

**Dog Injuries Amendments**

2025 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Stephanie Pitcher**

House Sponsor: Steve Eliason

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**LONG TITLE****General Description:**

This bill addresses provisions related to injuries from dog attacks.

**Highlighted Provisions:**

This bill:

▸ raises the maximum award from \$50,000 to \$75,000 in arbitration and at trial for a bodily injury claim in dog attack cases;

▸ provides that a claimant in arbitration or plaintiff at trial may maintain a wrongful death claim in dog attack cases;

▸ requires an individual who manages or controls a dog involved in a dog attack to:

- immediately notify law enforcement of the attack; and

- provide personal information and insurance information to an individual involved in the attack; and

▸ makes technical and conforming changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**18-1-4**, as last amended by Laws of Utah 2024, Chapter 158

ENACTS:

**18-1-5**, Utah Code Annotated 1953

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

Section 1. Section **18-1-4** is amended to read:

**18-1-4 . Use of arbitration in personal injury from dog attack cases.**

(1) A person injured as a result of a dog attack may elect to submit all third party bodily

- 31 injury claims to arbitration by filing a notice of the submission of the claim to binding  
32 arbitration in a court if:
- 33 (a) the claimant or the claimant's representative has:
- 34 (i) previously and timely filed a complaint in a court that includes a third party bodily  
35 injury claim; and
- 36 (ii) filed a notice to submit the claim to arbitration within 14 days after the complaint  
37 has been answered; and
- 38 (b) the notice required under Subsection (1)(a)(ii) is filed while the action under  
39 Subsection (1)(a)(i) is still pending.
- 40 (2)(a) [Hf] Except in a claim for wrongful death as provided in Section 78B-3-106, if a  
41 party submits a bodily injury claim to arbitration under Subsection (1), the party  
42 submitting the claim or the party's representative is limited to an arbitration award  
43 that may not exceed [~~\$50,000~~] \$75,000 in addition to any medical premise benefits  
44 and any claim for property damage.
- 45 (b) A party who elects to proceed against a defendant under this section:
- 46 (i) waives the right to obtain a judgment against the personal assets of the defendant;  
47 and
- 48 (ii) is limited to recovery only against available limits of insurance coverage.
- 49 (3) A claim for punitive damages may not be made in an arbitration proceeding under  
50 Subsection (1) or any subsequent proceeding, even if the claim is later resolved through  
51 a trial de novo under Subsection (11).
- 52 (4)(a) A party who has elected arbitration under this section may rescind the party's  
53 election if the rescission is made within:
- 54 (i) 90 days after the election to arbitrate; and  
55 (ii) no less than 30 days before any scheduled arbitration hearing.
- 56 (b) A party seeking to rescind an election to arbitrate under this Subsection (4) shall:
- 57 (i) file a notice of the rescission of the election to arbitrate with the court in which the  
58 matter was filed; and
- 59 (ii) send copies of the notice of the rescission of the election to arbitrate to all counsel  
60 of record to the action.
- 61 (c) All discovery completed in anticipation of the arbitration hearing shall be available  
62 for use by the parties as allowed by the Utah Rules of Civil Procedure and the Utah  
63 Rules of Evidence.
- 64 (d) A party who has elected to arbitrate under this section and then rescinded the

- 65 election to arbitrate under this Subsection (4) may not elect to arbitrate the claim  
66 under this section again.
- 67 (5)(a) Unless otherwise agreed to by the parties or by order of the court, an arbitration  
68 process elected under this section is subject to Rule 26, Utah Rules of Civil  
69 Procedure.
- 70 (b) Unless otherwise agreed to by the parties or ordered by the court, discovery shall be  
71 completed within 150 days after the date arbitration is elected under this section or  
72 the date the answer is filed, whichever is longer.
- 73 (6)(a) Unless otherwise agreed to in writing by the parties, a claim that is submitted to  
74 arbitration under this section shall be resolved by a single arbitrator.
- 75 (b) Unless otherwise agreed to by the parties or ordered by the court, all parties shall  
76 agree on the single arbitrator selected under Subsection (6)(a) within 90 days of the  
77 answer of the defendant.
- 78 (c) If the parties are unable to agree on a single arbitrator as required under Subsection  
79 (6)(b), the parties shall select a panel of three arbitrators.
- 80 (d) If the parties select a panel of three arbitrators under Subsection (6)(c):  
81 (i) each side shall select one arbitrator; and  
82 (ii) the arbitrators selected under Subsection (6)(d)(i) shall select one additional  
83 arbitrator to be included in the panel.
- 84 (7) Unless otherwise agreed to in writing:  
85 (a) each party shall pay an equal share of the fees and costs of the arbitrator selected  
86 under Subsection (6)(a); and  
87 (b) if an arbitration panel is selected under Subsection (6)(d):  
88 (i) each party shall pay the fees and costs of the arbitrator selected by that party's  
89 side; and  
90 (ii) each party shall pay an equal share of the fees and costs of the arbitrator selected  
91 under Subsection (6)(d)(ii).
- 92 (8) Except as otherwise provided in this section and unless otherwise agreed to in writing  
93 by the parties, an arbitration proceeding conducted under this section shall be governed  
94 by Title 78B, Chapter 11, Utah Uniform Arbitration Act.
- 95 (9)(a) Subject to the provisions of this section, the Utah Rules of Civil Procedure and the  
96 Utah Rules of Evidence apply to the arbitration proceeding.
- 97 (b) The Utah Rules of Civil Procedure and the Utah Rules of Evidence shall be applied  
98 liberally with the intent of concluding the claim in a timely and cost-efficient manner.

