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H.801

Introduced by Representative Mrowicki of Putney

Referred to Committee on

Date:

Subject: Domestic pet or wolf-hybrid control; civil liability for injury caused
by domestic dogs

Statement of purpose of bill as introduced: This bill proposes to impose a
strict liability standard for injury caused by domestic dogs.

An act relating to strict liability for damages caused by domestic dogs

It is hereby enacted by the General Assembly of the State of Vermont:

Sec. 1. 20 V.S.A. § 3546 is amended to read:

§ 3546. ~~INVESTIGATION OF VICIOUS DOMESTIC PETS OR WOLF-~~
~~HYBRIDS; ORDER~~

~~(a) When a domestic pet or wolf hybrid has bitten a person while the
domestic pet or wolf hybrid is off the premises of the owner or keeper, and the
person bitten requires medical attention for the attack, such person may file a
written complaint with the legislative body of the municipality. The complaint
shall contain the time, date and place where the attack occurred, the name and
address of the victim or victims, and any other facts that may assist the~~

1 ~~legislative body in conducting its investigation required by subsection (b) of~~
2 ~~this section.~~

3 ~~(b) The legislative body, within seven days from receipt of the complaint,~~
4 ~~shall investigate the charges and hold a hearing on the matter. If the owner of~~
5 ~~the domestic pet or wolf hybrid which is the subject of the complaint can be~~
6 ~~ascertained with due diligence, said owner shall be provided with a written~~
7 ~~notice of the time, date and place of hearing and the facts of the complaint.~~

8 ~~(c) If the domestic pet or wolf hybrid is found to have bitten the victim~~
9 ~~without provocation, the municipal officials shall make such order for the~~
10 ~~protection of persons as the facts and circumstances of the case may require,~~
11 ~~including, without limitation, that the domestic pet or wolf hybrid is disposed~~
12 ~~of in a humane way, muzzled, chained, or confined. The order shall be sent by~~
13 ~~certified mail, return receipt requested. A person who, after receiving notice,~~
14 ~~fails to comply with the terms of the order shall be subject to the penalties~~
15 ~~provided in section 3550 of this chapter.~~

16 ~~(d) The procedures provided in this section shall apply if the domestic pet~~
17 ~~or wolf hybrid is not a rabies suspect. If a member of the legislative body or a~~
18 ~~municipal official designated by the legislative body determines that the~~
19 ~~animal is a rabies suspect, the provisions of subchapter 5 of this chapter and~~
20 ~~the rules of the department of health shall apply.~~

21 ~~(e) The procedures provided in this section shall not apply if the voters of a~~
22 ~~municipality, at a special or annual meeting duly warned for the purpose, have~~

1 ~~authorized the legislative body of the municipality to regulate domestic pets or~~
2 ~~wolf hybrids by ordinances that are inconsistent with this section, in which~~
3 ~~ease those ordinances shall apply. [Repealed.]~~

4 Sec. 2. 20 V.S.A. chapter 194, subchapter 4 is added to read:

5 Subchapter 4. Damages by Domestic Dogs

6 § 3748. CIVIL LIABILITY FOR INJURY CAUSED BY DOMESTIC DOGS

7 (a) Strict liability. The owner of a domestic dog has a duty to keep that dog
8 under reasonable control at all times, and to keep that dog from running at
9 large. The owner may be held liable for any injury caused by the dog
10 regardless of whether the dog has shown any dangerous propensities or
11 whether the dog's owner knew or should have known of the dog's dangerous
12 propensities. A person who breaches the duty imposed by this section shall be
13 subject to civil liability for any damages suffered by a person who is injured by
14 the dog while in a public place or lawfully in or on the private property of
15 another.

16 (b) Limitations on liability. Subsection (a) of this section shall not be
17 construed to impose liability upon:

18 (1) any governmental agency using a dog in military or police work if
19 the injury occurred during the course of the dog's official duties; or

20 (2) the owner of the dog if:

21 (A) the injured person was trespassing upon the private property of
22 the dog's owner;

1 (B) the injury occurred while the dog was protecting the dog's owner
2 or another innocent party from attack by the injured person or a dog owned by
3 the injured person;

4 (C) the injury occurred while the dog was securely confined in a
5 kennel, a crate, or another enclosure; or

6 (D) the injury occurred as a result of the injured person enticing,
7 disturbing, alarming, harassing, or otherwise provoking the dog.

8 (c) Definitions. As used in this section:

9 (1) "Owner" means a person who, at the time of the damage caused to
10 another, regularly harbors, keeps, or exercises control over the dog, but does
11 not include a person who, at the time of the damage, is temporarily harboring,
12 keeping, or exercising control over the dog.

13 (2) "Running at large" means a dog goes uncontrolled by the dog's
14 owner upon the premises of another without the consent of the owner of the
15 premises or of another person authorized to give consent or goes uncontrolled
16 by the owner upon a highway, public road, street, or any other place open to
17 the public generally.

18 Sec. 3. EFFECTIVE DATE

19 This act shall take effect on July 1, 2018.