CHAPTER 3

Dogs and Other Domestic Pets

ARTICLE 1

Regulation by Counties and Municipalities

**SECTION 47‑3‑10.** Definitions.

 For the purpose of this article:

 (1) “Animal” is defined as provided for in Chapter 1;

 (2) “Animal shelter” includes any premises designated by the county or municipal governing body for the purpose of impounding, care, adoption, or euthanasia of dogs and cats held under authority of this article;

 (3) “Dog” includes all members of the canine family, including foxes and other canines;

 (4) A dog is deemed to be “running at large” if off the premises of the owner or keeper and not under the physical control of the owner or keeper by means of a leash or other similar restraining device;

 (5) A dog is deemed to be “under restraint” if on the premises of its owner or keeper or if accompanied by its owner or keeper and under the physical control of the owner or keeper by means of a leash or other similar restraining device;

 (6) “Cat” includes all members of the feline family;

 (7) “Vicious dog” means any dog evidencing an abnormal inclination to attack persons or animals without provocation.

HISTORY: 1962 Code Section 6‑145.1; 1972 (57) 2733; 2000 Act No. 293, Section 1, eff May 19, 2000.

Attorney General’s Opinions

It does not appear that a county summons could be used to cite for all violations of Title 47, Chapters 1, 3, 5, and 7 since all such provisions could not be adopted as county ordinances. S.C. Op.Atty.Gen. (December 20, 2007) 2007 WL 4686598.

**SECTION 47‑3‑20.** Local animal care and control ordinances authorized.

 The governing body of each county or municipality in this State may enact ordinances and promulgate regulations for the care and control of dogs, cats, and other animals and to prescribe penalties for violations.

HISTORY: 1962 Code Section 6‑145; 1972 (57) 2733; 1975 (59) 235; 2000 Act No. 293, Section 1, eff May 19, 2000.

Library References

Animals 3.5(2).

Westlaw Topic No. 28.

C.J.S. Animals Sections 12, 14, 17 to 21.

Attorney General’s Opinions

The definition of “at large” and “under restraint” utilized by Lexington County in its pets at large ordinance is not superseded by state law definitions of such phrases. S.C. Op.Atty.Gen. (May 20, 2014) 2014 WL 2591471.

A court would likely find an ordinance allowing shelters to dispose of unclaimed animals after only three days invalid. S.C. Op.Atty.Gen. (August 29, 2011) 2011 WL 3918175.

**SECTION 47‑3‑30.** Establishment of animal shelters; funding.

 The governing body of the county or municipality is authorized to establish an animal shelter for the county or municipality for the purpose of impounding and quarantining dogs and quarantining cats and shall employ such personnel, including enforcement personnel, as may be necessary to administer the provisions of this article. If an animal shelter is established, funds to establish and operate the shelter and employ necessary personnel may be provided in the annual county or municipal appropriations.

HISTORY: 1962 Code Section 6‑145.2; 1972 (57) 2733; 2000 Act No. 293, Section 1, eff May 19, 2000.

CROSS REFERENCES

Allowable methods of animal euthanasia, see Section 47‑3‑410 et seq.

Library References

Animals 103.1, 104.

Westlaw Topic No. 28.

C.J.S. Animals Sections 532 to 533, 535 to 536.

Attorney General’s Opinions

The Chesterfield County Council’s delegation of the operation of an animal shelter to the Sheriff’s office is consistent with the language contained in Section 47‑3‑30, but that delegation of authority should be formalized by county ordinance. The shelter is only required to serve the unincorporated areas of the county. S.C. Op.Atty.Gen. (July 29, 2011) 2011 WL 3346428.

A county or municipality would be authorized to establish and fund an animal shelter for the purposes of impounding, caring for or housing, adopting and euthanizing all animals. S.C. Op.Atty.Gen. (September 10, 2009) 2009 WL 3208465.

**SECTION 47‑3‑40.** Impoundment or quarantine of cat or dog running at large; release to owner.

 The county or municipal animal shelter personnel or governmental animal control officers shall pick up and impound or quarantine any dog running at large or quarantining any cat. To obtain release of his dog or cat, an owner or keeper must satisfy the animal shelter personnel that the dog or cat is currently inoculated against rabies and also pay an impound or quarantine fee determined by the governing body of the county or municipality. Payment of this fee bars prosecution under Section 47‑3‑50. All fees collected must be delivered to the county or municipal treasurer for deposit in the general fund of the county or municipality.

HISTORY: 1962 Code Section 6‑145.3; 1972 (57) 2733; 2000 Act No. 293, Section 1, eff May 19, 2000.

Library References

Animals 47.1, 48, 51.

Westlaw Topic No. 28.

C.J.S. Animals Sections 267 to 272, 275, 295, 297 to 300, 313 to 318, 454, 459, 465 to 466, 538.

Attorney General’s Opinions

Employees or personnel of a non‑profit humane society generally do not possess the authority to pick up animals that are abandoned or running at large under Section 47‑3‑40, but, in certain circumstances, may pick up animals under other authority. S.C. Op.Atty.Gen. (Oct. 10, 2013) 2013 WL 5763370.

**SECTION 47‑3‑50.** Allowing dogs or cats to run at large; penalty.

 (A) It is unlawful in any county or municipality adopting penalty provisions pursuant to the provisions of this article for any dog or cat owner or other keeper of a dog or cat to:

 (1) allow his dog to run at large off of property owned, rented, or controlled by him;

 (2) keep a vicious or unruly dog unless under restraint by a fence, chain, or other means so that the dog cannot reach persons not on land owned, leased, or controlled by him;

 (3) release or take out of impoundment or quarantine without proper authority any dog or cat or resist county or municipal shelter personnel engaging in the capture and impoundment or quarantine of a dog or quarantining of a cat.

 (B) Any person who violates the provisions of this section is guilty of a misdemeanor and, upon conviction, must be fined fifty dollars for a first offense and not more than one hundred dollars for each subsequent offense.

HISTORY: 1962 Code Section 6‑145.4; 1972 (57) 2733; 2000 Act No. 293, Section 1, eff May 19, 2000.

CROSS REFERENCES

Payment of quarantine fee as bar to prosecution under this section, see Section 47‑3‑40.

Stealing dogs, see Section 16‑13‑60.

Library References

Animals 48, 56.

Westlaw Topic No. 28.

C.J.S. Animals Sections 268 to 272, 275, 295, 297 to 300, 308, 454, 459, 466.

RESEARCH REFERENCES

Encyclopedias

S.C. Jur. Animals Section 13, Owner’s Duty to Confine‑ Generally.

Treatises and Practice Aids

38 Causes of Action 2d 281, Cause of Action for Loss of or Injury to Animal by an Animal.

Attorney General’s Opinions

It is not a violation of Section 47‑3‑50 for a dog owner or other keeper of a dog to allow his dog to run at large off the property owned, rented, or controlled by him in unincorporated sections of York County. 1980 Op.Atty.Gen. No. 80‑66, p 109 (June 10, 1980) 1980 WL 81949.

NOTES OF DECISIONS

Private actions 1

1. Private actions

Motion for summary judgment was properly granted defendant in action to recover for injury sustained by child when bitten by dog, where none of depositions submitted by either plaintiff or defendant contained evidence that would cause reasonable man to suspect dog was of dangerous or vicious nature. McQuaig v. Brown (S.C. 1978) 270 S.C. 512, 242 S.E.2d 688.

**SECTION 47‑3‑55.** Animal shelter personnel to contact owner if known; implant of identifying microchip in adopted or redeemed dogs and cats.

 (A) If an animal shelter accepts or comes into possession of a dog or cat, the shelter immediately and thoroughly must scan the dog or cat for a tatoo, any implanted microchip, or similar device, which provides evidence of ownership and, upon finding it, immediately must make a good faith effort to contact the identified owner as required by Section 47‑3‑540.

 (B) If an animal shelter or its officers, directors, or staff have made a good faith effort to comply with the provisions of subsection (A), they must be held harmless, as well as the manufacturer, against any action at law or otherwise, civil or criminal, for failure to detect a microchip or similar device and undertake the action specified in subsection (A).

 (C) If a dog or cat is adopted or redeemed from an animal shelter, a licensed veterinarian or an animal shelter employee under the direction of a licensed veterinarian may implant a microchip in the dog or cat adopted or redeemed. The animal shelter shall record the date the microchip was implanted, the name, address, and telephone number of the person adopting or redeeming the dog or cat, an identification number unique to the dog or cat adopted or redeemed, the name, address, and telephone number of the animal shelter that sheltered the dog or cat before adoption or redemption, and the date the dog or cat was adopted or redeemed. The animal shelter must keep a record of all microchips implanted pursuant to this subsection.

 (D) The animal shelter is not required to adhere to subsection (A), if the necessary scanner is not provided free of charge or at a reasonable cost as determined by the county or municipality.

 (E) The owner redeeming his dog or cat must elect to have a microchip implanted.

