**South Carolina General Assembly**

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**S. 1108**

**STATUS INFORMATION**

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Companion/Similar bill(s): 3709

Introduced in the Senate on February 13, 2020

Currently residing in the Senate Committee on **Agriculture and Natural Resources**

Summary: Pitbulls

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

2/13/2020 Senate Introduced and read first time ([Senate Journal‑page 7](file:///h:\sj\20200213.docx))

2/13/2020 Senate Referred to Committee on **Agriculture and Natural Resources** ([Senate Journal‑page 7](file:///h:\sj\20200213.docx))

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**VERSIONS OF THIS BILL**

[2/13/2020](file:///p:\pprever\2019-20\1108_20200213.docx)

**A** **BILL**

TO AMEND CHAPTER 3, TITLE 47 OF THE 1976 CODE, RELATING TO DOGS AND OTHER DOMESTIC PETS, BY ADDING ARTICLE 17, TO REQUIRE REGISTRATION FOR FERTILE PIT BULL DOGS, TO ESTABLISH A BREED DETERMINATION PROCEDURE, TO PROVIDE EXCEPTIONS FROM REGISTRATION, AND TO PROVIDE PENALTIES.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Chapter 3, Title 47 of the 1976 Code is amended by adding:

“ARTICLE 17

Saving Pit Bull Dogs

Section 47‑3‑1100. As used in this article:

(1) ‘Altered pit bull dog’ means a pit bull dog that has been sterilized and microchipped.

(2) ‘Fertile pit bull dog’ means a pit bull dog that has not been sterilized and is not microchipped.

(3) ‘Governmental animal control agency’ or ‘agency’ means the agency designated by a city or county to administer ordinances regulating, restricting, or prohibiting the possession of dogs. It may be a municipal or county animal control agency, county sheriff, or other designated agency that has the authority to enforce state law. A municipal animal control agency is deemed to be the governmental animal control agency in incorporated areas of a county, where applicable. A county animal control agency is deemed to be the governmental animal control agency in unincorporated areas of a county and in municipalities that do not operate an animal control agency.

(4) ‘Pit bull dog’ means a dog that is an American pit bull terrier, American Staffordshire terrier, Staffordshire bull terrier, dog displaying the physical traits of one or more of the above breeds, or dog exhibiting the distinguishing characteristics that conform to the standards established by the American Kennel Club for any of the above breeds. Distinguishing characteristics include a broad, flat head with high-set, attentive ears and a wide jaw, a whip-like tail that is thick at the base and tapered at the tip, strong and muscular shoulders with blades wide and sloping, well‑muscled hind quarters, and almond-shaped eyes.

Section 47‑3‑1110. (A) A person in this State may not keep, own, or harbor a fertile pit bull dog without annually registering it with a governmental animal control agency. Registration is not required for an altered pit bull dog.

(B) The annual registration fee is five hundred dollars.

Section 47‑3‑1120. A person may keep, own, or harbor a fertile pit bull dog if:

(1) the pit bull dog is under eight weeks of age;

(2) a licensed veterinarian has examined the dog and signed a written certificate stating that sterilization would endanger the animal’s health because of its age, infirmity, disability, or other medical issue. The certificate is only valid for one year from its date of issuance;

(3) the person has only kept, owned, or harbored the pit bull dog for less than thirty days. The person must provide documentation showing when the dog came into the person’s care and the name of the person who transferred the dog. The provisions of this section do not apply to parties that transfer a pit bull dog multiple times between the same parties in order to keep, own, or harbor a dog for less than thirty days. Failure to provide documentation disqualifies a person from the provisions of this section;

(4) the person has submitted an application for registration in accordance with the provisions of this article;

(5) determination of the breed is under appeal;

(6) the pit bull dog is a show dog that was registered by the time the dog reached six months of age and participated in at least one nationally recognized show in the twelve months prior to the application for exemption. The person must submit a copy of the American Kennel Club or United Kennel Club papers demonstrating the pedigree information, show dog registration, and documentation showing proof of the dog’s annual participation in a nationally recognized show to the governmental animal control agency; or

(7) the pit bull dog is used for hunting or farming purposes supported by documentation, including, but not limited to, the ownership of equipment to hunt with a dog and agricultural tax forms.

Section 47‑3‑1130. (A) A person may request to have the governmental animal control agency determine if his dog is a pit bull dog and therefore subject to the provisions of this article. The agency shall deliver written notice of the determination to an adult residing at the premises where the dog is located or by posting notice on the premises if no adult is present. The notice shall include the determination of the breed, mandatory sterilization and ownership requirements, and notice of the appeals process.

(B) A person must comply with the provisions of this article and submit written documentation confirming compliance within sixty days after receipt of a notice of breed determination. The dog’s microchip must be registered by the governmental animal control agency.

(C) A person may appeal a decision within thirty days of receipt of a breed determination by:

(1) providing a written certificate from a licensed veterinarian stating that the dog does not meet the definition of a pit bull as defined by this article;

(2) requesting a DNA test (EMBARK), the cost of which shall be borne by the owner, to demonstrate that the dog does not meet the definition of a pit bull as defined by this article; or

(3) requesting a hearing before the director of the governmental animal control agency or his designee. The hearing must be held no more than thirty days after the director or his designee receives the request. A person may only request a hearing for a breed determination of a given animal once.

(D) Should the appeal be sustained either based on the licensed veterinarian’s certification or DNA results, or through a hearing, compliance with this article is not required.

Section 47‑3‑1140. (A) A person who violates the provisions of this article is guilty of a misdemeanor and, upon conviction, must be fined not less than one thousand dollars.

(B) A local governmental animal control agency is authorized to enforce the provisions of this article.

(C) If a person remedies a violation of this article within sixty days of conviction, then a fine is retroactively voided.

(D) If a person fails to pay a fine within a time limit established by a county or municipality enforcing the provisions of this chapter, then the county or municipality may submit the fine for collection to the South Carolina Department of Revenue pursuant to the provisions of the Setoff Debt Collection Act.

(E) The funds collected for violations of this article may be used by the governmental animal control agency to alter pit bulls at a reduced cost.

Section 47‑3‑1150. Any municipality or county may adopt a program for controlling dangerous or vicious dogs, so long as the program is not specific as to breed unless the breed‑specific ordinance is related to spay-neuter programs or breeding restrictions.”

SECTION 2. Article 17, Chapter 3, Title 47, as added by this act, is repealed as of July 1, 2025 unless and until the article is reauthorized by the General Assembly.

SECTION 3. This act takes effect upon approval by the Governor.

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