

Dog Attack Amendments
2026 GENERAL SESSION
STATE OF UTAH

Chief Sponsor: Jason E. Thompson

Senate Sponsor:

LONG TITLE

General Description:

This bill addresses provisions related to injuries from dog attacks.

Highlighted Provisions:

This bill:

▸ establishes that an individual injured in a dog attack may bring a claim for damages within four years of the injury;

▸ Ĥ→ provides that a dog owner is not liable for injury or death caused by the owner's dog if the dog is a livestock guardian dog that was provoked while engaged in herding or guarding livestock on grazing land; ←Ĥ

▸ raises the maximum award from \$50,000 to \$75,000 in arbitration and at trial for a bodily injury claim resulting from a dog attack, not including certain costs; and

▸ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

18-1-1, as last amended by Laws of Utah 2025, Chapter 311

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

78B-2-307, as last amended by Laws of Utah 2023, Chapter 185

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

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

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

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

- 28 (i) the dog is vicious or mischievous; or
 29 (ii) the owner knows the dog is vicious or mischievous.
- 30 (b) Damages for an injury described in Subsection (1)(a) shall be determined in
 31 accordance with Section 78B-5-818.
- 32 (c) An individual may bring a claim for damages resulting from an injury caused by a
 33 dog under this section no later than four years after the day on which the injury
 34 occurs, in accordance with Section 78B-2-307.
- 35 (2) Neither the state nor any county, city, or town in the state nor any peace officer
 36 employed by the state, a county, a city, or a town is liable in damages for an injury
 37 caused by a dog, if:
- 38 (a) the dog and the dog's law enforcement handler are trained to assist in law
 39 enforcement and are certified according to the standards adopted in Title 53, Chapter
 40 6, Part 4, Law Enforcement Canine Team Certification Act;
- 41 (b) the governmental agency has adopted a written policy on the necessary and
 42 appropriate use of dogs in official law enforcement duties;
- 43 (c) the actions of the dog's handler do not violate the agency's written policy; and
- 44 (d) the injury occurs while the dog is reasonably and carefully being used in the
 45 apprehension, arrest, or location of a suspected offender or in maintaining or
 46 controlling the public order.
- 47 (3) An individual who owns or keeps a dog is not liable for an injury or death caused by the
 48 dog if:
- 49 (a)(i) the injury or death is to another animal;
- 50 (ii) the injury or death occurs:
- 51 (A) on the individual's private property; and
- 52 (B) while the dog is reasonably secured within a fence or other enclosure; and
- 53 (iii) the animal described in Subsection (3)(a) entered the individual's private
 54 property without consent; ~~or~~
- 55 (b)(i) the injury or death is to a trespasser who is in violation of Subsection
 56 76-6-206(2); and
- 57 (ii) the injury or death occurs:
- 58 (A) on the individual's private property; and
- 59 (B) while the dog is reasonably secured within a fence or other enclosure ~~or~~ ;
- 59a or
- 59b (c)(i) the dog is a livestock guardian dog, as that term is defined in Section

- 59c **76-6-111; and**
 59d **(ii) the injury or death occurs:**
 59e **(A) on public or private land subject to a valid grazing permit or lease held by**
 59f **the owner of the dog;**
 59g **(B) as a result of a provocation of the livestock guardian dog by negligent,**
 59h **reckless, or intentional conduct; and**
 59i **(C) while the dog was engaged in guarding or herding livestock.** ←H

60 Section 2. Section **18-1-4** is amended to read:

61 **18-1-4 . Use of arbitration in personal injury from dog attack cases.**

- 62 (1) A person injured as a result of a dog attack may elect to submit all third party bodily
 63 injury claims to arbitration by filing a notice of the submission of the claim to binding
 64 arbitration in a court if:
 65 (a) the claimant or the claimant's representative has:
 66 (i) previously and timely filed a complaint in a court that includes a third party bodily
 67 injury claim; and
 68 (ii) filed a notice to submit the claim to arbitration within 14 days after the complaint
 69 has been answered; and
 70 (b) the notice required under Subsection (1)(a)(ii) is filed while the action under
 71 Subsection (1)(a)(i) is still pending.
 72 (2)(a) [Hf] Except for a wrongful death action described in Section 78B-3-106, if a party
 73 submits a bodily injury claim to arbitration under Subsection (1), the party submitting
 74 the claim or the party's representative is limited to an arbitration award that may not
 75 exceed [\$50,000] \$75,000 in addition to any medical premise benefits and any claim
 76 for property damage.
 77 (b) A party who elects to proceed against a defendant under this section:
 78 (i) waives the right to obtain a judgment against the personal assets of the defendant;
 79 and
 80 (ii) is limited to recovery only against available limits of insurance coverage.
 81 (3) A claim for punitive damages may not be made in an arbitration proceeding under
 82 Subsection (1) or any subsequent proceeding, even if the claim is later resolved through
 83 a trial de novo under Subsection (11).
 84 (4)(a) A party who has elected arbitration under this section may rescind the party's
 85 election if the rescission is made within:
 86 (i) 90 days after the election to arbitrate; and