HISTORY: 2000 Act No. 293, Section 1, eff May 19, 2000.

Library References

Animals 105, 107.

Westlaw Topic No. 28.

C.J.S. Animals Sections 532 to 534, 537 to 538, 540 to 545.

RESEARCH REFERENCES

Encyclopedias

S.C. Jur. Animals Section 15, Impounding and Care of Estrays by Local Authorities.

Attorney General’s Opinions

Where a dog is brought into an animal shelter and a scan is made with the results that the animal shelter is listed as the “owner” and information is presented identifying the adopted owner, based upon such identification, both the shelter and the adopted owner should be notified. S.C. Op.Atty.Gen. (February 24, 2004) 2004 WL 439325.

The Humane Society may require that a microchip be implanted in redeemed dogs at the owner’s expense. S.C. Op.Atty.Gen. (February 6, 2004) 2004 WL 323935.

**SECTION 47‑3‑60.** Disposition of quarantined or impounded animals.

 (A) After any animal has been quarantined pursuant to South Carolina Rabies Control Act and is unclaimed by its owner, after the animal shelter employees have made a good faith effort to contact the identified owner as required by Section 47‑3‑540, the animal shelter employees, unless the animal must be kept pending disposition of a criminal or civil trial involving the animal or unless a hearing on the disposition of the animal is held prior to the trial, may dispose of the animal by adoption or by euthanasia or the animal may be turned over to any organization established for the purpose of caring for animals, such as the Humane Society.

 (B) After any animal has been impounded for five days and is unclaimed by its owner, and after the animal shelter employees have made a good faith effort to contact the identified owner as required by Section 47‑3‑540, the animal shelter employees, unless the animal must be kept pending disposition of a criminal or civil trial involving the animal or unless a hearing on the disposition of the animal is held prior to the trial, may dispose of the animal by adoption or by euthanasia or the animal may be turned over to any organization established for the purpose of caring for animals, such as the Humane Society.

 (C) Complete records must be kept by shelter officials as to the disposition of all animals impounded.

HISTORY: 1962 Code Section 6‑145.5; 1972 (57) 2733; 2000 Act No. 293, Section 1, eff May 19, 2000.

CROSS REFERENCES

Allowable methods of animal euthanasia, see Section 47‑3‑410 et seq.

Library References

Animals 105, 106.

Westlaw Topic No. 28.

C.J.S. Animals Sections 486, 532 to 533, 537 to 545.

RESEARCH REFERENCES

Encyclopedias

S.C. Jur. Animals Section 15, Impounding and Care of Estrays by Local Authorities.

Attorney General’s Opinions

When calculating the five days animal impoundment, Day One is the day after the animal is impounded; since the days of animal impoundment are less than seven days, Saturdays, Sundays, and holidays are excluded when determining Day 5. S.C. Op.Atty.Gen. (Nov. 4, 2013) 2013 WL 6009576.

A court would likely find an ordinance allowing shelters to dispose of unclaimed animals after only three days invalid. S.C. Op.Atty.Gen. (August 29, 2011) 2011 WL 3918175.

**SECTION 47‑3‑70.** County and municipal powers not limited by article.

 Nothing in this article may be construed to limit the power of any municipality or county to prohibit animals from running at large, whether or not they have been inoculated as provided in this article; and nothing in this article may be construed as to limit the power of any municipality or county to regulate and control further in the county or municipality to enforce other and additional measures for the restriction and control of rabies.

HISTORY: 1962 Code Section 6‑145.6; 1972 (57) 2733; 2000 Act No. 293, Section 1, eff May 19, 2000.

Library References

Animals 49.

Westlaw Topic No. 28.

C.J.S. Animals Sections 268 to 272, 295 to 300.

Attorney General’s Opinions

The definition of “at large” and “under restraint” utilized by Lexington County in its pets at large ordinance is not superseded by state law definitions of such phrases. S.C. Op.Atty.Gen. (May 20, 2014) 2014 WL 2591471.

**SECTION 47‑3‑75.** Transfer of domestic animal to animal shelter ten days after date owner was to pick up animal; requirements.

 (A) An animal delivered to a veterinarian, a dog kennel, a cat kennel, an animal hospital, another animal care facility, or to a person who boards domestic animals on the person’s premises for a fee may be transferred to an appropriate animal shelter ten days after the date the owner failed to pick up the animal as agreed to pursuant to a written contract or agreement. The animal may be transferred only if the written contract or agreement provides for the transfer and if an attempt is made to notify the owner by regular mail and by certified mail at the owner’s last known address on the date the owner failed to pick up the animal as agreed.

 (B) A person who boards animals of others pursuant to subsection (A) shall post written notice of the provisions of this section at the person’s place of business.

 (C) A person who fails to pick up an animal as provided for in subsection (A), who fails to pay his boarding fees in a timely manner, or who abandons an animal at an animal hospital, a dog kennel, a cat kennel, another animal care facility, or boarding facility is guilty of a misdemeanor and, upon conviction, may be imprisoned not more than thirty days or fined not more than two hundred dollars.

HISTORY: 1992 Act No. 354, Section 1, eff May 4, 1992; 1996 Act No. 436, Section 1, eff upon approval (became law without the Governor’s signature on June 6, 1996); 2000 Act No. 293, Section 1, eff May 19, 2000.

Library References

Animals 105, 107, 108, 109.

Westlaw Topic No. 28.

C.J.S. Animals Sections 532 to 534, 537 to 538, 540 to 549.

RESEARCH REFERENCES

Encyclopedias

S.C. Jur. Animals Section 2, Domestic Animals.

ARTICLE 2

Liability to Person Bitten or Otherwise Attacked by Dog

**SECTION 47‑3‑110.** Liability for attacks by dogs, provoked attacks, trained law enforcement dogs.

 (A) If a person is bitten or otherwise attacked by a dog while the person is in a public place or is lawfully in a private place, including the property of the dog owner or person having the dog in the person’s care or keeping, the dog owner or person having the dog in the person’s care or keeping is liable for the damages suffered by the person bitten or otherwise attacked. For the purposes of this section, a person bitten or otherwise attacked is lawfully in a private place, including the property of the dog owner or person having the dog in the person’s care or keeping, when the person bitten or otherwise attacked is on the property in the performance of a duty imposed upon the person by the laws of this State, the ordinances of a political subdivision of this State, the laws of the United States of America including, but not limited to, postal regulations, or when the person bitten or otherwise attacked is on the property upon the invitation, express or implied, of the property owner or a lawful tenant or resident of the property.

 (B) This section does not apply if, at the time the person is bitten or otherwise attacked:

 (1) the person who was attacked provoked or harassed the dog and that provocation was the proximate cause of the attack; or

 (2) the dog was working in a law enforcement capacity with a governmental agency and in the performance of the dog’s official duties provided that:

 (a) the dog’s attack is in direct and complete compliance with the lawful command of a duly certified canine officer;

 (b) the dog is trained and certified according to the standards adopted by the South Carolina Law Enforcement Training Council;

 (c) the governmental agency has adopted a written policy on the necessary and appropriate use of dogs in the dog’s official law enforcement duties;

 (d) the actions of the dog’s handler or dog do not violate the agency’s written policy;

 (e) the actions of the dog’s handler or dog do not constitute excessive force; and

 (f) the attack or bite does not occur on a third party bystander.

HISTORY: 1986 Act No. 343; 2013 Act No. 62, Section 1, eff June 12, 2013.

Library References

Animals 66.5.

Westlaw Topic No. 28.

C.J.S. Animals Sections 336 to 344, 349 to 361, 365 to 372, 374 to 380.

RESEARCH REFERENCES

Encyclopedias

33 Am. Jur. Trials 195, Pit Bull Dog Attack Litigation.

S.C. Jur. Animals Section 6, Standard of Care.

S.C. Jur. Animals Section 8, Weight and Sufficiency of Evidence.

Treatises and Practice Aids

33 Causes of Action 2d 293, Cause of Action Against Owner, Keeper or Harborer of Domestic Animal to Recover for Personal Injuries Caused by Animal.

38 Causes of Action 2d 281, Cause of Action for Loss of or Injury to Animal by an Animal.

Restatement (3d) of Torts: Liability for Physical Harm (Basic Principles) Section 23 TD 1, Abnormally Dangerous Animals.

Restatement (3d) of Torts: Liability for Physical Harm (Basic Principles) Section 24 TD 1, Scope of Strict Liability.

Restatement (3d) of Torts: Liability for Physical Harm (Basic Principles) Section 23 PFD 1, Abnormally Dangerous Animals.

Restatement (3d) of Torts: Liability for Physical and Emotional Harm Section 23, Abnormally Dangerous Animals.

LAW REVIEW AND JOURNAL COMMENTARIES

Annual Survey of South Carolina Law: Torts. 38 S.C. L. Rev. 236 (Autumn 1986).

