

Missouri Revised Statutes

Chapter 273 Dogs--Cats

August 28, 2011

Dog defined.

273.010. The word "dog", as used in sections 273.010 to 273.030, shall be held and construed to mean all animals of the canine species, both male and female.

(RSMo 1939 § 14537)

Prior revisions: 1929 § 12863; 1919 § 4353; 1909 § 857

Recovery of damages for sheep killed--disposition of dog, penalty.

273.020. In every case where sheep or other domestic animals are killed or maimed by dogs, the owner of such animals may recover against the owner or keeper of such dog or dogs the full amount of damages and the owner shall forthwith kill such dog or dogs; and for every day he shall refuse or neglect to do so, after notice, he shall pay and forfeit the sum of one dollar, and it shall be lawful for any person to kill such dog or dogs; provided, however, that whenever in any case the facts shall show that in the worrying or killing, maiming or wounding of any said sheep or other domestic animals that the same was done by two or more dogs belonging to different owners, then the plaintiff, the person whose animals were killed, wounded or maimed, may at his or her election, join all of the owners of said dogs as joint tort-feasors or may sue each one separately at his or her election.

(RSMo 1939 § 14535)

Prior revisions: 1929 § 12861; 1919 § 4351; 1909 § 855

Dogs may be killed, when.

273.030. If any person shall discover any dog or dogs in the act of killing, wounding or chasing sheep in any portion of this state, or shall discover any dog or dogs under such circumstances as to satisfactorily show that such dog or dogs has or have been recently engaged in killing or chasing sheep or other domestic animal or animals, such person is authorized to immediately pursue and kill such dog or dogs; provided, however, that such dog or dogs shall not be killed in any enclosure belonging to or being in lawful possession of the owner of such dog or dogs.

(RSMo 1939 § 14536)

Prior revisions: 1929 § 12862; 1919 § 4352; 1909 § 856

Killing or injuring a dog, reasonable apprehension of imminent harm is an absolute defense.

273.033. 1. In any action for damages or a criminal prosecution against any person for killing or injuring a dog, a showing by a preponderance of the evidence that such person was in reasonable apprehension of imminent harmful contact by the dog or was acting to prevent such imminent harmful contact against another person by the dog shall constitute an absolute defense to criminal prosecution or civil liability for the killing or injuring of such animal.

2. If a person has, on at least two occasions, complained to the county sheriff or to the appropriate animal control authority in his or her jurisdiction that a dog, not on a leash, has trespassed on property that such person owns, rents, or leases or on any property that constitutes such person's residence, and when at least one of the prior two complaints was motivated by reasonable apprehension for such person's safety or the safety of another person or apprehension of substantial damage to livestock or property, then any subsequent trespass by such dog shall constitute prima facie evidence that such person was in reasonable apprehension of imminent harmful contact. The county sheriff or animal control authority to which any complaint under this section is made shall notify the owner of the alleged trespassing dog of such complaint. Failure by a county sheriff or animal control authority to notify a dog owner under this subsection shall not invalidate or be construed in any way to limit any other provision of this subsection.

3. The court shall award attorney's fees, court costs, and all reasonable expenses incurred by the defendant in defense of any criminal prosecution or in any civil action brought by a plaintiff if the court finds that the defendant has an absolute defense as provided in subsection 1 of this section.

4. This section shall not be construed to provide an absolute defense to a person who is engaged in or attempting to engage in a criminal activity at the time of the apprehension of imminent harmful contact, or to a person for any damage or injury to any person or property other than the dog itself that may result from actions taken in an attempt to injure or kill such dog.

(L. 2009 H.B. 62)

Owner liable, when--fine, amount.

273.036. 1. The owner or possessor of any dog that bites, without provocation, any person while such person is on public property, or lawfully on private property, including the property of the owner or possessor of the dog, is strictly liable for damages suffered by persons bitten, regardless of the former viciousness of the dog or the owner's or possessor's knowledge of such viciousness. Owners and possessors of dogs shall also be strictly liable for any damage to property or livestock proximately caused by their dogs. If it is determined that the damaged party had fault in the incident, any damages owed by the owner or possessor of the biting dog shall be reduced by the same percentage that the damaged party's fault contributed to the incident. The provisions of this section shall not apply to dogs killing or maiming sheep or other domestic animals under section 273.020.

2. Any person who is held liable under the provisions of subsection 1 of this section shall pay a fine not exceeding one thousand dollars. The remedies provided by this section are in addition to and cumulative with any other remedy provided by statute or common law.

(L. 2009 H.B. 62)

Dog defined.

273.040. The word "dog", whenever used in sections 273.040 to 273.180 without qualifications, is intended to mean a female as well as a male dog over six months of age.

(RSMo 1939 § 14555)

Prior revision: 1929 § 12878

Dog tax, when due.

273.050. No dog shall be permitted to be and remain within the limits of the state unless the owner thereof, or someone for said owner, shall have caused such dog to be listed and the tax imposed by sections 273.040 to 273.180 to be paid on or before the first day of February of each year hereafter.

