

4629

2013-2014 Regular Sessions

I N S E N A T E

April 16, 2013

Introduced by Sens. GIPSON, BRESLIN, DIAZ -- read twice and ordered printed, and when printed to be committed to the Committee on Judiciary

AN ACT to amend the general obligations law, in relation to liability of owners for dog bites

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. This act shall be known and may be cited as "Frankie
2 Flora's Law".
3 S 2. The general obligations law is amended by adding a new section
4 11-108 to read as follows:
5 S 11-108. LIABILITY OF OWNER OF DOG; INJURY TO OTHERS; EXCEPTIONS. 1.
6 NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE OWNER OF A DOG SHALL BE
7 STRICTLY LIABLE FOR MEDICAL COSTS RESULTING FROM AN INDIVIDUAL BEING
8 BITTEN BY SUCH OWNER'S DOG. IN ORDER TO RECEIVE ANY COMPENSATION ABOVE
9 AND BEYOND MEDICAL COSTS UNDER THE PROVISIONS OF THIS SECTION, THE
10 VICTIM MUST PROVE THE DOG HAD DANGEROUS OR VICIOUS PROPENSITIES AND THE
11 OWNER HAD KNOWLEDGE OF SUCH PROPENSITIES.
12 2. NOTHING IN THIS SECTION SHALL AUTHORIZE THE BRINGING OF AN ACTION
13 PURSUANT TO SUBDIVISION ONE OF THIS SECTION AGAINST ANY PERSON, GOVERN-
14 MENTAL ENTITY OR INSTRUMENTALITY USING A POLICE WORK DOG, HEARING DOG OR
15 SERVICE DOG FOR ITS INTENDED PURPOSE IF THE BITE OR BITES OCCURRED WHILE
16 THE DOG WAS DEFENDING ITSELF FROM AN ANNOYING, HARASSING OR PROVOKING
17 ACT, OR ASSISTING AN EMPLOYEE OF THE ENTITY OR LOCALITY IN THE PERFORM-
18 ANCE OF THEIR OFFICIAL DUTIES.
19 3. THIS SECTION SHALL NOT BE DEEMED TO LIMIT OR IMPAIR ANY CAUSE OF
20 ACTION AUTHORIZED PURSUANT TO ANY OTHER PROVISION OF LAW AVAILABLE TO A
21 PERSON INJURED AS A RESULT OF A DOG BITE OR BITES. THE PROVISIONS OF
22 THIS SECTION SHALL BE IN ADDITION TO ANY OTHER STATUTORY REMEDIES.
23 S 3. This act shall take effect on the sixtieth day after it shall
24 have become a law.

EXPLANATION--Matter in *ITALICS* (underscored) is new; matter in brackets
[] is old law to be omitted.

LBD01724-03-3