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## Strict Liability: Dog-Bite Statutes

More than half the states have statutes that make dog owners liable if their dogs cause injury.

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More than half the states make [dog owners liable if their dogs cause injury](#) whether or not the owner had reason to think the dog was dangerous. Although commonly called dog-bite statutes, many of these state laws cover all kinds of dog-inflicted injuries, not just bites. They are called "strict liability" statutes because they impose liability without fault—that is, an injured person does not have to prove that the dog owner did anything wrong. (In other states, the "one-bite rule" ([legal-encyclopedia/the-one-bite-rule-dogs.html](#)) applies.)

The theory behind these laws is that anyone who has a dog should be responsible for any damage it causes, period. It doesn't matter that the owner was careful with the dog, or didn't know it would hurt anyone, or tried to keep it from injuring anyone.

### Dog-Bite Statutes That Cover All Kinds of Injury

The Minnesota dog-bite statute says:

"If a dog, without provocation, attacks or injures any person who is acting peaceably in any place where the person may lawfully be, the owner of the dog is liable in damages to the person so attacked or injured to the full amount of the injury sustained."

The victim doesn't have to show that the dog owner did anything wrong. To win a lawsuit under this statute, an injured person must, however, prove four things:

- The injured person was attacked or injured by a dog
- The person being sued (the defendant) is the owner of the dog.
- The victim didn't provoke the dog to bite.
- The victim was acting peaceably somewhere he or she had the right to be.

The law doesn't require that the dog bite someone, or even make physical contact. For example, if a dog runs at and frightens someone, causing him to injure himself, the statute applies. (*Morris v. Weatherly*, 488 N.W.2d 508 (Minn. App. 1992).) The dog must, however, take some action that's directed at the injured person. For example, a woman who fell on an icy walk sued the owners of the dog that she said out in front of her in his hurry to get inside. The court ruled that because the dog had not been focused on the injured woman (it had not bumped into her or frightened her), but had been simply trying to get into the garage, the statute did not apply. (*Knake v. Hund*, No. A10-278, Kandiyohi County, Minn. District Court, Aug. 10, 2010.)

### Statutes That Cover Only Bites

Some statutes do only cover dog bites. Here's the Arizona statute:

**24-521 Liability for dog bites** The owner of a dog which bites a person when the person is in or on a public place or lawfully in or on a private place, including the property of the owner of the dog, is liable for damages suffered by the person bitten, regardless of the former viciousness of the dog or the owner's knowledge of its viciousness.

**24-523 Provocation as defense** Proof of provocation of the attack by the person injured shall be a defense to the action for damages.

To win under this statute, the injured person must prove three things:

- The victim was bitten (other injuries aren't covered by the statute) by a dog.
- The person being sued (the defendant) is the owner of the dog.
- The victim was in a public place or lawfully on private property when bitten.

The dog's owner may still be able to escape liability by proving that the dog was provoked. (See "[A Dog Owner's Legal Defenses](#)" ([legal-encyclopedia/free-books/dogs-bites/chapter11-5.html](#)))

Because many dog-bite statutes, like this one, are limited to injuries from bites, they don't apply when the injury is caused by a dog acting playfully. For example, take the case of a German shepherd puppy that sat down in front of a three-wheeled recreational vehicle being driven by a teenage girl. She swerved to avoid the dog and hit a barbed-wire fence. The Nebraska Supreme Court ruled that the state's dog-bite statute did not make the dog's owner liable for the injury, because the statute covers only injuries caused when a dog bites, kills, wounds, maims, or chases a person. (*Holden ex rel. Holden v. Schwer*, 495 N.W.2d 259 (Nebr. 1993).) (A dissenting justice wrote that it was impossible to know whether a dog's conduct was malicious or playful: "we could, with equal reliability, predict the future from the examination of a goat's entrails," he wrote scornfully.) In another case based on the Nebraska law, a court

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ruled that dog owners were liable for injuries caused when their dog chased a motorcycle, causing an accident. (Johnson v. Lindey, 41 F. Supp. 2d 1021 (D. Neb. 1996))

What if the dog bites but doesn't wound? One court, at least, found that the dog bite statute still applied. A man was on a ladder doing some repairs when a German Shepherd puppy jumped at him and took his leg in its jaws. The man wasn't bitten, but the nail hit off the ladder and was injured. The court ruled that the state dog bite statute applied, making the dog's owners liable. (Johnson v. McMahon, 68 Cal. App. 4th 173 (1998))

In almost all states, dog bite statutes don't affect the other rules of liability. That means someone who is injured by a dog and uses the owner has a choice of suing under the statute. It applies to the situation, under a common law theory (and having to prove the owner knew the dog was dangerous), or on a negligence theory. For example, in a Minnesota case, a dog, distracting the driver of a car, caused an accident that killed a young boy. The dog had not "attacked or injured" the boy, the state supreme court ruled, so the state's dog bite statute did not apply. The boy's family could, however, sue under a negligence theory, and try to prove that the dog's owner had not taken reasonable care in controlling the dog. (Lewellen v. Huber, 465 N.W.2d 42 (Minn. 1991))

Strict Liability Dog-Bite Statutes

Here are the states that have statutes imposing strict liability on dog owners. In other words, owners are responsible for injuries their dogs cause, whether or not a owner knew or had reason to know the dog was dangerous.

