of service shall not exceed \$5 and may be recovered by the city or town in addition to the amount of the civil forfeiture. If the unlicensed dog is seized, it shall be held in a town or city holding facility for a period of 7 days, after which time full title to the dog shall pass to the facility, unless the owner of the dog has, before the expiration of the period, caused the dog to be licensed. The owner shall pay the facility a necessary and reasonable sum per day, as agreed upon by the governing body of the town or city and the facility, for each day the dog has been kept and maintained by the facility, plus any necessary veterinary fees incurred by the facility for the benefit of the dog. Before a local law enforcement officer seizes any unlicensed dog, a written warning shall be given to the dog owner.

**Source.** RS 127:5. CS 133:5. GS 105:5. GL 115:7. PS 118:8. 1891, 60:11. PL 150:18. RL 180:18. RSA 466:14. 1965, 325:2. 1967, 150:1. 1977, 559:1. 1983, 198:1. 1987, 91:1. 1994, 353:7. 1995, 298:10. 1996, 67:5. 2000, 128:1. 2001, 274:7, eff. July 16, 2001.

### **Section 466:15**

**466:15 Fees.** – Such officers, other than those employed under regular pay, shall receive such compensation for services performed under RSA 466:14 as may be determined by the mayor of the city or the selectmen of the town in which such dogs are seized and held.

**Source.** RS 127:5. CS 133:5. GS 105:5. GL 115:7. PS 118:8. 1891, 60:11. PL 150:19. RL 180:19. RSA 466:15. 1965, 325:3, eff. April 1, 1966.

### **Section 466:16**

**466:16 Returns.** – Each local law enforcement officer to whom the warrant named in RSA 466:14 is issued shall return the warrant, on or before August 31, to the local governing body issuing it and, shall state in the return the number of owners who received and paid the civil forfeiture, the number of dogs in the city or town which have been seized and held under the provisions of RSA 466:14, and the number of owners who have received summons to a district or municipal court for failure to pay the civil forfeiture pursuant to RSA 466:13 or to license the dog pursuant to RSA 466:1.

**Source.** 1891, 60:12. PL 150:20. RL 180:20. RSA 466:16. 1994, 353:8. 2000, 128:2, eff. Jan. 1, 2001.

### **Section 466:17,-18**

**466:17, 466:18 Repealed.** – [Repealed 1967, 30:1, eff. May 15, 1967.]

### **Section 466:18-a**

**466:18-a Title to Unlicensed Dogs in Humane Societies.** – Whenever an incorporated society for the prevention of cruelty to animals shall keep and maintain for 7 consecutive days an unlicensed dog whose owner is unknown, full title to the unlicensed dog shall pass to the society at the end of the 7-day period, unless the owner of the dog shall, before the expiration of the period, cause the dog to be licensed and shall pay the society a necessary and reasonable fee per day for each day the dog has been kept and maintained by the society, plus any necessary veterinary fees incurred by the society for the benefit of the dog.

**Source.** 1955, 84:1. 1977, 29:2; 559:2. 1983, 198:2. 1987, 91:2, eff. July 5, 1987.

## **Remedies and Penalties for Injuries Done by Dogs**

### **Section 466:19**

**466:19 Liability of Owner or Keeper.** – Any person to whom or to whose property, including sheep, lambs, fowl, or other domestic creatures, damage may be occasioned by a dog not owned or kept by such person shall be entitled to recover damages from the person who owns, keeps, or possesses the dog, unless the damage was occasioned to a person who was engaged in the commission of a trespass or other tort. A parent or guardian shall be liable under this section if the owner or keeper of the dog is a minor.

**Source.** 1851, 1124. CS 133:7. GS 105:7. GL 115:10. PS 118:9. PL 150:23. RL 180:23. RSA 466:19. 1989, 158:1. 1991, 213:1. 1995, 298:11, eff. Jan. 1, 1996.

