

1 **Dog Related Liability Amendments**

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Karen Kwan

House Sponsor: Andrew Stoddard

3 **LONG TITLE**

4 **General Description:**

5 This bill relates to dog owner liability.

6 **Highlighted Provisions:**

7 This bill:

8 ▶ provides that a dog owner is not liable for injury or death caused by the owner's dog to a
9 trespasser; and

10 ▶ makes technical and conforming changes.

11 **Money Appropriated in this Bill:**

12 None

13 **Other Special Clauses:**

14 None

15 **Utah Code Sections Affected:**

16 AMENDS:

17 **18-1-1**, as last amended by Laws of Utah 2024, Chapter 438

18 **57-14-301**, as enacted by Laws of Utah 2013, Chapter 212

20 *Be it enacted by the Legislature of the state of Utah:*

21 Section 1. Section **18-1-1** is amended to read:

22 **18-1-1 . Liability and damages for dog injury -- Exceptions.**

23 (1)(a) Except as provided in Subsections (2) and (3), [~~a person~~] an individual who owns
24 or keeps a dog is liable for an injury caused by the dog, regardless of whether:

25 (i) the dog is vicious or mischievous; or

26 (ii) the owner knows the dog is vicious or mischievous.

27 (b) Damages for an injury described in Subsection (1)(a) shall be determined in
28 accordance with Section 78B-5-818.

29 (2) Neither the state nor any county, city, or town in the state nor any peace officer
30 employed by the state, a county, a city, or a town is liable in damages for an injury

31 caused by a dog, if:

- 32 (a) the dog and the dog's law enforcement handler are trained to assist in law
 33 enforcement and are certified according to the standards adopted in Title 53, Chapter
 34 6, Part 4, Law Enforcement Canine Team Certification Act;
 35 (b) the governmental agency has adopted a written policy on the necessary and
 36 appropriate use of dogs in official law enforcement duties;
 37 (c) the actions of the dog's handler do not violate the agency's written policy; and
 38 (d) the injury occurs while the dog is reasonably and carefully being used in the
 39 apprehension, arrest, or location of a suspected offender or in maintaining or
 40 controlling the public order.

41 (3) ~~[A person]~~ An individual who owns or keeps a dog is not liable for an injury or death
 42 caused by the dog if:

- 43 (a)(i) the injury or death is to another animal;
 44 ~~[(b)]~~ (ii) the injury or death occurs:
 45 ~~[(+)]~~ (A) on the ~~[person's]~~ individual's private property; and
 46 ~~[(+)]~~ (B) while the dog is reasonably secured within a fence or other enclosure; and
 47 ~~[(e)]~~ (iii) the animal described in Subsection (3)(a) entered the ~~[person's]~~ individual's
 48 private property without consent[-] ; or
 49 (b)(i) the injury or death is to a trespasser who is in violation of Subsection
 50 76-6-206(2); and
 51 (ii) the injury or death occurs:
 52 (A) on the individual's private property; and
 53 (B) while the dog is reasonably secured within a fence or other enclosure.

54 Section 2. Section **57-14-301** is amended to read:

55 **57-14-301 . Owner liability to trespasser.**

- 56 (1) Except as provided in Subsection (2), with respect to a trespasser, an owner does not:
 57 (a) make any representation or extend any assurance that the land is safe for any purpose;
 58 (b) owe any duty of care to the trespasser;
 59 (c) assume responsibility for or incur liability for any injury to, the death of, or damage
 60 to property of, a trespasser; or
 61 (d) owe any duty to curtail the owner's use of the land.
 62 (2) Notwithstanding Subsection (1) and except as provided in Subsection (3), an owner may
 63 be subject to liability for serious physical injury or death to a trespasser if:
 64 (a)(i) the trespasser is a child;

- 65 (ii) the serious physical injury or death is caused by an artificial condition on the land;
- 66 (iii) the owner knows or reasonably should know that:
- 67 (A) the artificial condition exists;
- 68 (B) the artificial condition poses an unreasonable risk of serious physical injury or
- 69 death to a child; and
- 70 (C) a child is likely to trespass at the location of the artificial condition;
- 71 (iv) the artificial condition is not of a type that a child, because of the child's youth,
- 72 would discover exists or would not realize that the artificial condition poses a risk
- 73 of serious physical injury or death; and
- 74 (v) the owner fails to take reasonable measures to eliminate, or to protect against
- 75 serious physical injury or death from, the artificial condition;
- 76 (b)(i) the serious physical injury or death:
- 77 (A) occurs on a limited area of the land that the owner knows, or reasonably
- 78 should know, is constantly intruded upon by trespassers; and
- 79 (B) is caused by an activity conducted by the owner that poses a risk of serious
- 80 physical injury or death to a trespasser; and
- 81 (ii) the owner fails to conduct the activity described in Subsection (2)(b)(i)(B) with
- 82 reasonable care for a trespasser's safety.
- 83 ~~(3)(a) An owner is not subject to liability for serious physical injury or death to a~~
- 84 ~~trespasser if the conduct of the owner that results in serious physical injury or death is~~
- 85 ~~permitted or justified under Title 76, Chapter 2, Part 4, Justification Excluding~~
- 86 ~~Criminal Responsibility, or any other provision of law.]~~
- 87 ~~[(b)] An owner is not subject to liability for serious physical injury or death to a~~
- 88 ~~trespasser under Subsection (2) if:~~
- 89 ~~(a) the burden on the owner to eliminate, or to protect against serious physical injury or~~
- 90 ~~death from, the artificial condition outweighs the risk of serious physical injury or~~
- 91 ~~death posed by the artificial condition[-] ; or~~
- 92 ~~[(c)] (b) [An owner is not subject to liability for serious physical injury or death to a~~
- 93 ~~trespasser under Subsection (2) if] the serious injury or death is caused by an~~
- 94 ~~irrigation canal or ditch.~~
- 95 (4) An owner is not subject to liability for serious physical injury or death to a trespasser if:
- 96 (a) the conduct of the owner that results in serious physical injury or death is permitted
- 97 or justified under:
- 98 (i) Title 76, Chapter 2, Part 4, Justification Excluding Criminal Responsibility; or

99 (ii) any other provision of law; or
100 (b) the serious physical injury or death is caused by the owner's dog in accordance with
101 Subsection 18-1-1(3)(b).

102 [~~4~~] (5) A public transit district is not subject to liability for a serious physical injury or
103 death to a trespasser under Subsection (2) if the serious injury or death is caused by a
104 trespasser entering into a fixed guideway, railroad right-of-way, or on transit facilities or
105 premises in violation of Section 56-1-18.5 or Section 41-6a-1005.

106 [~~4~~] (6) Nothing in this chapter shall impose liability on an owner except to the extent
107 liability existed as of May 14, 2013.

108 Section 3. **Effective date.**
109 This bill takes effect on May 7, 2025.