NOTES OF DECISIONS

In general 1

Damages 8

Licensee 6

Other animals 4

Otherwise attacked 3

Possession and control 5

Strict liability 2

Summary judgment 7

1. In general

The presence or absence of a duty determines liability in situations that involve a claim under the dog bite statute against a person having the dog in his care or keeping. Clea v. Odom (S.C. 2011) 394 S.C. 175, 714 S.E.2d 542. Animals 66.5(1)

Even if owner of property on which dog owners lived did not have landlord/tenant relationship with dog owners, he was not liable to minor who was bitten by dog, as he was not the dog’s owner or keeper; owner of property merely allowed dog to be kept on property on which he did not live, owner visited property but did not provide any care or support for dog, and dog owners were in almost complete control of animal. Bruce v. Durney (S.C.App. 2000) 341 S.C. 563, 534 S.E.2d 720, rehearing denied. Animals 66.5(7)

One who controls the use of property has a duty of care not to harm others by its use; conversely, one who has no control owes no duty. Nesbitt v. Lewis (S.C.App. 1999) 335 S.C. 441, 517 S.E.2d 11. Negligence 1011

Whether individual would not have fallen and injured herself had owner’s dog not jumped on her was question for jury in individual’s action against dog owner for injuries sustained when dog allegedly jumped on her and caused her to fall off ramp. Elmore v. Ramos (S.C.App. 1997) 327 S.C. 507, 489 S.E.2d 663. Animals 74(8)

2. Strict liability

There are three scenarios for imposing strict liability under the dog bite statute when the attack is unprovoked and the injured party is lawfully on the premises: first, the dog owner is strictly liable and common law principles are not implicated; second, a property owner is liable when he exercises control over, and assumes responsibility for, the care and keeping of the dog; and third, a property owner is not liable under the statute when he has no control of the premises and provides no care or keeping of the dog. Clea v. Odom (S.C. 2011) 394 S.C. 175, 714 S.E.2d 542. Animals 66.5(1); Animals 66.5(5); Animals 66.5(7)

Under the dog‑bite statute, when a dog attack is unprovoked and the injured party is lawfully on the premises, the dog owner is strictly liable. Harris v. Anderson County Sheriff’s Office (S.C. 2009) 381 S.C. 357, 673 S.E.2d 423. Animals 66.5(1)

Proof of evil motive is not required to impose liability on dog owner, under statute imposing strict liability on owner of dog who bites or otherwise attacks another, for injuries caused by dog’s jumping or pouncing upon victim. Elmore v. Ramos (S.C.App. 1997) 327 S.C. 507, 489 S.E.2d 663. Animals 66.5(1)

3. Otherwise attacked

Dog did not “otherwise attack” animal control officer whose shoulder was injured as she attempted to lift dog into her truck by its neck from end of pole, and thus, statute imposing strict liability on owners of dogs that bite or otherwise attack person without provocation was inapplicable in officer’s action against dog’s owners; officer conceded that dog never bit or touched her. Padgett v. Mercado (S.C.App. 2000) 341 S.C. 229, 533 S.E.2d 339. Animals 66.5(1)

Term “otherwise attacks”, as used in statute imposing strict liability on owner of dog who “bites or otherwise attacks” another, includes situations where dog jumps on or pounces upon someone. Elmore v. Ramos (S.C.App. 1997) 327 S.C. 507, 489 S.E.2d 663. Animals 66.5(1)

4. Other animals

To recover damages for personal injuries, veterinarian kicked by horse was required to prove that horse owners knew or should have known that their horse had dangerous or vicious nature; rule holding dog owners liable for dog bites regardless of knowledge of dangerous propensities did not apply to horses. Henry v. Lewis (S.C.App. 1997) 327 S.C. 336, 489 S.E.2d 639, rehearing denied, certiorari denied. Animals 66.7

5. Possession and control

In order to hold a person other than the owner of a dog strictly liable for the care or keeping of the dog, the dog bite statute requires that the other person act in a manner which manifests an acceptance of responsibility for the care or keeping of the dog. Clea v. Odom (S.C. 2011) 394 S.C. 175, 714 S.E.2d 542. Animals 66.5(7)

Under the dog‑bite statute, a person injured by a dog may pursue a claim for damages against the owner of the dog when the injury occurs while the dog is in the care or keeping of another. Harris v. Anderson County Sheriff’s Office (S.C. 2009) 381 S.C. 357, 673 S.E.2d 423. Animals 66.5(7)

Under the dog‑bite statute, when a dog attack is unprovoked and the injured party is lawfully on the premises, a property owner is not liable when he has no control of the premises and provides no care or keeping of the dog. Harris v. Anderson County Sheriff’s Office (S.C. 2009) 381 S.C. 357, 673 S.E.2d 423. Animals 66.5(7)

Under the dog‑bite statute, when a dog attack is unprovoked and the injured party is lawfully on the premises, a property owner is liable when he exercises control over, and assumes responsibility for, the care and keeping of the dog. Harris v. Anderson County Sheriff’s Office (S.C. 2009) 381 S.C. 357, 673 S.E.2d 423. Animals 66.5(7)

Whether owners and inhabitants of residence at which minor child was attacked by dogs had sufficient possession and control of dogs and premises so as to impose liability upon them for injuries sustained by child in attack was question for jury. Nesbitt v. Lewis (S.C.App. 1999) 335 S.C. 441, 517 S.E.2d 11. Animals 74(8)

Partial owner of residence at which minor child was attacked by dogs, who inherited her interest in residence from her father, had not lived at residence for over five years, and did not take care of dogs, did not owe a duty to child injured in attack to control dogs and, thus, could not be liable for injuries sustained by child in attack. Nesbitt v. Lewis (S.C.App. 1999) 335 S.C. 441, 517 S.E.2d 11. Animals 66.5(7)

6. Licensee

Finding that minor child was a “licensee” and, thus, was lawfully on dog owners’ property at time she was attacked by dogs, for purposes of statute imposing strict liability on dog owners for damages sustained by victim lawfully on property as result of dog bite or attack, was supported by testimony of child’s father that he told one owner that his child would probably be on the property with him when he cut their lawn, and that other owner let father and child into the backyard and assured them that the dogs never bothered anyone. Nesbitt v. Lewis (S.C.App. 1999) 335 S.C. 441, 517 S.E.2d 11. Animals 74(5)

A “licensee” is a social guest or a person who is privileged to enter upon land by virtue of the possessor’s consent. Nesbitt v. Lewis (S.C.App. 1999) 335 S.C. 441, 517 S.E.2d 11. Negligence 1040(2)

To be considered a “licensee,” an individual’s presence on the property must be for the primary benefit of the individual, not the owner. Nesbitt v. Lewis (S.C.App. 1999) 335 S.C. 441, 517 S.E.2d 11. Negligence 1040(2)

7. Summary judgment

Genuine issue of material fact remained whether residential landlord assumed some duty of care or keeping of tenant’s dog that was chained in common area of premises, thus precluding summary judgment on invitee’s strict liability claim against landlord under dog bite statute for injuries sustained to invitee’s two‑year‑old son who was attacked by dog. Clea v. Odom (S.C. 2011) 394 S.C. 175, 714 S.E.2d 542. Judgment 181(24)

8. Damages

Punitive damages award to father, as guardian of minor child injured in attack by dogs, was not was not supported by clear and convincing evidence, where dogs were enclosed in fenced‑in yard at time of accident, there was no evidence that dogs were ever allowed to roam freely, there was no evidence that any of dogs had ever attempted to attack anyone prior to attacking child, there were at least two offers by dog owners to put the dogs in the house if father was concerned about child being in yard with dogs, which father declined, and one of the owners had trusted her own grandchildren to play with dogs. Nesbitt v. Lewis (S.C.App. 1999) 335 S.C. 441, 517 S.E.2d 11. Animals 74(6)

A tort is characterized as reckless, willful, or wanton if it was committed in such a manner or under such circumstances that a person of ordinary reason and prudence would have been conscious of it as an invasion of the plaintiff’s rights, for purposes of determining whether punitive damages should be awarded. Nesbitt v. Lewis (S.C.App. 1999) 335 S.C. 441, 517 S.E.2d 11. Damages 91.5(1)

ARTICLE 3

Sheep‑Killing Dogs

**SECTION 47‑3‑210.** Buying, selling, receiving, or keeping sheep‑killing dog prohibited.

 No persons shall buy, sell, receive, give away or otherwise own, control, have or keep in possession any dog commonly called “sheep‑killing” and known to be such. The violation, knowingly, in any one or all respects of the foregoing prohibition shall be a misdemeanor punishable, upon conviction, by a fine not exceeding one hundred dollars or imprisonment for not exceeding thirty days.

HISTORY: 1962 Code Section 6‑101; 1952 Code Section 6‑101; 1942 Code Section 1178; 1932 Code Section 1178; Cr. C. ‘22 Section 68; Cr. C. ‘12 Section 212; 1909 (26) 121.