### **Section 466:20**

**466:20 Double Damages.** – [Repealed 1985, 126:2, eff. Jan. 1, 1986.]

### **Section 466:21**

**466:21 Liability of Towns or Cities.** – Any person whose sheep, lambs, fowls, or other domestic creatures are killed, driven away, wounded, or worried by dogs may recover of the town or city in which such damage was done, in the manner provided in this subdivision, the amount of all damage thereby sustained by the person, including the value of any creature so killed or lost, any depreciation in value of a creature so wounded or worried, and any other loss or expense to which such person may be subjected by such killing, driving, wounding, or worrying.

**Source.** 1863, 2753:3. GS 105:10, 12, 13, 14. GL 115:13, 14, 15, 16. 1889, 97:1. PS 118:11, 12, 13, 14. 1891, 60:16, 18. 1907, 103:1. PL 150:25. RL 180:25. RSA 466:21. 1995, 298:12, eff. Jan. 1, 1996.

### **Section 466:22**

**466:22 Procedure to Enforce.** – Any person entitled to recover under RSA 466:21 may present a statement of such damage to one of the selectmen of a town, or to the clerk, mayor or one of the aldermen of a city, and the selectmen or board of mayor and aldermen shall then make such investigation as they deem necessary to determine whether the damage was occasioned by dogs and the amount of the damages if so occasioned. If they are of opinion that the damage was so occasioned and that adequate recovery is not available from the owner of the dog or through insurance coverage, they shall award the claimant the amount of the damages as found by them, and forthwith notify such claimant of their award, and at the expiration of 60 days from such notice, if no action has been brought as hereinafter provided, they shall cause an order to be drawn in the claimant's favor upon the town or city treasurer for the amount so awarded. If they are of opinion that the damage was not so occasioned or that adequate recovery is available from the owner of the dog or through insurance coverage, they shall forthwith notify the claimant of the disallowance of the claim. In the absence or sickness of the mayor, it shall be the duty of any one of the aldermen of the city, who may be duly informed of damage supposed to have been done by dogs, to discharge forthwith the duties imposed by this section upon the mayor.

**Source.** 1863, 2753:3. GS 105:10, 12, 13, 14. GL 115:13, 14, 15, 16. 1889, 97:1. PS 118:11, 12, 13, 14.

1891, 60:16, 18. 1907, 103:1. PL 150:26. RL 180:26. RSA 466:22. 1991, 213:2. 1995, 298:13, eff. Jan. 1, 1996.

### Section 466:23

**466:23 Suit.** – If the selectmen or board of mayor and aldermen neglect to take final action regarding the claim, and to notify the claimant thereof within 60 days from its presentation, the claimant may thereafter, or if the claimant is aggrieved by their action the claimant may within 60 days after notice of such action, bring an action on the case against said town or city for the damages claimed.

**Source.** 1863, 2753:3. GS 105:10, 12, 13, 14. GL 115:13, 14, 15, 16. 1889, 97:1. PS 118:11, 12, 13, 14. 1891, 60:16, 18. 1907, 103:1. PL 150:27. RL 180:27. RSA 466:23. 1995, 298:14, eff. Jan. 1, 1996.

### Section 466:24

**466:24 Costs.** – If such action is brought after an award in the claimant's favor by said selectmen or board, the claimant shall not be entitled to costs unless the claimant recovers an amount in excess of their award.

**Source.** 1863, 2753:3. GS 105:10, 12, 13, 14. GL 115:13, 14, 15, 16. 1889, 97:1. PS 118:11, 12, 13, 14. 1891, 60:16, 18. 1907, 103:1. PL 150:28. RL 180:28. RSA 466:24. 1995, 298:15, eff. Jan. 1, 1996.

### Section 466:25

**466:25 Orders, How Payable.** – All orders drawn and judgments rendered in favor of claimants under RSA 466:22-24 shall be paid by the town or city treasurer out of the receipts from dog license fees and cat license fees, if the municipality licenses cats, and fines and forfeitures collected under RSA 466:13, 466:31, and 466:39 if the same are sufficient. In case these sources are insufficient, the balance shall be paid out of the general funds of the town or city.

**Source.** 1863, 2753:3. GS 105:10, 12, 13, 14. GL 115:13, 14, 15, 16. 1889, 97:1. PS 118:11, 12, 13, 14. 1891, 60:16, 18. 1907, 103:1. PL 150:29. RL 180:29. RSA 466:25. 1995, 298:16, eff. Jan. 1, 1996.