(RSMo 1939 § 14546)

Prior revision: 1929 § 12872

CROSS REFERENCE:

Dogs, county commission in certain counties may require licensing, 322.090 to 322.130

Amount of tax.

273.060. The tax on each male dog and each spayed female dog, of which the certificate of a veterinarian or the affidavit of the owner is produced, in this state shall be one dollar per year, and the tax on all other dogs in this state shall be three dollars per year, payable to the county clerk of the county in which the owner resides; provided, that any person or persons operating a licensed kennel of more than ten dogs in which all dogs kept by him or them are confined and not allowed to roam, shall pay a tax of ten dollars, which amount shall be the full amount of tax on all dogs kept by said person or persons as described above.

(RSMo 1939 § 14547)

Prior revision: 1929 § 12873

Issuance of license--plate--certificate--license fees--county dog license fund--purposes.

273.070. 1. County clerks shall issue licenses to applicants and shall deliver to the applicants a metallic plate having the number corresponding to that of the license stamped thereon and shall deliver to such party a certificate from the book furnished to him by the secretary of state, which said certificates, as well as the margin or part thereof remaining in the book after cutting out the certificate, shall contain the number of the license, the year for which the same is granted, the name and residence of the owner of the dog, and the sex, color and description of the dog for which the license is paid and the amount of the tax paid therefor.

2. Such clerk shall retain out of the money received for such license issued the sum of ten cents, which shall cover all his services under sections 273.040 to 273.180, and he shall pay the balance and all other sums received by him under the provisions of sections 273.040 to 273.180, less the cost of license tags, record books, blank applications and affidavits and the cost of transmitting the balance to the treasurer of the county.

3. The treasurer of the county shall set any and all sums so received apart in a separate fund to be known as a "County Dog License Fund", and such fund shall be used only for the purpose of compensating persons who have suffered loss or damage through injury or killing by dogs of any livestock or poultry owned by them and located in said county at the time of such injury or killing, in an amount not to exceed the market value thereof at the time of such injury or killing. The county commission of each county in this state is authorized to expend and draw county warrants against such fund only as herein provided; provided, that sections 273.040 to 273.180 shall not be construed to prevent suits at law for damages caused to livestock or poultry by dogs.

(RSMo 1939 § 14548)

Prior revision: 1929 § 12874

License fastened to dog's collar.

273.080. It shall be the duty of the owner of every listed dog to put around the neck of such dog a collar to which shall be attached with a metallic fastening the metallic plate aforesaid.

(RSMo 1939 § 14552)

Prior revision: 1929 § 12875

License tags and certificates, how furnished.

273.090. The secretary of state shall annually procure such number of metallic plates as may be required, of convenient size and shape, or design to be changed each year, and having cast thereon in raised letters, "S.L.T." and the figures indicating the year for which the tax has been paid; and he shall also cause to be prepared printed blanks bound in book form, and arranged in such manner that one certificate can be cut off and a stub or duplicate thereof left in the book; and the secretary of state, on or before the first day of July in each year, or as soon thereafter as may be possible, shall deliver to the clerk of each county in the state the metallic plates and also an equal number of blank certificates with stubs or duplicates, signed by the secretary of state,

and each such clerk shall remit to the division of taxation and collection of the department of revenue out of the funds collected the cost of such license tags, record books, and the expense of transmitting the same as shall be certified to such clerk by the secretary of state.

(RSMo 1939 § 14553, A. 1949 S.B. 1097)

Prior revision: 1929 § 12876

Impounding of dogs--redemption--fees--penalty.

273.100. 1. Every city or town marshal of every incorporated city or town in this state, within their jurisdiction, shall take up and impound in a suitable place, the location of which place shall be given by a notice posted in some conspicuous place in his office, all dogs found running at large in their respective cities or towns without collars around their necks, marked as herein provided, and they shall keep such dogs for a period of one week, and at the expiration of such period shall put such dogs to death by humane methods.

2. The owner of any such impounded dogs, upon the payment of the tax herein provided, and a redemption fee of five dollars, may redeem such impounded dog and the city or town marshal shall be permitted to retain the sum of two dollars out of each redemption fee so paid, and shall pay over the balance of the fee on the first day of each month to the treasurer of the county in which the city or town marshal has jurisdiction, to be accounted for by the treasurers in the same manner as they are required by sections 273.040 to 273.180, to account for licenses taxes.

3. Any marshal who shall fail or refuse to take up and impound any such dog shall be guilty of a misdemeanor and on conviction thereof fined not less than five dollars nor more than twenty-five dollars.

(RSMo 1939 § 14554, A. 1949 S.B. 1097)

Prior revision: 1929 § 12877

Application to recover damages from fund.

