



Ohio Legislative Service Commission

Final Analysis

Jeff Grim

Sub. H.B. 22

129th General Assembly
(As Passed by the General Assembly)

- Reps.** Bubb, Letson, Stinziano, Mecklenborg, Huffman, Coley, McKenney, J. Adams, R. Adams, Antonio, Ashford, Baker, Balderson, Barnes, Beck, Blessing, Boose, Brenner, Buchy, Burke, Butler, Carey, Carney, Clyde, Combs, Damschroder, Derickson, Dovilla, Driehaus, Duffey, Fende, Garland, Gentile, Gerberry, Gonzales, Goodwin, Goyal, Hackett, Hagan, Hall, Hayes, Heard, Henne, Hottinger, Johnson, Landis, Luckie, Mallory, Martin, McClain, McGregor, Milkovich, Murray, O'Brien, Patmon, Peterson, Ramos, Roegner, Rosenberger, Ruhl, Slaby, Slesnick, Sprague, Stebelton, Szollosi, Thompson, Uecker, Wachtmann, Weddington, Young, Batchelder
- Sens.** Brown, Wilson, Hite, Schaffer, Manning, Bacon, Beagle, Cafaro, Daniels, Faber, Gillmor, Grendell, Hughes, Jordan, Kearney, LaRose, Obhof, Oelslager, Patton, Sawyer, Schiavoni, Seitz, Smith, Stewart, Tavares, Turner, Wagoner, Widener

Effective date: September 23, 2011

ACT SUMMARY

- Prohibits the owner or keeper of bison, llamas, or alpacas from permitting them to run at large in specified public thoroughfares or on unenclosed land or causing them to be kept for grazing on another's premises.
- Repeals the prohibition against the owner or keeper of a stallion, jackass, bull, boar, ram, or buck permitting it to go or be at large out of its own enclosure.
- Requires the owner or keeper of horses, mules, cattle, bison, sheep, goats, swine, llamas, alpacas, or geese to have acted negligently in order to be liable for damages caused by the animal in specified public thoroughfares, on unenclosed land, or on another's premises.

* This version updates the effective date of the act.

- Provides that the running at large of specified animals in certain places is prima-facie evidence in a civil action for damages that the owner or keeper negligently permitted the animal to run at large.
- Specifically states that recklessness is the required culpable mental state for a violation of the prohibition against the owner or keeper of horses, mules, cattle, bison, sheep, goats, swine, llamas, alpacas, or geese allowing them to run at large in specified public thoroughfares or on unenclosed land or causing them to be kept for grazing on another's premises.

CONTENT AND OPERATION

Prohibition against certain animals running at large or grazing on another's premises

The act adds bison, llamas, and alpacas to the list of animals specified in the prohibition in continuing law against a person, who is the owner or keeper of horses, mules, cattle, sheep, goats, swine, or geese, permitting them to run at large in the public road, highway, street, lane, or alley, or on unenclosed land, or causing them to be herded, kept, or detained for the purpose of grazing on premises other than those owned or lawfully occupied by the owner or keeper of the animals. The act relocates and revises the provision in that law that the running at large of any such animal in or on any of the places specified above is prima facie evidence that it is running at large in violation of the above prohibition (see below).¹

Prohibition against certain animals being out of their enclosure

The act eliminates the prohibition against a person who was the owner or keeper of a stallion, jackass, bull, boar, ram, or buck permitting it to go or be at large out of its own enclosure.² It removes references to that prohibition in several provisions in continuing law.³

Liability for violation of prohibition against certain animals running at large or grazing on another's premises

Law revised in part by the act states that the owner or keeper of an animal who permits it to run at large in violation of the law as discussed above is liable for all

¹ R.C. 951.02.

² R.C. 951.01.

³ R.C. 951.10, 951.11, 951.12, 951.13, and 951.99.

damages caused by the animal on the premises of another without reference to the fence that may enclose the premises. Additionally, any person who violates that prohibition is guilty of a misdemeanor of the fourth degree.⁴

The act makes the following changes in those provisions:

(1) It requires the owner or keeper of an animal to have acted negligently in order to be liable for all damages resulting from injury, death, or loss to person or property caused by the animal in any of the specified places regarding the prohibition or on another's premises without reference to the fence that may enclose the premises.⁵ The act makes a corresponding change in the Fence Law.⁶

(2) It provides that the running at large of an animal on any of the places in which the animal is prohibited from running at large is prima-facie evidence in a civil action for damages that the owner or keeper of the animal negligently permitted the animal to run at large in violation of the prohibition.⁷

(3) It specifically states that recklessness is the required culpable mental state for a criminal violation of the prohibition.⁸

Compensation due from owner or keeper of animal

The act adds bison, llamas, and alpacas to the list of animals specified in the provision in continuing law stating that the person or county, township, city, or village whose law enforcement officer takes an animal running at large is entitled to receive from the animal's owner or keeper the amount of \$5 for taking and advertising each horse, mule, head of cattle, swine, sheep, goat, or goose and reasonable expenses actually incurred for keeping each such animal.⁹

⁴ R.C. 951.10 and 951.99.

⁵ R.C. 951.10.

⁶ R.C. 971.18.

⁷ R.C. 951.10.

⁸ R.C. 951.99.

⁹ R.C. 951.13.

HISTORY

ACTION	DATE
Introduced	01-13-11
Reported, H. Judiciary & Ethics	02-16-11
Passed House (96-0)	03-01-11
Reported, S. Agriculture, Environment, & Natural Resources	03-30-11
Passed Senate (33-0)	06-07-11

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