### Section 466:26

**466:26 Recovery Over.** – After the selectmen have given an order for such damage to the person injured, the town may recover the amount thereof in an action of assumpsit against the keeper or owner of any dog concerned in doing the damage or occasioning the loss.

**Source.** 1863, 2753:3. GS 105:13. GL 115:16. PS 118:13. PL 150:30. RL 180:30.

### Section 466:27

**466:27 Remedies.** – As a condition precedent to recovery under this subdivision, the owner of sheep, lambs, fowl, or other domestic creatures killed, driven away, wounded, or worried by dogs shall make reasonable efforts to locate and obtain recovery from the owner of the dog or to recover under applicable insurance coverage.

**Source.** 1891, 60:17. PL 150:31. RL 180:31. RSA 466:27. 1985, 126:1. 1991, 213:3, eff. Jan. 1, 1992.

### Section 466:28

**466:28 Killing Dogs Legalized.** – Any person may kill a dog that suddenly assaults the person while such person is peaceably walking or riding without the enclosure of its owner or keeper; and any person may kill a dog that is found out of the enclosure or immediate care of its owner or keeper worrying, wounding, or killing sheep, lambs, fowl, or other domestic animals.

**Source.** 1891, 60:15. PL 150:32. RL 180:32. RSA 466:28. 1991, 213:4, 1995, 298:17, eff. Jan. 1, 1996.

## Muzzling and Restraining Dogs

### Section 466:29

#### **466:29 Order; Rabies Epidemic.** –

I. In the case of a rabies epidemic, the mayor and aldermen of a city or the selectmen of a town may order that all dogs within the limits of the city or town shall be muzzled or restrained from running at large during the time prescribed by such order. After passing the order, the governing body of such city or town shall post a certified copy of the order in 2 or more public places in the city or town, or, if a daily newspaper is published in the city or town, publish a copy at least once in the newspaper.

II. The mayor or aldermen or selectmen may issue their warrant to one or more of the police officers of such city or town who shall, after 24 hours from the publication of the notice required under paragraph I, impound all dogs found running at large contrary to such order. The dog owner shall be notified, if the owner's identity is known. Any dog impounded in accordance with this section who has been conclusively found to be rabid shall be destroyed in the most humane manner possible. After 7 consecutive days of impoundment, title of a dog shall pass to the facility holding the dog, unless the owner has claimed such dog. The owner of the dog shall be responsible for all costs associated with the impoundment of the dog under this section.

**Source.** 1891, 60:19. PL 150:33. RL 180:33. RSA 466:29. 1955, 117:1. 1989, 158:2. 1995, 298:18, eff. Jan. 1, 1996.

### Section 466:29-a

**466:29-a Hearing.** – [Repealed 1989, 158:8, eff. July 16, 1989.]

### Section 466:30

**466:30 Special Notice.** – The mayor and aldermen or selectmen may cause special service of any order issued under RSA 466:29 to be made upon any person, requiring that a dog owned or kept by the person shall be muzzled or restrained from running at large, by causing a certified copy of the order to be delivered to such person. If the person refuses or neglects to comply within 12 hours, the person shall be fined not more than \$25.

**Source.** 1891, 60:21. PL 150:34. RL 180:34. RSA 466:30. 1989, 158:3. 1995, 298:19, eff. Jan. 1, 1996.

### Section 466:30-a

#### **466:30-a Dog Control Law.** –

I. Notwithstanding any other provisions of this chapter, it shall be unlawful for any dog to run at

large, except when accompanied by the owner or custodian, and when used for hunting, for guarding, working, or herding livestock, as defined in RSA 21:34-a, II(a)(4), for supervised competition and exhibition, or for training for such. For the purpose of this section, ""accompanied" means that the owner or custodian must be able to see or hear, or both, or have reasonable knowledge of where the dog is hunting, where training is being conducted, where trials are being held, or where the dog is guarding, working, or herding livestock. Nothing herein provided shall mean that the dog must be within sight at all times.

