

**Senator Lincoln Fillmore** proposes the following substitute bill:

**INJURIES BY DOGS AMENDMENTS**

2019 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Lincoln Fillmore**

House Sponsor: Kim F. Coleman

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**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

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*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.**



26 ~~[(1) Every person owning or keeping a dog is liable in damages for injury committed~~  
27 ~~by the dog, and it is not necessary in the action brought therefor to allege or prove that the dog~~  
28 ~~was of a vicious or mischievous disposition or that the owner or keeper of the dog knew that it~~  
29 ~~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.