Library References

Animals 81 to 83, 86.

Westlaw Topic No. 28.

C.J.S. Animals Sections 341 to 345, 362, 365 to 366, 368 to 371, 373, 458.

RESEARCH REFERENCES

Encyclopedias

S.C. Jur. Animals Section 6, Standard of Care.

Treatises and Practice Aids

38 Causes of Action 2d 281, Cause of Action for Loss of or Injury to Animal by an Animal.

**SECTION 47‑3‑220.** Dog found in act of worrying or destroying sheep may be killed.

 Any person who may find any dog in the act of worrying or destroying any sheep in this State may kill such dog and such person shall not for so doing be held to answer to any action, civil or criminal.

HISTORY: 1962 Code Section 6‑102; 1952 Code Section 6‑102; 1942 Code Section 3422; 1932 Code Section 3422; Civ. C. ‘22 Section 1038; Civ. C. ‘12 Section 3437; Civ. C. ‘02 Section 2351; G. S. 1701; R. S. 1835; 1878 (16) 563.

Library References

Animals 81, 84.

Westlaw Topic No. 28.

C.J.S. Animals Sections 362, 365 to 366, 371, 373, 468, 477 to 482.

RESEARCH REFERENCES

Encyclopedias

S.C. Jur. Animals Section 6, Standard of Care.

NOTES OF DECISIONS

In general 1

1. In general

Section implies there may be unlawful killing. The implication of this section [Code 1962 Section 6‑102] is that there may be an unlawful killing of a dog; otherwise such legislation is absolutely useless. Salley v. Manchester & A.R. Co. (S.C. 1899) 54 S.C. 481, 32 S.E. 526, 71 Am.St.Rep. 810.

**SECTION 47‑3‑230.** Liability of owner of sheep‑killing dog for payment to owner of sheep killed or injured.

 The owner of or person having in his care or keeping any dog shall be liable to pay to the person damaged double the value of any sheep that may be killed or injured by such dog, to be recovered by action at the suit of the person damaged in any court having competent jurisdiction. In all such actions the recovery of ten dollars or more shall carry costs.

HISTORY: 1962 Code Section 6‑104; 1952 Code Section 6‑104; 1942 Code Section 3423; 1932 Code Section 3423; Civ. C. ‘22 Section 1039; Civ. C. ‘12 Section 3438; Civ. C. ‘02 Section 2352; G. S. 1702; R. S. 1836; 1859 (12) 826.

Library References

Animals 81, 83, 84.

Westlaw Topic No. 28.

C.J.S. Animals Sections 343 to 344, 362, 365 to 366, 371, 373, 458, 468, 477 to 482.

RESEARCH REFERENCES

Encyclopedias

S.C. Jur. Animals Section 6, Standard of Care.

Treatises and Practice Aids

38 Causes of Action 2d 281, Cause of Action for Loss of or Injury to Animal by an Animal.

NOTES OF DECISIONS

In general 1

1. In general

The owner of a dog has such a property therein as to entitle him to recover for a wrongful injury thereto. Salley v. Manchester & A.R. Co. (S.C. 1899) 54 S.C. 481, 32 S.E. 526, 71 Am.St.Rep. 810.

Construction of the words “care” and “keeping” should be determined by court and not submitted to jury. Cockfield v. Singletary (S.C. 1868) 15 Rich. 240.

ARTICLE 5

Feral Dogs

**SECTION 47‑3‑310.** Disposal or removal of feral dogs from certain property.

 On game management areas, state‑owned property and property of private landowners and leaseholders, at the request of such landowners and leaseholders, specially trained enforcement officers of the Natural Resources Enforcement Division of the Department of Natural Resources may enter on such areas and property for the purpose of investigating dogs running at large on the property. If the dogs are determined to be feral dogs (a dog which has reverted to a wild state) and are a threat to the lives or health of livestock, wildlife or humans, the enforcement officers may remove the feral dog from the property or dispose of it in the most humane manner as determined by the department.

HISTORY: 1979 Act No. 147 Section 1; 1993 Act No. 181, Section 1166, eff July 1, 1994.

CROSS REFERENCES

Allowable methods of animal euthanasia, see Section 47‑3‑410 et seq.

Library References

Animals 51, 52.

Westlaw Topic No. 28.

C.J.S. Animals Sections 268 to 272, 295, 297 to 300, 313 to 318, 448 to 449, 452 to 454, 459, 461, 465, 469 to 473, 475, 538.

**SECTION 47‑3‑320.** Training of conservation officers to remove dogs; liability of officers.

 Two enforcement officers of the Natural Resources Enforcement Division of the Department of Natural Resources from each of the state’s twenty‑eight law enforcement units shall be trained by the Department in the identification, capture and humane disposal of feral dogs and these officers shall have the responsibility of answering all complaints concerning feral dogs within the geographical boundaries of their respective law enforcement units. Such enforcement officers shall be held harmless of any personal liability that may occur during the lawful execution of their duties under this act except in case of gross negligence.

HISTORY: 1979 Act No. 147 Section 2; 1993 Act No. 181, Section 1167, eff July 1, 1994.

Library References

Animals 51, 52.

Westlaw Topic No. 28.

C.J.S. Animals Sections 268 to 272, 295, 297 to 300, 313 to 318, 448 to 449, 452 to 454, 459, 461, 465, 469 to 473, 475, 538.

ARTICLE 7

Animal Euthanasia and Tranquilization

**SECTION 47‑3‑410.** Animal shelter defined.

 The term “animal shelter” means any place or premises kept for the care, keeping, impounding, housing or boarding of any animal, whether the premises are owned or operated by a municipality, county, private association, institution, humane organization, or any other business or corporation.

HISTORY: 1980 Act No. 357, Section 1; 2000 Act No. 293, Section 2, eff May 19, 2000.

RESEARCH REFERENCES

Encyclopedias

S.C. Jur. Animals Section 15, Impounding and Care of Estrays by Local Authorities.

**SECTION 47‑3‑420.** Methods of euthanasia.

 (A) Only the following methods of euthanasia may be used to kill animals impounded or quarantined in animal shelters, and the procedure applicable to the method selected must be strictly followed:

 (1) Sodium pentobarbital or a derivative of it by means of:

 (a) intravenous injection by hypodermic needle of a lethal solution;

 (b) intraperitoneal injection by hypodermic needle of lethal solution as a last resort only when location of an injection into the vein is difficult or impossible;

 (c) intracardial injection by hypodermic needle if the dog or cat is unconscious;

 (d) intravenous injection of these solutions must be specifically injected according to the directions of the manufacturers for intravenous injections;

 (e) an animal may be sedated with an approved and humane substance before euthanasia is performed;

 (f) the solutions may not be administered via intrathoracic, intrapulmonary, subcutaneous, intramuscular, intrarenal, intrasplenic, or intrathecal routes or in any other nonvascular injection route except as provided above;

 (g) administration of injections must be done only by a licensed veterinarian or by a euthanasia technician or Department of Natural Resources employee, trained and certified for this purpose in a euthanasia training class taught by a licensed South Carolina veterinarian or an individual or entity approved by the State Board of Veterinary Examiners, which must include training in tranquilizing animals. A person certified pursuant to this subitem must continue to maintain his proficiency by successfully completing a training course taught by a licensed South Carolina veterinarian or an individual or entity approved by the State Board of Veterinary Examiners every five years;

 (h) all injections must be administered using an undamaged hypodermic needle of a size suitable for the size and species of animal;

 (i) an animal shelter, governmental animal control agency, or the Department of Natural Resources (department) may obtain sodium pentobarbital or a derivative or tranquilizing agent by direct licensing. The animal shelter, governmental animal control agency, or department must apply for a Controlled Substance Registration Certificate from the federal Drug Enforcement Administration (DEA) and a State Controlled Substances Registration from the Department of Health and Environmental Control (DHEC). If an animal shelter, governmental animal control agency, or the department is issued a certificate by the DEA and a registration by DHEC pursuant to this subitem, the animal shelter, governmental animal control agency director or his designee, and the department’s applicant are responsible for maintaining their respective records regarding the inventory, storage, and administration of controlled substances. An animal shelter, governmental animal control agency and its certified euthanasia technician, and the department and its certified employees are subject to inspection and audit by DHEC and the DEA regarding the recordkeeping, inventory, storage, and administration of controlled substances used under authority of this article;

 (j) oral administration of sodium pentobarbital is permitted for the purpose of anesthetizing animals, provided a lethal dose of sodium pentobarbital is administered to euthanize the animal; and

 (k) carbon monoxide gas, carbon dioxide gas, or other nonanesthetic inhalants may not be used to perform euthanasia.

 (2) A substance which is clinically proven to be as humane as sodium pentobarbital and which has been officially recognized as such by the American Veterinary Medical Association may be used in lieu of sodium pentobarbital to perform euthanasia on dogs and cats, but succinylcholine chloride, curare, curariform mixtures, carbon monoxide gas, carbon dioxide gas, or any substance which acts as a neuromuscular blocking agent may not be used on a dog or cat in lieu of sodium pentobarbital for euthanasia purposes.