II. In this section, ""at large" means off the premises of the owner or keeper and not under the control of any person by means of personal presence and attention as will reasonably control the conduct of such dog, unless accompanied by the owner or custodian.

III. Any authorized person may seize, impound or restrain any dog in violation of this section and deliver said dog to a person or shelter authorized to board dogs. Such dogs shall be handled as strays or abandoned dogs pursuant to applicable laws.

IV. In addition to impounding a dog found at large or in violation of this section, any local law enforcement officer may issue, in the name of the owner or keeper of such dog, a notice of violation for a nuisance dog pursuant to RSA 466:31, II(a).

V. The provisions of this section shall not be effective in any city or town unless adopted by a city or town pursuant to RSA 466:30-b.

**Source.** 1977, 379:1. 1994, 353:9, eff. Jan. 1, 1995. 2006, 11:1, eff. Mar. 3, 2006.

### Section 466:30-b

#### 466:30-b Referendum. –

I. (a) Any city or town desiring to adopt the provisions of RSA 466:30-a may do so by approving as described in paragraph II or III the following question: ""Shall we adopt the provisions of RSA 466:30-a which make it unlawful for any dog to run at large, except when accompanied by the owner or custodian, and when used for hunting, herding, supervised competition and exhibition or training for such?"

(b) The ballot containing the question shall include 2 squares next to the question allowing the voter to vote ""Yes" or ""No." If no cross is made in either of the squares, the ballot shall not be counted on the question.

(c) If a majority of those voting on the question vote ""Yes," RSA 466:30-a shall apply within the city or town.

II. (a) In a town, the question shall be included in the annual meeting warrant upon a vote of the selectmen or upon application of voters according to the provisions of RSA 39:3 for annual meetings.

(b) The selectmen shall hold a public hearing on the question at least 15 days but not more than 30 days before the annual meeting. Notice of the hearing shall be posted in 2 public places in the town and published in a newspaper of general circulation in the town at least 7 days in advance.

(c) Voting shall be by official ballot if that system has been adopted by the town. In other towns, voting shall be by a special ballot prepared by the clerk.

III. In a city, the question shall be placed on the official ballot for any regular municipal election upon a vote of the city council or upon submission to the city council of a petition signed by 5 percent of the registered voters.

IV. Any town or city which has adopted RSA 466:30-a may rescind its adoption by majority vote of those voting on the question submitted to the voters in the same manner as provided for adoption under paragraph II or III. The question on rescission shall read: ""Shall we rescind our adoption of RSA 466:30-a concerning dog control so that it will no longer be unlawful for a dog to run at large in this town (or city)?"

V. A town or city which either does not adopt, or rescinds its adoption of, RSA 466:30-a, may adopt other ordinances pertaining to dogs running at large under RSA 31:39 or RSA 47:17, XI.

**Source.** 1977, 379:1. 1979, 14:1. 1981, 407:1, eff. Aug. 22, 1981.

### Section 466:31

#### **466:31 Dogs a Menace, a Nuisance or Vicious. –**

##### I. [Repealed.]

II. Under this section, a dog is considered to be a nuisance, a menace, or vicious to persons or to property under any or all but not limited to the following conditions:

(a) If a dog is "at large," which means it is off the premises of the owner or keeper and not under the control of any person by means of personal presence and attention as will reasonably control the conduct of such dog, unless accompanied by the owner or custodian. This subparagraph shall not include a dog which is being used for hunting, supervised competition, exhibition, or training for such activities if accompanied by the owner or custodian, or a dog which is guarding, working, or herding livestock, as defined in RSA 21:34-a, II(a)(4), meaning that the owner or custodian must be able to see or hear the dog, or have reasonable knowledge of where the dog is hunting or herding, or where training is being conducted or where trials are being held, provided that such dog does not have to be within sight at all time;

(b) If it barks for sustained periods of more than 1/2 hour, or during the night hours so as to disturb the peace and quiet of a neighborhood or area, not including a dog which is guarding, working, or herding livestock, as defined in RSA 21:34-a, II(a)(4);

(c) If it digs, scratches, or excretes, or causes waste or garbage to be scattered on property other than its owner's;

