

STATE OF NEW YORK

5248

2017-2018 Regular Sessions

IN SENATE

March 17, 2017

Introduced by Sen. ADDABBO -- 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 § 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.
24 The provisions of this section shall be in addition to any other statu-
25 tory remedies.

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

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

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