- 99 (c) Discovery shall be conducted in accordance with the Utah Rules of Civil Procedure  
100 and shall be subject to the jurisdiction of the court in which the matter is filed.
- 101 (d) Dispositive motions shall be filed, heard, and decided by the court prior to the  
102 arbitration proceeding in accordance with the court's scheduling order.
- 103 (10) A written decision by a single arbitrator or by a majority of the arbitration panel shall  
104 constitute a final decision.
- 105 (11) An arbitration award issued under this section shall be the final resolution of all bodily  
106 injury claims between the parties and may be reduced to judgment by the court upon  
107 motion and notice unless:
- 108 (a) either party, within 20 days after service of the arbitration award:
- 109 (i) files a notice requesting a trial de novo in the court; and  
110 (ii) serves the nonmoving party with a copy of the notice requesting a trial de novo  
111 under Subsection (11)(a)(i); or
- 112 (b) the arbitration award has been satisfied.
- 113 (12)(a) Upon filing a notice requesting a trial de novo under Subsection (11):
- 114 (i) unless otherwise stipulated to by the parties or ordered by the court, an additional  
115 90 days shall be allowed for further discovery;
- 116 (ii) the additional discovery time under Subsection (12)(a)(i) shall run from the notice  
117 of appeal; and
- 118 (iii) the claim shall proceed through litigation [~~pursuant to~~] in accordance with the  
119 Utah Rules of Civil Procedure and the Utah Rules of Evidence in the court.
- 120 (b) In accordance with the Utah Rules of Civil Procedure, either party may request a jury  
121 trial with a request for trial de novo filed under Subsection (11).
- 122 (13)(a) If the plaintiff, as the moving party in a trial de novo requested under Subsection  
123 (11), does not obtain a verdict that is at least \$5,000 and is at least 30% greater than  
124 the arbitration award, the plaintiff is responsible for all of the nonmoving party's  
125 costs.
- 126 (b) Except as provided in Subsection (13)(c), the costs under Subsection (13)(a) shall  
127 include:
- 128 (i) any costs set forth in Rule 54(d), Utah Rules of Civil Procedure; and  
129 (ii) the costs of expert witnesses and depositions.
- 130 (c) An award of costs under this Subsection (13) may not exceed \$6,000.
- 131 (14)(a) If a defendant, as the moving party in a trial de novo requested under Subsection  
132 (11), does not obtain a verdict that is at least 30% less than the arbitration award, the

- 133 defendant is responsible for all of the nonmoving party's costs.
- 134 (b) Except as provided in Subsection (14)(c), the costs under Subsection (14)(a) shall  
135 include:
- 136 (i) any costs set forth in Rule 54(d), Utah Rules of Civil Procedure; and  
137 (ii) the costs of expert witnesses and depositions.
- 138 (c) An award of costs under this Subsection (14) may not exceed \$6,000.
- 139 (15) For purposes of determining whether a party's verdict is greater or less than the  
140 arbitration award under Subsections (13) and (14), a court may not consider any  
141 recovery or other relief granted on a claim for damages if the claim for damages was not  
142 disclosed in:
- 143 (a) writing prior to the arbitration proceeding; or  
144 (b) response to discovery contrary to the Utah Rules of Civil Procedure.
- 145 (16) If a court determines, upon a motion of the nonmoving party, that the moving party's  
146 use of the trial de novo process was filed in bad faith, as described in Section 78B-5-825,  
147 the court may award reasonable attorney fees to the nonmoving party.
- 148 (17) Nothing in this section is intended to affect or prevent any first party claim from later  
149 being brought under any first party insurance policy under which the injured person is a  
150 covered person.
- 151 (18)(a) If a defendant requests a trial de novo under Subsection (11), the total verdict at  
152 trial may not exceed \$15,000 above any available limits of insurance coverage and  
153 the total verdict may not exceed \$65,000.
- 154 (b) [H] Except in a claim for wrongful death as provided in Section 78B-3-106, if a  
155 plaintiff requests a trial de novo under Subsection (11), the verdict at trial may not  
156 exceed [~~\$50,000~~] \$75,000.
- 157 (19) All arbitration awards issued under this section shall bear postjudgment interest [  
158 pursuant to] in accordance with Section 15-1-4.
- 159 Section 2. Section **18-1-5** is enacted to read:
- 160 **18-1-5 . Duties of dog custodian after dog attack -- Exchange of information --**  
161 **Notification of law enforcement -- Penalty.**
- 162 (1) As used in this section:
- 163 (a) "Custodian" means an individual who manages or controls a dog involved in a dog  
164 attack at the time of the attack.
- 165 (b) "Dog attack" means an incident in which a dog directly or indirectly causes bodily  
166 harm to an individual.

- 167 (2) Except as provided under Subsection (3), a custodian of a dog that is involved in a dog  
168 attack on an individual shall:
- 169 (a) if law enforcement has not been notified of the attack, immediately notify law  
170 enforcement of the attack; and
- 171 (b) give to the individual:
- 172 (i) the custodian's name, address, and telephone number; and  
173 (ii) if the dog is covered by a liability insurance policy:
- 174 (A) the name of the insurance provider;  
175 (B) the phone number of the insurance provider; and  
176 (C) the insurance policy number.
- 177 (3) A custodian of a dog involved in a dog attack who provides the information required  
178 under Subsection (2)(b) to an investigating peace officer at the scene of the dog attack is  
179 exempt from providing the information to an individual required under Subsection (2)(b).
- 180 (4) A violation of Subsection (2) is a class C misdemeanor.
- 181 (5) This section does not preclude a prosecution under Section 76-9-304 or any other  
182 provision carrying a greater penalty.

183 **Section 3. Effective date.**

184 This bill takes effect on May 7, 2025.