(d) If any female dog in season (heat) is permitted to run at large or be off the premises of the owner or keeper during this period except when being exercised on a leash by a responsible adult. At all other times such dog shall be confined within a building or enclosure in such manner that she will not come in contact (except for intentional breeding purposes) with a male dog. A female dog in heat shall not be used for hunting;

(e) If it growls, snaps at, runs after, or chases any person or persons not on the premises of the owner or keeper;

(f) If it runs after, or chases bicycles, motor vehicles, motorcycles, or other vehicles being driven, pulled or pushed on the streets, highways, or public ways;

(g) If, whether alone or in a pack with other dogs, it bites, attacks, or preys on game animals, domestic animals, fowl or human beings.

II-a. If the skin of a person has been punctured by a dog and the incident was reported, including the identity of the dog and its owner, to the animal officer, if any, or to the town clerk, such officer or clerk shall, within 24 hours, notify the injured person, or, in the case of a minor, the minor's parent or guardian, whether, according to town records, the dog has been appropriately immunized against rabies.

III. (a) Any person who fails, by appropriate action including but not limited to restraining an animal from running at large, or otherwise effectively abating a nuisance found such under the provisions of this section, or who fails to comply with any other provisions of this section after being so ordered, shall have the person's dog taken into custody by the police of the city, constable of the town, or other person authorized by the town and such disposition made of the dog as the court may order.

(b) Notwithstanding RSA 466:31-a, if a law enforcement officer does not witness the nuisance behavior, the name of the complainant shall be released as public information before any fine under RSA 466:31-a shall be levied.

**Source.** 1951, 52:1. RSA 466:31. 1957, 148:1. 1967, 294:1. 1969, 239:1. 1973, 531:125. 1977, 222:1. 1989, 158:4. 1994, 353:10, 14, 1995, 298:20, eff. Jan. 1, 1996. 2006, 11:2, eff. Mar. 3, 2006. 2007, 244:1, eff. Aug. 27, 2007.

### Section 466:31-a

**466:31-a Penalties. –**

I. Any person who violates any provision of RSA 466:31 shall be guilty of a violation; provided that if such person chooses to pay the civil forfeiture specified in paragraph II, the person shall be deemed to have waived the right to have the case heard in district or municipal court and shall not be prosecuted or found guilty of a violation of RSA 466:31. Any person who does not pay the civil forfeiture specified in paragraph II shall have the case disposed of in district or municipal court.

II. Any person who violates any of the provisions of RSA 466:31 shall be liable for a civil forfeiture, which shall be paid to the clerk of the town or city wherein such dog is owned or kept within 96 hours of the date and time notice is given by any law enforcement officer or other person authorized by the town to the owner or keeper of a dog in violation of RSA 466:31. If the forfeiture is paid, said payment shall be in full satisfaction of the assessed penalty. The forfeiture shall be in the amount as specified for the following violations:

(a) \$25 for the first nuisance offense under RSA 466:31, II(a), (b), (c) or (d); \$100 for the second or subsequent nuisance offense committed within 12 months of the first nuisance offense under RSA 466:31, II(a), (b), (c) or (d).

(b) \$50 for the first menace offense under RSA 466:31, II(e) or (f); \$200 for the second or subsequent menace offense committed within 12 months of the first menace offense under RSA 466:31, II(e) or (f).

(c) \$100 for the first vicious offense under RSA 466:31, II(g).

(d) \$400 for the second or subsequent vicious offense committed within 12 months of the first vicious offense under RSA 466:31, II(g).

III. Any person who pays a civil forfeiture specified in paragraph II 2 times in any 12-month period according to the records of the town or city clerk, may not pay a civil forfeiture for subsequent violations of RSA 466:31 in that 12-month period, but shall have those cases disposed of in district or municipal court. In the case of a vicious dog, as described by RSA 466:31, II(g), where its behavior presents a threat to public safety, immediate district court or municipal court proceedings may be initiated in lieu of the civil forfeiture.

**Source.** 1977, 222:2. 1989, 158:5, 6. 1994, 353:11, 12. 1995, 298:21, eff. Jan. 1, 1996. 2007, 244:2, eff. Aug. 27, 2007; 339:3, eff. Jan. 1, 2008.