 (3) Shooting may be used in a location other than a shelter as a means of euthanasia only in an emergency situation to prevent extreme suffering or in which the safety of people or other animal life is threatened or where it is considered necessary by the South Carolina Department of Natural Resources to eliminate or control the population of feral animals.

 (4) In cases of extraordinary circumstance where a dog or cat poses an extreme risk or danger to the veterinarian, physician, or lay person performing euthanasia, the person is allowed the use of any other substance or procedure that is necessary to perform euthanasia on a dangerous dog or cat.

 (B) In any of the previously listed methods, an animal may not be left unattended between the time euthanasia procedures have commenced and the time death occurs, and the animal’s body may not be disposed of until death is confirmed by a certified euthanasia technician.

 (C) Under no circumstance shall a chamber using commercially bottled carbon monoxide gas or other lethal gas or a chamber which causes a change in body oxygen by means of altering atmospheric pressure or which is connected to an internal combustion engine and uses the engine exhaust for euthanasia purposes be permitted.

HISTORY: 1980 Act No. 357, Section 2; 1993 Act No. 181, Section 1168, eff July 1, 1994; 2000 Act No. 293, Section 2, eff May 19, 2000; 2016 Act No. 175 (H.3343), Section 1, eff May 23, 2016.

Code Commissioner’s Note

At the direction of the Code Commissioner in 2016, in (A)(2), “curare” was substituted for “curate” to correct a typographical error.

Effect of Amendment

2016 Act No. 175, Section 1, rewrote the section.

CROSS REFERENCES

Destruction of abandoned infirm animals, see Section 47‑1‑80.

Destruction of biting or attacking animals, see Section 47‑5‑100.

Establishment of animal shelters, see Section 47‑3‑30.

Removal and disposal of feral dogs, see Section 47‑3‑310.

Library References

Animals 103.1.

Westlaw Topic No. 28.

C.J.S. Animals Section 532.

RESEARCH REFERENCES

Encyclopedias

S.C. Jur. Animals Section 15, Impounding and Care of Estrays by Local Authorities.

**SECTION 47‑3‑430.** Provision governing shelters.

 All animal shelters are subject to the provisions of Chapter 1 of Title 47.

HISTORY: 1980 Act No. 357, Section 3; 2000 Act No. 293, Section 2, eff May 19, 2000.

Library References

Animals 103.1.

Westlaw Topic No. 28.

C.J.S. Animals Section 532.

RESEARCH REFERENCES

Encyclopedias

S.C. Jur. Animals Section 15, Impounding and Care of Estrays by Local Authorities.

**SECTION 47‑3‑440.** Penalties; injunction.

 No person may kill any animal impounded or quarantined in an animal shelter by any means except as provided by this article. Any person who violates the provisions of this article is guilty of a misdemeanor and, upon conviction, is subject to the penalty provisions in Chapter 1, Title 47 for each animal killed. The Attorney General of South Carolina may bring an action to enjoin a violation of this article.

HISTORY: 1980 Act No. 357, Section 4; 2000 Act No. 293, Section 2, eff May 19, 2000.

Library References

Animals 108, 109.

Westlaw Topic No. 28.

C.J.S. Animals Sections 532, 546 to 549.

**SECTION 47‑3‑450.** Exceptions.

 The provisions of this article do not apply to persons engaged in scientific endeavors by institutions of higher education.

HISTORY: 1980 Act No. 357, Section 5; 2000 Act No. 293, Section 2, eff May 19, 2000.

Library References

Animals 3.5(6), 103.1.

Westlaw Topic No. 28.

C.J.S. Animals Sections 199, 532.

ARTICLE 8

Sterilization of Dogs and Cats

**SECTION 47‑3‑470.** Descriptions.

 As used in this article:

 (1) “Animal Shelter” means:

 (a) a facility operated by or under contract for the State or a county, a municipal corporation, or other political subdivision of the State for the purpose of impounding or harboring seized, stray, homeless, abandoned, or unwanted dogs, cats, and other animals;

 (b) a veterinary hospital or clinic operated by a veterinarian or veterinarians which operates for the purpose set forth in subitem (a) in addition to its customary purposes;

 (c) a facility operated, owned, or maintained by an incorporated humane society, animal welfare society, or other nonprofit organization for the purpose of providing for and promoting the welfare, protection, and humane treatment of animals.

 (2) “Humane society” means an unincorporated nonprofit organization existing for the purpose of prevention of cruelty to animals.

 (3) “Public or private animal refuge” means harborers of unwanted animals of any breed, including crossbreeds, who provide food, shelter, and confinement for a group of dogs, a group of cats, or a combination of dogs and cats.

 (4) “Sexually mature animal” means a dog or cat that has reached the age of one hundred eighty days or six months or more.

 (5) “Sterilization” means the surgical removal of the reproductive organs of a dog or cat in order to render the animal unable to reproduce.

HISTORY: 1998 Act No. 271, Section 1, eff upon approval (became law without the Governor’s signature on April 8, 1998).

**SECTION 47‑3‑480.** Provisions for sterilization; exceptions; payment of costs; subsequent notification of sterilization for animals not sterile when acquired.

 (A) A public or private animal shelter, animal control agency operated by a political subdivision of this State, humane society, or public or private animal refuge shall make provisions for the sterilization of all dogs or cats acquired from the shelter, agency, society, or refuge by:

 (1) providing sterilization by a licensed veterinarian before relinquishing custody of the animal; or

 (2) entering into a written agreement with the person acquiring the animal guaranteeing that sterilization will be performed by a licensed veterinarian within thirty days after acquisition of a sexually mature animal or no later than six months of age except upon a written statement issued by a licensed veterinarian stating that such surgery would threaten the life of the animal.

 (B) This section does not apply to a privately owned animal which the shelter, agency, society, or refuge may have in its possession for any reason if the owner of the animal claims or presents evidence that the animal is his property.

 (C) All costs of sterilization pursuant to this section are the responsibility of the person acquiring the animal and, if performed before acquisition, may be included in the fees charged by the shelter, agency, society, or refuge for the animal.

 (D) A person acquiring an animal from a shelter, an agency, a society, or a refuge which is not sterile at the time of acquisition shall submit to the shelter, agency, society, or refuge a signed statement from the licensed veterinarian performing the sterilization required by subsection (A) within seven days after sterilization attesting that the sterilization has been performed.

HISTORY: 1998 Act No. 271, Section 1, eff upon approval (became law without the Governor’s signature on April 8, 1998).

Library References

Animals 3.5(11), 22, 103.1.

Westlaw Topic No. 28.

C.J.S. Animals Sections 76 to 80, 94 to 95, 121, 226 to 231, 532.

Attorney General’s Opinions

The provisions of Section 47‑3‑480(A)(2) in allowing an agreement to be made with the person acquiring the animal which guarantees sterilization will be performed within the specified time limit relieves the County of all responsibility and liability once the animal is released. S.C. Op.Atty.Gen. (July 10, 2009) 2009 WL 2406416.

The requirement of a written agreement by the person acquiring the animal guaranteeing sterilization, as set forth in Section 47‑3‑480(A)(2) and the requirement of subsection (D) of such provision requiring the submission of a signed statement from a veterinarian performing the sterilization, in addition to the penalty of Section 47‑3‑490 for failure to comply, absolve a County of any further responsibility to insure compliance with the referenced provisions. S.C. Op.Atty.Gen. (July 10, 2009) 2009 WL 2406416.

Legal liability of County if intact animals are released directly to the Humane Society as the Animal Shelter’s final disposition. S.C. Op.Atty.Gen. (June 23, 2009) 2009 WL 1968609.

This section does not prohibit the adoption of mandatory sterilization procedures, but rather provides an exception from such procedures for those privately owned animals whose owners either claim or establish ownership of the animal in question. S.C. Op.Atty.Gen. (May 30, 2000) 2000 WL 1205931.

**SECTION 47‑3‑490.** Failure to comply; remedies.

 A person who fails to comply with Section 47‑3‑480(A)(2) or 47‑3‑480(D) must forfeit ownership of the dog(s) or cat(s) acquired from the shelter, agency, society, or refuge which adopted the animal to the owner. In addition to forfeiting ownership, the person who acquired the animal must pay to the shelter, agency, society, or refuge the sum of $200.00 as liquidated damages. Such remedies shall be in addition to any other legal or equitable remedies as may be available to the shelter, agency, society, or refuge for breach of the written agreement as provided for in Section 47‑3‑480(A)(2) or failure to comply with Section 47‑3‑480(D).

HISTORY: 1998 Act No. 271, Section 1, eff upon approval (became law without the Governor’s signature on April 8, 1998).

Library References

Animals 3.5(10).

Westlaw Topic No. 28.

C.J.S. Animals Section 225.

