S T A T E O F N E W Y O R K

422

2009-2010 Regular Sessions

I N S E N A T E

(PREFILED)

January 7, 2009

Introduced by Sens. BRESLIN, ADAMS, DILAN, ONORATO, PARKER, SAMPSON, SAVINO -- 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:

Section 1. The general obligations law is amended by adding a new section 11-108 to read as follows:

S 11-108. LIABILITY OF OWNER OF DOG; INJURY TO OTHERS; EXCEPTIONS. 1. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE OWNER OF A DOG SHALL BE STRICTLY LIABLE FOR MEDICAL COSTS RESULTING FROM AN INDIVIDUAL BEING BITTEN BY SUCH OWNER'S DOG. IN ORDER TO RECEIVE ANY COMPENSATION ABOVE AND BEYOND MEDICAL COSTS UNDER THE PROVISIONS OF THIS SECTION, THE VICTIM MUST PROVE THE DOG HAD DANGEROUS OR VICIOUS PROPENSITIES AND THE OWNER HAD KNOWLEDGE OF SUCH PROPENSITIES.

2. NOTHING IN THIS SECTION SHALL AUTHORIZE THE BRINGING OF AN ACTION PURSUANT TO SUBDIVISION ONE OF THIS SECTION AGAINST ANY PERSON, GOVERNMENTAL ENTITY OR INSTRUMENTALITY USING A POLICE WORK DOG, HEARING DOG OR SERVICE DOG FOR ITS INTENDED PURPOSE IF THE BITE OR BITES OCCURRED WHILE THE DOG WAS DEFENDING ITSELF FROM AN ANNOYING, HARASSING OR PROVOKING ACT, OR ASSISTING AN EMPLOYEE OF THE ENTITY OR LOCALITY IN THE PERFORMANCE OF THEIR OFFICIAL DUTIES.

3. THIS SECTION SHALL NOT BE DEEMED TO LIMIT OR IMPAIR ANY CAUSE OF ACTION AUTHORIZED PURSUANT TO ANY OTHER PROVISION OF LAW AVAILABLE TO A PERSON INJURED AS A RESULT OF A DOG BITE OR BITES. THE PROVISIONS OF THIS SECTION SHALL BE IN ADDITION TO ANY OTHER STATUTORY REMEDIES.

S 2. This act shall take effect on the sixtieth day after it shall have become a law.

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

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