- 87 (ii) no less than 30 days before any scheduled arbitration hearing.
- 88 (b) A party seeking to rescind an election to arbitrate under this Subsection (4) shall:
- 89 (i) file a notice of the rescission of the election to arbitrate with the court in which the
90 matter was filed; and
- 91 (ii) send copies of the notice of the rescission of the election to arbitrate to all counsel
92 of record to the action.
- 93 (c) All discovery completed in anticipation of the arbitration hearing shall be available
94 for use by the parties as allowed by the Utah Rules of Civil Procedure and the Utah
95 Rules of Evidence.
- 96 (d) A party who has elected to arbitrate under this section and then rescinded the
97 election to arbitrate under this Subsection (4) may not elect to arbitrate the claim
98 under this section again.
- 99 (5)(a) Unless otherwise agreed to by the parties or by order of the court, an arbitration
100 process elected under this section is subject to Rule 26, Utah Rules of Civil
101 Procedure.
- 102 (b) Unless otherwise agreed to by the parties or ordered by the court, discovery shall be
103 completed within 150 days after the date arbitration is elected under this section or
104 the date the answer is filed, whichever is longer.
- 105 (6)(a) Unless otherwise agreed to in writing by the parties, a claim that is submitted to
106 arbitration under this section shall be resolved by a single arbitrator.
- 107 (b) Unless otherwise agreed to by the parties or ordered by the court, all parties shall
108 agree on the single arbitrator selected under Subsection (6)(a) within 90 days of the
109 answer of the defendant.
- 110 (c) If the parties are unable to agree on a single arbitrator as required under Subsection
111 (6)(b), the parties shall select a panel of three arbitrators.
- 112 (d) If the parties select a panel of three arbitrators under Subsection (6)(c):
- 113 (i) each side shall select one arbitrator; and
- 114 (ii) the arbitrators selected under Subsection (6)(d)(i) shall select one additional
115 arbitrator to be included in the panel.
- 116 (7) Unless otherwise agreed to in writing:
- 117 (a) each party shall pay an equal share of the fees and costs of the arbitrator selected
118 under Subsection (6)(a); and
- 119 (b) if an arbitration panel is selected under Subsection (6)(d):
- 120 (i) each party shall pay the fees and costs of the arbitrator selected by that party's

- 121 side; and
- 122 (ii) each party shall pay an equal share of the fees and costs of the arbitrator selected
123 under Subsection (6)(d)(ii).
- 124 (8) Except as otherwise provided in this section and unless otherwise agreed to in writing
125 by the parties, an arbitration proceeding conducted under this section shall be governed
126 by Title 78B, Chapter 11, Utah Uniform Arbitration Act.
- 127 (9)(a) Subject to the provisions of this section, the Utah Rules of Civil Procedure and the
128 Utah Rules of Evidence apply to the arbitration proceeding.
- 129 (b) The Utah Rules of Civil Procedure and the Utah Rules of Evidence shall be applied
130 liberally with the intent of concluding the claim in a timely and cost-efficient manner.
- 131 (c) Discovery shall be conducted in accordance with the Utah Rules of Civil Procedure
132 and shall be subject to the jurisdiction of the court in which the matter is filed.
- 133 (d) Dispositive motions shall be filed, heard, and decided by the court prior to the
134 arbitration proceeding in accordance with the court's scheduling order.
- 135 (10) A written decision by a single arbitrator or by a majority of the arbitration panel shall
136 constitute a final decision.
- 137 (11) An arbitration award issued under this section shall be the final resolution of all bodily
138 injury claims between the parties and may be reduced to judgment by the court upon
139 motion and notice unless:
- 140 (a) either party, within 20 days after service of the arbitration award:
- 141 (i) files a notice requesting a trial de novo in the court; and
- 142 (ii) serves the nonmoving party with a copy of the notice requesting a trial de novo
143 under Subsection (11)(a)(i); or
- 144 (b) the arbitration award has been satisfied.
- 145 (12)(a) Upon filing a notice requesting a trial de novo under Subsection (11):
- 146 (i) unless otherwise stipulated to by the parties or ordered by the court, an additional
147 90 days shall be allowed for further discovery;
- 148 (ii) the additional discovery time under Subsection (12)(a)(i) shall run from the notice
149 of appeal; and
- 150 (iii) the claim shall proceed through litigation [~~pursuant to~~] in accordance with the
151 Utah Rules of Civil Procedure and the Utah Rules of Evidence in the court.
- 152 (b) In accordance with the Utah Rules of Civil Procedure, either party may request a jury
153 trial with a request for trial de novo filed under Subsection (11).
- 154 (13)(a) If the plaintiff, as the moving party in a trial de novo requested under Subsection