Attorney General’s Opinions

The requirement of a written agreement by the person acquiring the animal guaranteeing sterilization, as set forth in Section 47‑3‑480(A)(2) and the requirement of subsection (D) of such provision requiring the submission of a signed statement from a veterinarian performing the sterilization, in addition to the penalty of Section 47‑3‑490 for failure to comply, absolve a County of any further responsibility to insure compliance with the referenced provisions. S.C. Op.Atty.Gen. (July 10, 2009) 2009 WL 2406416.

**SECTION 47‑3‑500.** Adoption of additional policies by other entities.

 This article does not prohibit the adoption by a political subdivision of this State of shelter policies which are more stringent than the requirements of this article.

HISTORY: 1998 Act No. 271, Section 1, eff upon approval (became law without the Governor’s signature on April 8, 1998).

ARTICLE 9

Registration of Dogs

**SECTION 47‑3‑510.** Owner may register dog; fee.

 The owner of any dog or kennel may, upon payment of a fee to be determined by the South Carolina Department of Natural Resources (department), not to exceed five dollars a dog or twenty dollars a kennel, have his dog registered by the department and the registration number tattooed in either of the dog’s ears or on any other clearly visible part of the body that would be considered most suitable for the respective species of dog. The department shall maintain records of the names and addresses of the owners of registered kennels.

HISTORY: 1984 Act No. 446, Section 1; 1985 Act No. 28; 1993 Act No. 181, Section 1169, eff July 1, 1994.

CROSS REFERENCES

Positively identified hunting dog exempt from provision pertaining to abandonment of animals, see Section 47‑1‑70.

Library References

Animals 5.1, 8, 103.1.

Westlaw Topic No. 28.

C.J.S. Animals Sections 24, 26 to 27, 35, 532.

RESEARCH REFERENCES

Encyclopedias

S.C. Jur. Animals Section 2, Domestic Animals.

**SECTION 47‑3‑520.** Availability of registration file.

 The department shall have this file available for county, city, or subdivision animal control agencies or departments and individuals. The entire cost must be assessed upon dog owners in registration fees.

HISTORY: 1984 Act No. 446, Section 2.

Library References

Animals 8.

Westlaw Topic No. 28.

C.J.S. Animals Section 35.

**SECTION 47‑3‑530.** Penalties for stealing or killing identifiable dog.

 Any person stealing any positively identifiable dog is guilty of a misdemeanor and upon conviction must be fined not less than five hundred dollars nor more than one thousand dollars or imprisoned for not less than thirty days nor more than six months, or both.

 Any person killing any dog when owner may be identified by means of a collar bearing sufficient information or some other form of positive identification is guilty of a misdemeanor and upon conviction must be fined not less than five hundred dollars nor more than one thousand dollars or imprisoned for not less than thirty days nor more than six months, or both. This paragraph does not apply to the killing of a dog threatening to cause or causing personal injury or property damage.

HISTORY: 1984 Act No. 446, Section 3.

CROSS REFERENCES

Killing of dog found in act of worrying or destroying sheep, see Section 47‑3‑220.

Positively identified hunting dog exempt from provision pertaining to abandonment of animals, see Section 47‑1‑70.

Library References

Animals 3.5(10).

Westlaw Topic No. 28.

C.J.S. Animals Section 225.

RESEARCH REFERENCES

Encyclopedias

S.C. Jur. Animals Section 2, Domestic Animals.

**SECTION 47‑3‑540.** Destruction of identifiable dog by animal control officer; prior notification of owner.

 Animal control officers must not destroy any positively identifiable dog until they have notified the owner at his last known address by registered mail that they have the dog in their possession. The owner must notify the animal control officer within two weeks that he will pick up his dog. If the owner does not pick up his dog within two weeks of notification to the animal control officer, the dog may be destroyed. Reasonable costs associated with the above extended holding period, including cost of mailing the required notice, must be paid before the dog is returned to its owner, or the owner’s designee, in addition to any other established costs, fines, fees, or other charges.

HISTORY: 1984 Act No. 446, Section 4.

CROSS REFERENCES

Allowable methods of animal euthanasia, see Section 47‑3‑410 et seq.

Library References

Animals 23(1), 48, 59.

Westlaw Topic No. 28.

C.J.S. Animals Sections 83 to 88, 119 to 120, 248, 251, 263, 265 to 266, 268 to 272, 275, 295, 297 to 300, 448 to 449, 454, 459, 461, 466, 491, 495 to 496, 499 to 500.

RESEARCH REFERENCES

Encyclopedias

S.C. Jur. Animals Section 15, Impounding and Care of Estrays by Local Authorities.

**SECTION 47‑3‑550.** Promulgation of regulations.

 The South Carolina Department of Natural Resources may promulgate regulations to carry out the provisions of this chapter.

HISTORY: 1984 Act No. 446, Section 5; 1993 Act No. 181, Section 1170, eff July 1, 1994.

ARTICLE 11

Teasing, Maltreating, and Injuring Police Dogs Prohibited

**SECTION 47‑3‑610.** Unlawful to taunt, torment, tease, beat, strike, or administer desensitizing drug to police dog or horse.

 It is unlawful for a person to wilfully and maliciously taunt, torment, tease, beat, strike, or administer or subject a desensitizing drug, chemical, or substance to a dog or horse used by a law enforcement department or agency in the performance of the functions or duties of the department or agency or when a dog is placed in a kennel off duty or a horse is placed in a stable off duty, or to interfere or meddle with a dog or horse used by a law enforcement department or agency in the performance of the functions or duties of the department or agency.

HISTORY: 1988 Act No. 512, eff May 9, 1988; 1995 Act No. 68, Section 2, eff June 12, 1995.

CROSS REFERENCES

Provisions regulating dangerous dogs, see Section 47‑3‑710.

Library References

Animals 3.5(5).

Westlaw Topic No. 28.

C.J.S. Animals Sections 199 to 225.

**SECTION 47‑3‑620.** Unlawful to torture, mutilate, injure, disable, poison, or kill police dog or horse.

 It is unlawful for a person to wilfully or maliciously torture, mutilate, injure, disable, poison, or kill a dog or horse used by a law enforcement department or agency in the performance of the functions or duties of the department or when a dog is placed in a kennel off duty or a horse is placed in a stable off duty. However, a police officer or veterinarian may perform euthanasia in emergency situations when delay would cause the dog or horse undue suffering and pain.

HISTORY: 1988 Act No. 512, eff May 9, 1988; 1995 Act No. 68, Section 3, eff June 12, 1995.

Library References

Animals 3.5(5).

Westlaw Topic No. 28.

C.J.S. Animals Sections 199 to 225.

**SECTION 47‑3‑630.** Penalties.

 A person who violates any of the provisions of this article, except for Section 47‑3‑620, is guilty of a misdemeanor and, upon conviction, must be fined not less than five hundred dollars nor more than one thousand dollars or imprisoned not less than thirty days nor more than six months, or both. A person who violates the provisions of Section 47‑3‑620 is guilty of a felony and, upon conviction, must be fined not less than two thousand dollars nor more than five thousand dollars and imprisoned not less than one year nor more than five years.

HISTORY: 1988 Act No. 512, eff May 9, 1988; 1995 Act No. 68, Section 1, eff June 12, 1995; 2008 Act No. 259, Section 3, eff upon approval (became law without the Governor’s signature on June 5, 2008).

Library References

Animals 3.5(10).

Westlaw Topic No. 28.

C.J.S. Animals Section 225.

ARTICLE 13

Regulation of Dangerous Animals

**SECTION 47‑3‑710.** Definitions.

 (A) As used in this article “dangerous animal” means an animal of the canine or feline family:

 (1) which the owner knows or reasonably should know has a propensity, tendency, or disposition to attack unprovoked, cause injury, or otherwise endanger the safety of human beings or domestic animals;

 (2) which:

 (a) makes an unprovoked attack that causes bodily injury to a human being and the attack occurs in a place other than the place where the animal is confined as required by Section 47‑3‑720; or

 (b) commits unprovoked acts in a place other than the place where the animal is confined as required by Section 47‑3‑720 and those acts cause a person to reasonably believe that the animal will attack and cause bodily injury to a human being;

 (3) which is owned or harbored primarily or in part for the purpose of fighting or which is trained for fighting.

 (B) “Dangerous animal” does not include:

 (1) an animal used exclusively for agricultural purposes; or

 (2) an animal which attacks a person who is trespassing or who appears to be trespassing. A trespasser is a person who is not lawfully upon the premises of the owner, as set forth in Section 47‑3‑770(A).

 (C) An animal is not a “dangerous animal” solely by virtue of its breed or species.

 (D) As used in this article “owner” means a person who owns or has custody or control of the animal.

 (E) As used in this article, “injury” or “bodily injury” means (1) broken bones, (2) lacerations, (3) punctures of the skin, or (4) any physical injury resulting in death.

