

26 **18-1-1. Liability and damages for dog injury -- Exceptions.**

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

- 29 (i) the dog is vicious or mischievous; or
- 30 (ii) the owner knows the dog is vicious or mischievous.

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

33 (2) Neither the state nor any county, city, metro township, or town in the state nor any  
34 peace officer employed by the state, a county, a city, a metro township, or a town shall be liable  
35 in damages for an injury caused by a dog, if:

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

40 (3) A person who owns or keeps a dog is not liable for an injury or death caused by the  
41 dog if:

- 42 (a) the injury or death is to another animal;
- 43 (b) the injury or death occurs:
  - 44 (i) on the person's private property; and
  - 45 (ii) while the dog is reasonably secured ~~Œ~~→ **within a fence or other enclosure** ←~~Œ~~ ; and
  - 46 (c) the animal described in Subsection (3)(a) entered the person's private property  
47 without consent.