- 155 (11), does not obtain a verdict that is at least \$5,000 and is at least 30% greater than
156 the arbitration award, the plaintiff is responsible for all of the nonmoving party's
157 costs.
- 158 (b) Except as provided in Subsection (13)(c), the costs under Subsection (13)(a) shall
159 include:
- 160 (i) any costs set forth in Rule 54(d), Utah Rules of Civil Procedure; and
161 (ii) the costs of expert witnesses and depositions.
- 162 (c) An award of costs under this Subsection (13) may not exceed \$6,000.
- 163 (14)(a) If a defendant, as the moving party in a trial de novo requested under Subsection
164 (11), does not obtain a verdict that is at least 30% less than the arbitration award, the
165 defendant is responsible for all of the nonmoving party's costs.
- 166 (b) Except as provided in Subsection (14)(c), the costs under Subsection (14)(a) shall
167 include:
- 168 (i) any costs set forth in Rule 54(d), Utah Rules of Civil Procedure; and
169 (ii) the costs of expert witnesses and depositions.
- 170 (c) An award of costs under this Subsection (14) may not exceed \$6,000.
- 171 (15) For purposes of determining whether a party's verdict is greater or less than the
172 arbitration award under Subsections (13) and (14), a court may not consider any
173 recovery or other relief granted on a claim for damages if the claim for damages was not
174 disclosed in:
- 175 (a) writing prior to the arbitration proceeding; or
176 (b) response to discovery contrary to the Utah Rules of Civil Procedure.
- 177 (16) If a court determines, upon a motion of the nonmoving party, that the moving party's
178 use of the trial de novo process was filed in bad faith, as described in Section 78B-5-825,
179 the court may award reasonable attorney fees to the nonmoving party.
- 180 (17) Nothing in this section is intended to affect or prevent any first party claim from later
181 being brought under any first party insurance policy under which the injured person is a
182 covered person.
- 183 (18)(a) If a defendant requests a trial de novo under Subsection (11), the total verdict at
184 trial may not exceed \$15,000 above any available limits of insurance coverage ~~and~~
185 ~~the total verdict may not exceed \$65,000~~.
- 186 (b) ~~[H] Except for a wrongful death action described in Section 78B-3-106, if~~ a plaintiff
187 requests a trial de novo under Subsection (11), the verdict at trial may not exceed [
188 ~~\$50,000~~] \$75,000.

189 (c) The costs described in Subsections (13) and (14) are not included in a verdict amount
190 described in Subsection (18)(a) or (b).

191 (19) All arbitration awards issued under this section shall bear postjudgment interest [
192 pursuant to] in accordance with Section 15-1-4.

193 Section 3. Section **78B-2-307** is amended to read:

194 **78B-2-307 . Within four years.**

195 An action may be brought within four years:

196 (1) after the last charge is made or the last payment is received:

197 (a) upon a contract, obligation, or liability not founded upon an instrument in writing;

198 (b) on an open store account for any goods, wares, or merchandise; or

199 (c) on an open account for work, labor or services rendered, or materials furnished;

200 (2) for a claim for relief or a cause of action under the following sections of Title 25,

201 Chapter 6, Uniform Voidable Transactions Act:

202 (a) Subsection 25-6-202(1)(a), except in specific situations where the time for action is
203 limited to one year under Section 25-6-305;

204 (b) Subsection 25-6-202(1)(b); or

205 (c) Subsection 25-6-203(1);

206 (3) for a claim involving personal property damage to the aggrieved party's motor vehicle,
207 as defined in Section 41-6a-102, or personal property from an accident involving a
208 motor vehicle;[-and]

209 (4) for a claim resulting from an injury caused by a dog described in Section 18-1-1; and

210 [~~4~~] (5) for relief not otherwise provided for by law.

211 Section 4. **Effective Date.**

212 This bill takes effect on May 6, 2026.