273.110. 1. No owner or custodian of livestock or poultry which has been injured or killed by dogs shall be entitled to receive any portion of the county dog license fund unless within ten days after suffering such loss or damage he, with two other credible residents of the county, not kin to him by blood or marriage or not in his employ, make written application supported by affidavit to the county clerk on blanks furnished by the county clerk, stating:

(1) That he is a resident of the state of Missouri, and that he has resided in such county for more than thirty days immediately preceding the date of the injury or killing of his livestock or poultry;

(2) That he was the owner or custodian on such date of such livestock or poultry;

(3) The legal description of the premises on which such livestock or poultry was injured or killed;

(4) A complete description as to the number, weight and color of such livestock or poultry;

(5) The market value thereof on the date of such injury or killing.

2. The county clerk shall file all such applications and affidavits so received by him to be examined and passed upon by the county commission, except that no claim shall be considered or paid for the destruction of livestock or poultry by a dog or dogs belonging to the owner of such livestock or poultry.

(RSMo 1939 § 14549, A.L. 1990 H.B. 1070)

Examination of applications, pass judgment.

273.120. The county commission shall between the first and fifteenth days of March of each year hereafter meet in session to consider and examine said applications and affidavits covering losses over a period of one year, which said year shall be from the first of March of the year prior to the meeting of said commission to the last day of February of the same year on which it meets. The commission shall examine carefully each application and affidavit which has been filed before the first day of March, and after hearing all evidence in the matter shall pass such judgment as the commission may deem equitable. Whenever the county commission meets pursuant to the provisions of sections 273.040 to 273.180 each member shall receive his mileage and per diem out of the county dog license fund.

(RSMo 1939 § 14550)

Records to be kept--warrants--funds prorated, when.

273.130. A complete record shall be kept of the commission's proceedings, including the names of the applicants and cosigners and the amount paid to each applicant, and the number of livestock or poultry injured or killed. The commission shall on or before the twentieth day of March of each year give to the applicant a warrant, drawn on the county dog license fund, covering the amount of his losses found by the commission. If there is not sufficient money in the fund to pay all allowed claims in full then said warrant shall be for his pro rata share of the money available.

(RSMo 1939 § 14551)

Failure to pay tax--penalty--exceptions.

273.150. Every owner of a dog and every person who shall suffer or permit a dog to remain upon such premises under his immediate control without having caused such dog to be listed and the tax thereon to be paid as provided for by sections 273.040 to 273.180 shall be guilty of a

misdemeanor, and on conviction thereof fined not less than five dollars nor more than twenty-five dollars; provided, that none of the provisions of sections 273.040 to 273.180 shall apply to cities which now have or may hereafter have a population of three hundred thousand inhabitants or more.

(RSMo 1939 § 14557)

Prior revision: 1929 § 12880

Assessor to list all dogs--notify owner of tax.

273.160. The assessor for taxation purposes in each county and city of this state, annually at the time of assessing property as required by law, shall make diligent inquiry as to the number of dogs owned, harbored, or kept by any person so assessed. The assessor, on or before the thirty-first day of December of each year, shall make a complete report, on a blank form furnished by the county clerk or license collector, setting forth the name of every owner of any dog or dogs, how many of each sex are by him owned, or harbored, and if a kennel is maintained by any person such fact shall also be stated. The assessor, at the time of making the assessment, shall notify the owner of such dog that he must obtain a license for such dog as herein provided; but the neglect or failure so to notify such owner shall not relieve the owner from his duty to obtain such license.

(RSMo 1939 § 14558, A. 1949 S.B. 1097)

Prior revision: 1929 § 12881

Applicability of law--petition--election.

273.170. 1. Upon the filing of a petition signed by one hundred or more voters of any county and presented to the county commission at any regular or special session thereof the county commission shall order the question, as to whether or not there should be adopted the law creating a license tax on dogs, submitted to the voters, to be voted upon at the next election.

2. The question shall be submitted in substantially the following form: Shall there be a license tax on dogs?

3. If the majority of the votes cast upon the question be in favor of the license tax on dogs, the county commission shall enter the result of the submission of the question upon its records and give notice thereof by publication in some newspaper printed and published in such county and such law shall become operative from the time such publication is made.

(RSMo 1939 § 14558, A. 1949 S.B. 1097, A.L. 1978 H.B. 971)

Prior revision: 1929 § 12881

Repeal of license tax on dogs--procedure.

273.180. 1. Upon the filing of a petition signed by one hundred or more voters of any county and presented to the county commission at any regular or special session thereof, it shall be the duty of the county commission to order the question, as to whether or not there should be repealed the law, creating a license tax on dogs, submitted to the voters, to be voted upon at the next election. Upon the receiving of such petition, it shall be the duty of the county commission to make an order as herein recited. 2. The question shall be submitted in substantially the following form: Shall the license tax on dogs be repealed?

3. If the majority of the votes cast upon the subject be in favor of repealing the license tax on dogs, the county commission shall spread the result of the submission of the question upon its records and give notice thereof by publication in some newspaper printed and published in such county and the law providing for a license tax on dogs shall not be operative in such county from the time such publication is made.

(L. 1941 p. 345 § 14558a, A.L. 1978 H.B. 971)

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