State	Statute	Bites Only?	Other Provisions
Alabama	Ala. Code § 3-6-1	no	Only applies if injury on owner's property
Arizona	Ariz. Rev. Stat. § 11-1025	yes	Strict liability
Arizona	Ariz. Rev. Stat. § 11-1020	no	Only applies if dog at large
California	Cal. Civ. Code § 3342	yes	
Colorado	Colo. Rev. Stat. § 13-21-124	yes	Injury must be severe
Connecticut	Conn. Gen. Stat. § 22-357	no	Injured person must prove not committing tort
Delaware	9 Dela. Code § 913	No	
District of Columbia	D.C. Code Ann. § 8-1812	no	Must prove negligence, but ignorance of dog's viciousness not absolute defense Only applies if dog at large
Florida	Fla. Stat. Ann. § 767.01	no	
Florida	Fla. Stat. Ann. § 767.04	yes	Owner not liable (except to children under 6, or if owner was negligent) if displayed sign including words "Bad Dog"
Illinois	510 Ill. Comp. Stat., § 5/16	no	Injured person must prove lack of provocation or trespassing
Indiana	Ind. Code 15-20-1-3	yes	
Iowa	Iowa Code Ann. § 361.28	no	Injured person must prove not doing unlawful act that contributed to the injury
Kentucky	Ky. Rev. Stat. § 256.235	no	
Iowa	Iowa Code Ann. § 361.28	no	
Maine	Me. Rev. Stat. Ann., tit. 7, § 3961	no	Injured person must prove not at fault
Massachusetts	Mass. Gen. Laws Ann. ch. 140, § 155	no	Injured person must prove not trespassing or committing tort (unless less than 7 years old)
Michigan	Mich. Comp. Laws Ann. § 287.351	yes	
Minnesota	Minn. Stat. Ann. § 347.22	no	Owner "primarily liable"
Missouri	Mo. Rev. Stat. 273.096	yes	
Montana	Mont. Code Ann. § 27-4-115	yes	Applies only in city or town
Nevada	Nev. Rev. Stat. § 54-401	no	Injured person must prove not trespasser. Applies only if dog chased, bled, kills or wounds
New Hampshire	N. H. Rev. Stat. Ann. § 406:19	no	Injured person must prove not trespassing or committing tort

*Kansas is not a strict liability dog bite state. In which are all owners are responsible for any injuries a dog causes. The only way the dog must be dangerous.*

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New Jersey	N.J. Stat. Ann. § 4-19-16	yes	
Ohio	Ohio Rev. Code Ann. § 955.28	no	Injured person must prove not trespassing or leaving, tormenting, or abusing dog on owner's property.
Oklahoma	Okl. Stat. Ann., tit. 4, § 42.1	no	
Pennsylvania	3 Pa. Stat. § 409-502 (b)	yes	Owner must pay injured person's medical bills
Rhode Island	R.I. Gen. Laws § 4-13-16	no	Only applies if dog out of enclosure. On second occurrence, double damages and court can order dog killed
South Carolina	S.C. Code Ann. § 47-3-110	no	Applies only if dog bites or attacks
Utah		no	Possible criminal liability
Washington	Wash. Rev. Code Ann. § 16.08.040	yes	
West Virginia	W. Va. Code § 19-20-13	no	Only applies if dog at large
Wisconsin	Wis. Stat. Ann. § 174.02	no	After owner has notice that dog has caused injury, double damages and penalties.

**Other Dog-Bite Statutes**  
A few states have statutes on the books about dog bites, but don't impose strict liability:

Georgia	Ga. Code Ann. § 51-2-7	no	Owner liable if the dog was a "dangerous animal" or off-leash or not under control
Hawaii	Haw. Rev. Stat. §§ 663-9, 663-9.1	no	Injured person must prove owner was negligent, unless animal is known to be dangerous
North Carolina	N.C. Gen. Stat. Ann. § 67-4.4	no	Owner of a dangerous dog liable
Tennessee	Tenn. Code Ann. § 44-8-413	no	Not exactly strict liability, but owner may be liable without knowledge of dog's dangerous propensity

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