HISTORY: 1988 Act No. 515, eff May 9, 1988; 1992 Act No. 374, Section 1, eff May 19, 1992.

CROSS REFERENCES

Penalties for violating provisions of this section, see Section 47‑3‑760.

Provisions prohibiting the teasing, maltreating, and injuring of police dogs, see Section 47‑3‑610 et seq.

RESEARCH REFERENCES

Encyclopedias

S.C. Jur. Animals Section 14, Owner’s Duty to Confine‑ Dangerous Dogs.

Attorney General’s Opinions

All violations of Sections 47‑3‑710 et seq. of the Code, relative to dangerous dogs, would be within the jurisdiction of a magistrate’s court. 1989 Op.Atty.Gen. No. 89‑138, p 375 (December 5, 1989) 1989 WL 406227.

A magistrate would have jurisdiction to render a judgment in an amount greater than $2,500.00 for expenses in association with a criminal proceeding brought pursuant to Sections 47‑3‑710 et seq. of the Code. 1989 Op.Atty.Gen. No. 89‑138, p 375 (December 5, 1989) 1989 WL 406227.

Municipal courts appear to have jurisdiction to try second or subsequent offense “dangerous dog” cases. 1989 Op.Atty.Gen. No. 89‑138, p 375 (December 5, 1989) 1989 WL 406227.

Municipalities would not be authorized to enact ordinances similar to Sections 47‑3‑710 et seq. where the penalty provisions establish fines of $1,000.00. 1989 Op.Atty.Gen. No. 89‑138, p 375 (December 5, 1989) 1989 WL 406227.

NOTES OF DECISIONS

In general 1

1. In general

To convict a defendant for owning a dangerous animal causing injury to a person the State was required to prove (1) the defendant owned or had custody or control of a canine or feline; (2) he knew or reasonably should have known the animal had a propensity, tendency, or disposition to attack unprovoked, cause injury, or otherwise endanger the safety of human beings; (3) the animal made an unprovoked attack; (4) the attack caused bodily injury to a human being; and (5) the attack occurred while the animal was unconfined on the defendant’s premises. State v. Collins (S.C. 2014) 409 S.C. 524, 763 S.E.2d 22, rehearing denied. Animals 66.2

**SECTION 47‑3‑720.** Dangerous animal not to go unconfined on premises; “unconfined” defined; exceptions.

 No person owning or harboring or having the care or the custody of a dangerous animal may permit the animal to go unconfined on his premises. A dangerous animal is “unconfined” as used in this section if the animal is not confined securely indoors or confined in a securely enclosed fence or securely enclosed and locked pen or run area upon the person’s premises. The pen or run area must be clearly marked as containing a dangerous animal and must be designed to prevent the entry of the general public, including children, and to prevent the escape or release of the animal. However, this section does not apply to an animal owned by a licensed security company and on patrol in a confined area.

HISTORY: 1988 Act No. 515, eff May 9, 1988; 1992 Act No. 374, Section 1, eff May 19, 1992.

CROSS REFERENCES

Application of this section to definition of “dangerous animal”, see Section 47‑3‑710.

Authority to seize or impound dangerous animal harbored or cared for in violation of this section, see Section 47‑3‑750.

Penalties for violating provisions of this section, see Section 47‑3‑760.

Library References

Animals 3.5(4).

Westlaw Topic No. 28.

RESEARCH REFERENCES

Encyclopedias

S.C. Jur. Animals Section 14, Owner’s Duty to Confine‑ Dangerous Dogs.

**SECTION 47‑3‑730.** Dangerous animal not permitted beyond premises unless safely restrained.

 No person owning or harboring or having the care of a dangerous animal may permit the animal to go beyond his premises unless the animal is safely restrained and the requirements of Section 47‑3‑760(E) are met.

HISTORY: 1988 Act No. 515, eff May 9, 1988; 1992 Act No. 374, Section 1, eff May 19, 1992; 1996 Act No. 382, Section 1, eff June 4, 1996.

Library References

Animals 3.5(4).

Westlaw Topic No. 28.

RESEARCH REFERENCES

Encyclopedias

S.C. Jur. Animals Section 14, Owner’s Duty to Confine‑ Dangerous Dogs.

Forms

South Carolina Litigation Forms and Analysis Section 3:11 , Negligence‑Dog Bite.

**SECTION 47‑3‑740.** Owning or harboring animal for fighting or attacking humans or domestic animals prohibited; selling, breeding, buying or attempting to buy, or intent to do same, prohibited; exceptions.

 (A) No person may own or harbor an animal for the purpose of fighting or train, torment, badger, bait, or use an animal for the purpose of causing or encouraging the animal to unprovoked attacks upon human beings or domestic animals.

 (B) No person may possess with intent to sell, offer for sale, breed, or buy or attempt to buy a known dangerous animal; however, this subsection does not apply to a person who is licensed to possess and breed an animal under the classifications specified and regulated by the United States Department of Agriculture under the Animal Welfare Act as codified in Title 7 of the United States Code.

HISTORY: 1988 Act No. 515, eff May 9, 1988; 1992 Act No. 374, Section 1, eff May 19, 1992.

CROSS REFERENCES

Authority to seize or impound dangerous animal harbored or cared for in violation of this section, see Section 47‑3‑750.

Federal Aspects

Animal Welfare Act, see 7 U.S.C.A. Sections 2131 et seq.

Library References

Animals 3.5(4), 3.5(7).

Westlaw Topic No. 28.

C.J.S. Animals Sections 210 to 214.

RESEARCH REFERENCES

Encyclopedias

S.C. Jur. Animals Section 14, Owner’s Duty to Confine‑ Dangerous Dogs.

Attorney General’s Opinions

The constitutionality of county ordinance that targets a particular breed of dog as dangerous and the targets the number of animals a citizen can own if they are deemed dangerous. S.C. Op.Atty.Gen. (September 7, 2007) 2007 WL 4284632.

**SECTION 47‑3‑750.** Seizure and impoundment of dangerous animal.

 (A) If a law enforcement agent, animal control officer, or animal control officer under contract with a county or municipal government to provide animal control services has probable cause to believe that a dangerous animal is being harbored or cared for in violation of Section 47‑3‑720 or 47‑3‑740 or 47‑3‑760(E), the agent or officer may petition the court having jurisdiction to order the seizure and impoundment of the dangerous animal while the trial is pending.

 (B) If a law enforcement agent, animal control officer, or animal control officer under contract with a county or municipal government to provide animal control services has probable cause to believe that a dangerous animal is being harbored or housed in violation of Section 47‑3‑730, the agent or officer may seize and impound the dangerous animal while the trial is pending.

HISTORY: 1988 Act No. 515, eff May 9, 1988; 1992 Act No. 374, Section 1, eff May 19, 1992; 1996 Act No. 382, Section 3, eff June 4, 1996.

Library References

Animals 3.5(8).

Westlaw Topic No. 28.

RESEARCH REFERENCES

Encyclopedias

S.C. Jur. Animals Section 14, Owner’s Duty to Confine‑ Dangerous Dogs.

**SECTION 47‑3‑760.** Penalties; registration of dangerous animals.

 (A) A person who violates Section 47‑3‑720 or 47‑3‑730 or subsection (E) of this section or who is the owner of a dangerous animal which attacks and injures a domestic animal is guilty of a misdemeanor and, upon conviction, for a first offense, must be fined not more than two hundred dollars or imprisoned not more than thirty days and, upon conviction of a subsequent offense, must be fined one thousand dollars none of which may be suspended or remitted.

 (B) A person who is the owner of a dangerous animal which attacks and injures a human being in violation of Section 47‑3‑710(A)(2)(a) or a person who violates Section 47‑3‑740:

 (1) for a first offense, is guilty of a misdemeanor and, upon conviction, must be fined not more than five thousand dollars or imprisoned not more than three years;

 (2) for a second or subsequent offense, is guilty of a felony and, upon conviction, must be fined not more than ten thousand dollars or imprisoned not more than five years.

 (C) A dangerous animal which attacks a human being or domestic animal may be ordered destroyed when in the court’s judgment the dangerous animal represents a continuing threat of serious harm to human beings or domestic animals.

 (D) A person found guilty of violating this article shall pay all expenses, including, but not limited to, shelter, food, veterinary expenses for boarding and veterinary expenses necessitated by the seizure of an animal for the protection of the public, medical expenses incurred by a victim from an attack by a dangerous animal, and other expenses required for the destruction of the animal.

 (E) A person owning a dangerous animal shall register the animal with the local law enforcement authority of the county in which the owner resides. The requirements of the registration must be determined by the county governing body. However, the registration application must be accompanied by proof of liability insurance or surety bond of at least fifty thousand dollars insuring or securing the owner for personal injuries inflicted by the dangerous animal. The county governing body shall provide to the owner registering the dangerous animal a metal license tag and a certificate. The metal license tag at all times must be attached to a collar or harness worn by the dangerous animal for which the certificate and tag have been issued.