**Section 466:32**

**466:32 Officers' Fees. –** Police officers or constables shall be compensated for service under RSA 466:31 as provided in RSA 466:15.

**Source.** 1891, 60:20. PL 150:35. RL 180:35. 1953, 52:2. RSA 466:32. 1989, 158:7, eff. July 16, 1989.

**Damages to Game****Section 466:33**

**466:33 Dogs at Large. –** It shall be unlawful for the owner or custodian of any dog to permit such dog to run at large in territory inhabited by game birds or quadrupeds, or on lands where livestock is pastured, at any time of the year; provided that hares and rabbits may be hunted with dogs during the open season under the owner's control and supervision. Any organized club may hold a club licensed or sanctioned field trial on game which is otherwise protected. Said club shall secure permission from the owner of the land on which said trial is to be held, and shall notify the executive director of the fish and game department at least 2 weeks in advance of the date and place of the trial. Whoever violates the provisions of this section shall be guilty of a violation. Dogs which are guarding, working, or herding

livestock, as defined in RSA 21:34-a, II(a)(4), shall be exempt from this section.

**Source.** 1913, 143:1, 2. 1915, 14:1, 2. PL 150:36. 1933, 16:1. RL 180:36. 1947, 241:1. RSA 466:33. 1957, 154:1. 1961, 126:2; 149:1. 1971, 574:1. 1973, 531:126. 1977, 113:4, eff. June 2, 1977. 2006, 11:3, eff. Mar. 3, 2006.

### Section 466:34

**466:34 Pursuing Game, etc.** – Any owner of a dog to whom notice has been given that such dog, when at large, has been discovered pursuing or harassing moose, caribou, deer or sheep, or injuring any domestic creature, shall be guilty of a violation for each subsequent occasion on which said dog shall be so discovered.

**Source.** 1899, 28:1. 1901, 10:11. PL 150:37. RL 180:37. RSA 466:34. 1971, 574:2. 1973, 531:127, eff. Oct. 31, 1973 at 11:59 p.m.

### Section 466:35

**466:35 Maiming Game.** – If any dog, at any time, shall maim, injure or destroy any wild animal protected by law, the owner thereof shall be fined the same amount which the statutes impose upon persons for killing the same animal contrary to law.

**Source.** 1899, 28:1. 1901, 10:1. PL 150:38. RL 180:38.

### Section 466:36

**466:36 Killing Dogs.** – Any conservation officer, state police officer, dog constable, or any New Hampshire certified police officer may kill any dog found in the act of maiming or in close pursuit of deer, moose, caribou, sheep, cattle, swine, poultry, or any domestic animal. No civil action for recovery of damages shall lie against any conservation officer, state police officer, dog constable, or any New Hampshire certified police officer while acting under authority granted herein. The owner or owners of any dog or dogs caught in the act of maiming or in close pursuit of deer, moose, caribou, sheep, cattle, swine, poultry, or any domestic animal shall be guilty of a violation and notwithstanding the provisions of Title LXII may be fined up to \$500.

**Source.** 1947, 241:2. RSA 466:36. 1967, 161:1. 1971, 574:3. 1977, 588:5. 1983, 68:1, eff. July 18, 1983.

## Penalties, etc.

### Section 466:37

**466:37 Official Neglect.** – Any city or town officer who refuses or willfully neglects to perform the duties imposed upon such officer by this chapter relating to dogs shall be guilty of a violation, the fine to be paid to the city or town.

**Source.** 1891, 60:22. PL 150:39. RL 180:39. RSA 466:37. 1977, 588:7. 1995, 298:22, eff. Jan. 1, 1996.

### Section 466:38

**466:38 How Recoverable.** – All fines and penalties provided in this chapter relating to dogs may be recovered on complaint before a district court or municipal court in the town or county where the offense is committed.

