

INJURIES BY DOGS AMENDMENTS

2019 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Lincoln Fillmore

House Sponsor: Kim F. Coleman

LONG TITLE

General Description:

This bill amends provisions related to injuries caused by dogs.

Highlighted Provisions:

This bill:

- ▶ codifies case law regarding allocation of fault when a person seeks damages for an injury caused by a dog; 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 2011, Chapter 297

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 -- Dogs used in law enforcement.

~~[(1) Every person owning or keeping a dog is liable in damages for injury committed by the dog, and it is not necessary in the action brought therefor to allege or prove that the dog was of a vicious or mischievous disposition or that the owner or keeper of the dog knew that it was vicious or mischievous.]~~

30 (1) (a) Except as provided in Subsection (2), a person who owns or keeps a dog is
31 liable for an injury caused by the dog, regardless of whether:

- 32 (i) the dog is vicious or mischievous; or
- 33 (ii) the owner knows the dog is vicious or mischievous.

34 (b) Damages for an injury described in Subsection (1)(a) shall be determined in
35 accordance with Section [78B-5-818](#).

36 (2) [~~Notwithstanding Subsection (1), neither~~] Neither the state nor any county, city,
37 metro township, or town in the state nor any peace officer employed by [~~any of them~~] the state,
38 a county, a city, a metro township, or a town shall be liable in damages for an injury
39 [~~committed~~] caused by a dog, if:

- 40 (a) the dog has been trained to assist in law enforcement; and
- 41 (b) the injury occurs while the dog is reasonably and carefully being used in the
- 42 apprehension, arrest, or location of a suspected offender or in maintaining or controlling the
- 43 public order.