 (F) Nothing in this chapter is designed to abrogate any civil remedies available under statutory or common law.

HISTORY: 1988 Act No. 515, eff May 9, 1988; 1992 Act No. 374, Section 1, eff May 19, 1992; 1993 Act No. 184, Section 101 eff January 1, 1994; 1996 Act No. 382, Sections 2 and 4, eff June 4, 1996.

CROSS REFERENCES

Authority to seize or impound dangerous animal harbored or cared for in violation of this section, see Section 47‑3‑750.

Library References

Animals 3.5(4), 3.5(10), 16.1, 86.

Westlaw Topic No. 28.

C.J.S. Animals Sections 44 to 45, 54 to 56, 225, 362, 551 to 554.

RESEARCH REFERENCES

Encyclopedias

S.C. Jur. Animals Section 14, Owner’s Duty to Confine‑ Dangerous Dogs.

S.C. Jur. Homicide Section 14, Definition of Murder.

S.C. Jur. Homicide Section 22, The Felony Murder Rule.

S.C. Jur. Sports Law Section 43, South Carolina Legislation.

Attorney General’s Opinions

The municipal court would have jurisdiction under this section to order the destruction of a dangerous animal where the court possesses jurisdiction to try the criminal case. S.C. Op.Atty.Gen. (April 2, 1997) 1997 WL 255949.

Municipalities would not be authorized to enact ordinances similar to Sections 47‑3‑710 et seq. where the penalty provisions establish fines of $1,000.00. 1989 Op.Atty.Gen. No. 89‑138, p 375 (December 5, 1989) 1989 WL 406227.

NOTES OF DECISIONS

In general 1

1. In general

To convict a defendant for owning a dangerous animal causing injury to a person the State was required to prove (1) the defendant owned or had custody or control of a canine or feline; (2) he knew or reasonably should have known the animal had a propensity, tendency, or disposition to attack unprovoked, cause injury, or otherwise endanger the safety of human beings; (3) the animal made an unprovoked attack; (4) the attack caused bodily injury to a human being; and (5) the attack occurred while the animal was unconfined on the defendant’s premises. State v. Collins (S.C. 2014) 409 S.C. 524, 763 S.E.2d 22, rehearing denied. Animals 66.2

**SECTION 47‑3‑770.** When person is lawfully on premises; authority to use force to repel attack by dangerous animal when lawfully on premises; no liability for action taken to repel or restrain unprovoked attack of dangerous animal.

 (A) A person lawfully is upon the premises of the owner within the meaning of this article when he is on the premises in the performance of a duty imposed upon him by the laws of this State, by the laws or postal regulations of the United States, when he is on the premises upon invitation, expressed or implied, of the owner, or when he is in the performance of a duty relative to public safety, which includes policemen, firemen, or other authorized personnel. A person may ingress to and egress from the premises for a purpose connected with the performance of the public safety duty.

 (B) A person who lawfully is on the owner’s premises and who is attacked by a dangerous animal or witnesses the attack may use reasonable force to repel the attack. A person is not liable in damages or otherwise for action to repel or action taken to restrain or control an animal from an unprovoked attack.

HISTORY: 1988 Act No. 515, eff May 9, 1988; 1992 Act No. 374, Section 1, eff May 19, 1992.

CROSS REFERENCES

Application of this section to definition of trespasser, see Section 47‑3‑710.

Library References

Animals 3.5(4), 23(1), 66.1, 73.

Westlaw Topic No. 28.

C.J.S. Animals Sections 83 to 88, 119 to 120, 319, 332 to 335, 362, 448 to 449, 461, 468, 474 to 476, 491, 495 to 496, 499 to 500.

RESEARCH REFERENCES

Encyclopedias

S.C. Jur. Animals Section 14, Owner’s Duty to Confine‑ Dangerous Dogs.

ARTICLE 15

Protection of Guide Dogs

**SECTION 47‑3‑910.** Short title.

 This article may be cited as “Layla’s Law”.

HISTORY: 2003 Act No. 37, Section 1, eff June 2, 2003.

**SECTION 47‑3‑920.** Definitions.

 For purposes of this article:

 (1) “Guide dog” means a dog that is trained for the purpose of guiding blind persons or a dog trained for the purpose of assisting hearing impaired persons.

 (2) “Humane euthanasia” means the termination of a terminally ill or critically injured guide dog or service animal’s life by a means that produces a rapid and minimally painful death as provided in Section 47‑3‑420.

 (3) “Notice” means an actual verbal or written warning prescribing the behavior of another person and a request that the person stop the behavior.

 (4) “Service animal” means an animal that is trained for the purposes of assisting or accommodating the sensory, mental, or physical disability of a disabled person.

 (5) “Value” means the value to the guide dog or service animal user and does not refer to the cost or fair market value.

HISTORY: 2003 Act No. 37, Section 1, eff June 2, 2003.

RESEARCH REFERENCES

Encyclopedias

147 Am. Jur. Trials 181, Litigation of Assistance Animal Access Cases.

**SECTION 47‑3‑930.** Interference with use of a guide dog or service animal; misdemeanor.

 (A) It is unlawful for a person who has received notice that his behavior is interfering with the use of a guide dog or service animal to continue with reckless disregard to interfere with the use of a guide dog or service animal by obstructing, intimidating, or jeopardizing the safety of the guide dog or service animal or its user.

 (B) It is unlawful for a person with reckless disregard to allow his dog that is not contained by a fence, a leash, or another containment system to interfere with the use of a guide dog or service animal by obstructing, intimidating, or otherwise jeopardizing the safety of the guide dog or service animal or its user.

 (C) A person who violates subsection (A) or (B) is guilty of a misdemeanor triable in magistrate’s court and, upon conviction, is subject to the maximum fines and terms of imprisonment in magistrate’s court.

HISTORY: 2003 Act No. 37, Section 1, eff June 2, 2003.

Library References

Animals 3.5(4), 3.5(10).

Westlaw Topic No. 28.

C.J.S. Animals Section 225.

**SECTION 47‑3‑940.** Injury, disability, or death; reckless disregard; penalties.

 (A) It is unlawful for a person with reckless disregard to injure, disable, or cause the death of a guide dog or service animal.

 (B) It is unlawful for a person with reckless disregard to allow his dog to injure, disable, or cause the death of a guide dog or service animal.

 (C) A person who violates subsection (A) or (B) is guilty of a misdemeanor and, upon conviction, must be fined not more than two thousand five hundred dollars or imprisoned not more than six months, or both.

HISTORY: 2003 Act No. 37, Section 1, eff June 2, 2003.

Library References

Animals 3.5(10).

Westlaw Topic No. 28.

C.J.S. Animals Section 225.

**SECTION 47‑3‑950.** Unauthorized control over guide dog or service animal; penalties.

 (A) It is unlawful for a person to wrongfully obtain or exert unauthorized control over a guide dog or service animal with the intent to deprive the guide dog or service animal user of his guide dog or service animal.

 (B) A person who violates subsection (A) is guilty of a misdemeanor and, upon conviction, must be fined not less than two thousand dollars or imprisoned not less than one year, or both.

HISTORY: 2003 Act No. 37, Section 1, eff June 2, 2003.

Library References

Animals 3.5(10).

Westlaw Topic No. 28.

C.J.S. Animals Section 225.

**SECTION 47‑3‑960.** Intentional injury, disability, or death; penalties.

 (A) It is unlawful for a person to intentionally injure, disable, or cause the death of a guide dog or service animal, except in the case of self‑defense or humane euthanasia.

 (B) A person who violates subsection (A) is guilty of a misdemeanor and, upon conviction, must be fined not more than five thousand dollars or imprisoned not more than three years, or both.

HISTORY: 2003 Act No. 37, Section 1, eff June 2, 2003.

Library References

Animals 3.5(5), 3.5(10).

Westlaw Topic No. 28.

C.J.S. Animals Sections 199 to 225.

**SECTION 47‑3‑970.** Restitution.

 (A) A defendant convicted of a violation of this article may be ordered to make full restitution for damages including incidental and consequential expenses incurred by the guide dog or service animal and its user, which arise out of or are related to the criminal offense.

 (B) Restitution for a conviction under this article includes, but is not limited to:

 (1) the value of the replacement of an incapacitated or deceased guide dog or service animal, the training of a replacement guide dog or service animal, or retraining of the affected guide dog or service animal and related veterinary and care expenses; and

 (2) medical expenses of the guide dog or service animal user, training of the guide dog or service animal user, and compensation for wages or earned income lost by the guide dog or service animal user.

 (C) This article does not affect civil remedies available for conduct punishable under this article. Restitution paid pursuant to this article must be set off against damages awarded in a civil action arising out of the same conduct that resulted in the restitution payment.

HISTORY: 2003 Act No. 37, Section 1, eff June 2, 2003.

Library References

Animals 3.5(10).

Westlaw Topic No. 28.

C.J.S. Animals Section 225.