**Source.** 1891, 60:24. PL 150:40. RL 180:40. RSA 466:38. 1957, 244:19, eff. Sept. 23, 1958.

### **Section 466:39**

**466:39 City or Town Bylaws.** – The local governing body may make such additional bylaws and regulations concerning the licensing and restraining of dogs as it deems reasonable, and may affix penalties not exceeding \$50 for a breach thereof. Such bylaws and regulations shall relate only to dogs owned or kept in such city or town, and the annual fee required for a license shall in no case be more than \$1 in addition to the sum hereby required.

**Source.** 1891, 60:23. PL 150:41. RL 180:41. RSA 466:39. 1994, 353:13, eff. Jan. 1, 1995. 2007, 339:1, eff. Jan. 1, 2008.

## **Miscellaneous**

### **Section 466:40**

**466:40 Mutilation Prohibited.** – Any person who shall crop or cut or cause to be cropped or cut off the whole or any part of the ear of a dog, unless such person is a veterinarian duly registered under the provisions of RSA 332-B and unless such operation is performed while the dog is under an anesthetic, shall be fined not more than \$250.

**Source.** 1943, 141:1, par. 17-a. RSA 466:40. 1955, 129:1, eff. May 9, 1955.

### **Section 466:40-a**

**466:40-a Possession of Cropped Dog.** – The possession of a dog with an ear cropped or cut off and with a resulting wound unhealed, confined upon the premises of or in charge or custody of any person, shall be prima facie evidence of a violation of the provisions of RSA 466:40 by the person in control of such premises or the person having charge or custody, unless such person shall have in the person's possession a certificate of cropping signed by a veterinarian duly registered under the provisions of RSA 332-B certifying that the veterinarian performed the operation in accordance with the provisions of RSA 466:40, giving the date of the operation, the name of the owner of the dog and a description of the dog.

**Source.** 1943, 141:1, par. 17-a. RSA 466:40-a. 1955, 129:1. 1995, 298:23, eff. Jan. 1, 1996.

### **Section 466:41**

**466:41 Exhibition of Mutilated Dogs Prohibited.** – [Repealed 1955, 129:1, eff. May 9, 1955.]

### **Section 466:42**

**466:42 Stealing Dogs, etc.** – [Repealed 1959, 1:2, eff. April 6, 1959.]

### **Section 466:42-a**

**466:42-a Stealing Dogs, etc.** – Whoever wrongfully removes the collar from or steals a dog licensed and collared as aforesaid shall be guilty of a misdemeanor. Whoever distributes or exposes a poisonous substance with intent that the same shall be eaten by any dog shall be guilty of a misdemeanor and shall be liable to the dog's owner for its value.

**Source.** 1959, 1:1. 1969, 274:1. 1977, 588:6, eff. Sept. 16, 1977.

### **Section 466:42-b**

**466:42-b Civil Recovery.** – Whoever wrongfully kills or maims, entices or carries away a licensed dog shall be liable to its owner for its value in a civil proceeding.

**Source.** 1959, 1:1, eff. April 6, 1959.

### **Section 466:43**

**466:43 List of Owners.** – The assessors shall annually make a list of all dogs owned or kept in their respective city or town on April 1, with the owners' or keepers' names, and return the same to the city or town clerk on or before May 1. An owner or keeper of a dog who refuses to answer or answers falsely to the assessors relative to the ownership thereof shall be fined not less than \$10 for the use of the town.

**Source.** 1891, 60:10. PL 150:17. RL 180:17.

### **Section 466:44**

**466:44 Restaurants and Food Stores.** – No person shall bring any animal into any restaurant or any store that sells food; and no person shall allow any animal to enter or remain in any restaurant or in any store that sells food, except for guide dogs leading blind persons, and the hearing ear dog and the service dog as provided in RSA 167-D. Whoever violates the provisions of this section shall be guilty of a violation.

**Source.** 1971, 190:1. 1973, 531:128. 1983, 275:7. 1989, 45:10. 1990, 131:4, eff. June 18, 1990.

### **Section 466:45**

**466:45 Responsibility of Cities and Towns.** – Every city and town shall inform every restaurant and every store that sells food in such city or town of the provisions of RSA 466:44.

