

# STATE OF NEW YORK

2575--A

2017-2018 Regular Sessions

## IN ASSEMBLY

January 20, 2017

Introduced by M. of A. SKARTADOS, PALUMBO -- read once and referred to the Committee on Judiciary -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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 § 2. The general obligations law is amended by adding a new section  
4 11-108 to read as follows:

5 § 11-108. Liability of owner of dog; injury to individuals and compan-  
6 ion animals; exceptions. 1. Notwithstanding any other provision of law,  
7 the owner of a dog shall be liable for medical costs resulting from an  
8 individual or companion animal being bitten, as the result of such  
9 owner's negligence in the supervision or control of such owner's dog, by  
10 such dog. In order to receive any compensation above and beyond medical  
11 costs under the provisions of this section, the victim must prove the  
12 dog had dangerous or vicious propensities and the owner had knowledge of  
13 such propensities.

14 2. Nothing in this section shall authorize the bringing of an action  
15 pursuant to subdivision one of this section against any person, govern-  
16 mental entity or instrumentality using a police work dog, hearing dog or  
17 service dog for its intended purpose if the bite or bites occurred while  
18 the dog was defending itself from an annoying, harassing or provoking  
19 act, or assisting an employee of the entity or locality in the perform-  
20 ance of their official duties.

21 3. This section shall not be deemed to limit or impair any cause of  
22 action authorized pursuant to any other provision of law available to a  
23 person or companion animal injured as a result of a dog bite or bites.

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

LBD01546-03-7

1 The provisions of this section shall be in addition to any other statu-  
2 tory remedies.

3 4. For purposes of this section, the term "companion animal" shall  
4 have the same meaning as set forth in subdivision five of section three  
5 hundred fifty of the agriculture and markets law.

6 § 3. This act shall take effect on the sixtieth day after it shall  
7 have become a law.