**Source.** 1971, 190:1, eff. Aug. 10, 1971.

## **Guard Dogs in Commercial Establishments**

### **Section 466:46**

**466:46 Definitions.** – In this subdivision:

I. "Commercial establishment" means any business operated by a person, firm, partnership, corporation or other legal entity which sells, rents, leases or otherwise transacts a retail or wholesale business with the general public.

II. "Custodian of guard dog" means any person, firm, partnership, or corporation which owns, leases

or maintains a guard dog on the property of a commercial establishment to protect the establishment from unauthorized intrusion.

III. "Guard dog" means any breed of dog of either sex which is utilized to attack or repel unauthorized intruders whether on command or by instinct.

IV. "Local law enforcement authority" means the local police department of the city or town or the dog officer in a city or town, as may be designated by the city council or board of selectmen.

**Source.** 1985, 29:2, eff. June 8, 1985.

### Section 466:47

**466:47 License.** – A guard dog shall be licensed pursuant to RSA 466:4.

**Source.** 1985, 29:2, eff. June 8, 1985.

### Section 466:48

**466:48 Registration.** – In addition to the dog license required by RSA 466:4, no guard dog shall be used in any city or town without prior approval of the local law enforcement authority and appropriate registration with that authority.

**Source.** 1985, 29:2, eff. June 8, 1985.

### Section 466:49

**466:49 Registration Fee.** – The annual registration fee for a guard dog shall be \$10, paid to the local law enforcement authority for deposit in the general fund of the city or town. Each registration shall expire one year from the date of issue.

**Source.** 1985, 29:2, eff. June 8, 1985.

### Section 466:50

**466:50 Registration Requirements.** – Prior to approval of the registration of any guard dog, the custodian shall provide to the local law enforcement authority satisfactory proof of the following:

I. That the premises to be guarded by the guard dog has sufficient restraining devices, such as fences or walls, to prevent access by the public during the periods that the guard dog is used to protect the premises from unauthorized entry or the escape by the guard dog from the enclosed premises.

II. That the guard dog shall be treated and maintained in a humane manner whether or not the dog is on guard duty.

III. That the custodian has liability insurance for each dog of not less than \$100,000 to protect the general public, in the event the guard dog eludes confinement and attacks and injures a person on public or private property.

IV. That the guard dog has been properly licensed pursuant to RSA 466:4.

V. That the premises to be guarded by a guard dog shall be properly posted to warn the general public with sufficient number of signs as may be required by the local law enforcement authority.

**Source.** 1985, 29:2, eff. June 8, 1985.

### Section 466:51

**466:51 Inspections.** – The local law enforcement authority shall inspect the premises of each custodian of a registered guard dog during normal business hours. If conditions on said premises do not meet the requirements of RSA 466:50, the local law enforcement authority shall direct removal of the dog until the defect is corrected.

**Source.** 1985, 29:2, eff. June 8, 1985.

### **Section 466:52**

**466:52 Hearing.** – If the custodian of a registered guard dog has had the dog's registration voided pursuant to RSA 466:51, the custodian may request in writing a hearing before the city council or board of selectmen, as appropriate, and said hearing shall be conducted within 30 days of receipt of the request for the hearing. The decision of either the city council or board of selectmen shall be final; provided, however, the custodian may appeal to the appropriate superior court within 30 days for a trial de novo.

**Source.** 1985, 29:2, eff. June 8, 1985.

### **Section 466:53**

**466:53 Notification to Local Agencies.** –

I. The local law enforcement authority shall notify the local fire department and other agencies which may need emergency access to the guarded premises, as may be appropriate, that a guard dog has been duly registered and is authorized to be in a specifically designated commercial establishment.

II. The custodian shall provide the local law enforcement authority with the name or names of persons to be contacted in the event of an emergency, who are able to control the guard dog and permit unimpeded access to the commercial establishment to handle the emergency as may be necessary.

**Source.** 1985, 29:2, eff. June 8, 1985.

### **Section 466:54**

**466:54 Penalty.** – Any person, firm, partnership or corporation who violates any provision of this subdivision shall be guilty of a violation for the first offense and guilty of a misdemeanor for subsequent offenses.

**Source.** 1985, 29:2, eff. June 8, 1985.