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DOG BITE LAWS IN ALL 50 STATES

This chart provides a summary of laws regarding the liability of the a dog owner for personal injuries or property damage caused by a dog attack or bite. Dog bite law is a unique combination of city and county ordinances, state statutory law, state case law, and common law. The law varies from state to state. Generally, if the dog owner knows that the dog has exhibited a tendency or intention to someday bite a person, liability can attach. This is known as “scienter” (knowledge or knowing) and is referred to as the “one bite rule”. Most states hold a dog owner responsible for negligence that results in any injury caused by a dog. This can take the form of general negligence or negligence per se (violation of a statute).

Sometimes, the liability depends on whether the dog bite occurred on the owner’s premises or off premises. Some states apply the doctrine of premises liability when the victim is harmed on the dog owner’s property. Premises liability is a specific area of law that governs liability involving owners of property and landlords.

Other states based liability on statutes which create liability in the absence of scienter, negligence or intentional behavior. These are referred to as “statutory strict liability states” and vary from state to state. They sometimes hold the owner liability automatically if their dog bites somebody. In “strict liability” states, the dog does not get one free bite as they do in states which adhere to the one bite rule.

Still other states complicate matters by mixing and matching their laws. Some of these complicated dog bite statutes impose strict liability under limited circumstances or for limited types of losses, while relying more heavily on the one bite rule. The states having statutes which incorporate the one-bite rule are referred to as “mixed dog bite law states” or simply “mixed states”. For example, New York imposes strict liability only for a bite victim’s medical bills. To recover other elements of damages, he has to meet one of the other burdens discussed above.

States often provide certain exceptions to liability, including if the victim is a trespasser, veterinarian, was committing a felony, assumed the risk, or if the dog was provoked by physical abuse or was a police dog. While the chart below is an excellent starting point to determine dog bite liability in all 51 jurisdictions, it should not be relied on as a thorough treatment of this area of law.

| STATE | AUTHORITY | ADDITIONAL INFORMATION |
|----------------------|--|--|
| ALABAMA | Ala. Code § 3-6-1. | Dog owner liable for damage caused by dog if victim is legally on property of dog owner. |
| ALASKA | <i>Sinclair v. Okata</i> , 874 F. Supp. 1051 (D. Alaska, Oct. 12, 1994). Reliance upon <i>Restatement (Second) of Torts</i> | No Dog Bite Statute. However, owner will often be found liable in the presence of negligence or strictly liable if the owner knew of the dog's dangerous propensities. |
| ARIZONA | Ariz. Rev. Stat. §§ 11-1025, 11-1026 | No "One Bite" Rule. Owner strictly liable for bites occurring in a public place or when victim is lawfully in a private place. Only defense is provocation. |
| ARKANSAS | <i>Strange v. Stovall</i> , 261 Ark. 53, 546 S.W.2d 421 (Ark. 1977). | No Dog Bite Statute. Negligence on the part of the owner will lead to liability and knowledge of dangerous propensities will lead to strict liability. |
| CALIFORNIA | Cal. Civ. Code § 3342 | Strict Liability where dog bite occurs when victim is on public property or lawfully on private property. |
| COLORADO | Colo. Rev. Stat. § 13-21-124 | Strict Liability upon the dog owner only in cases of "serious bodily injury". Otherwise, a "One Bite Rule" jurisdiction or requires proof of a dangerous propensity (5 "classifications"). Only economic damages under Strict Liability. |
| CONNECTICUT | Conn. Gen. Stat. Ann. § 22-357 | Dog owner/keeper will be liable for damages, unless victim committed a trespass, tort, or was abusing the dog. If victim is under the age of 7, there is a presumption against trespass/tort. |
| DELAWARE | Del. Code Ann. § 1711 | Dog owner is liable for damages in all types of injuries caused to person or property by their dog. |
| DISTRICT OF COLUMBIA | D.C. Code Ann. § 8-1808 | Application of Contributory Negligence. Victim is barred from recovery if it is found that their conduct is even minimally responsible for the incident. |
| FLORIDA | Fla. Stat. § 767.04 | Dog owner can be found liable upon first bite, but comparative fault of victim can reduce damages by the percentage the victim is found liable. Dog owner not liable if they post an easily readable "Bad Dog" sign. |
| GEORGIA | Ga. Code Ann. § 51-2-7 | Dog owner will be liable if claim is based upon a violation of a leash law or if the owner knew the dog had the temperament/propensity to bite people. |
| HAWAII | Haw. Rev. Stat. Ann. § 663-9 | Section 663-9 seems to establish strict liability by clearly eliminating knowledge of the dangerousness or viciousness of a dog as an element of proof. However, in <i>Hubbell v Iseke</i> , 727 P2d 1131 (Haw. App. 1986), the court determined that the plaintiff must prove at least negligence on the part of the defendant. |
| IDAHO | Idaho Code § 25-2805 | Dog owner will be liable if they were negligent or had knowledge of the dog's dangerous propensities. |
| ILLINOIS | 510 I.L.C.S. 5/16 § 16 | Dog owner will be liable for all injuries, even if not caused by a bite, absent provocation or trespass by the victim. |

| STATE | AUTHORITY | ADDITIONAL INFORMATION |
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| INDIANA | Ind. Code § 15-5-12-1, 2, 3 | Dog owner will be strictly liable where the victim is carrying out a duty imposed by law. Dog owner will also be liable if they were negligent or had knowledge of the dog's dangerous propensities. |
| IOWA | Iowa Code Ann. § 351.28 | Dog owner will be strictly liable if their dog bites (or attempts to bite) a person or a domestic animal. (Exception is if the dog has rabies and the owner does not know). |
| KANSAS | <i>Mercer v. Fritts</i> , 9 Kan. App.2d 232, 676 P.2d 150 (Kan. 1984). Restatement (Second) of Torts § 518 | Dog owner will be liable if it is found that they had knowledge of the dog's vicious propensities, or if they acted negligently. |
| KENTUCKY | Ky. Rev. Stat. § 258.235 | Dog owner will be liable for all damage to person, livestock, or property, caused by the owner's dog. The law gives all people authority to kill a dog seen attacking someone. |
| LOUISIANA | La. C.C. Art. 2321 | Dog owner will be held liable for damages, so long as the victim proves that the owner could have prevented the incident. |
| MAINE | Me. Rev. Stat. Ann. § 3961 | Dog owner will be liable for damages which occurred when victim was not on the owner's/keeper's premises. |
| MARYLAND | <i>Herbert v. Ziegler</i> , 261 Md. 212, 139 A.2d 699 (Md. 1958). <i>Twigg v. Ryland</i> , 62 Md. 380, 1884 WL 5954 (Md. 1884). | Dog owner will be held liable if victim can prove that the dog owner knew of the dog's vicious propensities. However, if the victim is found to be even 1% at fault, they cannot recover anything. |
| MASSACHUSETTS | Mass. Gen. Laws Ann. 140 § 155 | Dog owner will be held liable for damages caused by their dog, absent trespass, teasing, or tormenting. If the victim is under the age of 7, the presumption is that there was no trespass or provocation. |
| MICHIGAN | Mich. Comp. Laws Ann. § 287.351 | Dog owner will be liable for all damages resulting from a dog bite when the victim is either on public property, or lawfully on private property. |
| MINNESOTA | Minn. Stat. Ann. § 347.22 | Liability against the dog owner will be almost absolute. Any comparative negligence on the part of the victim is not considered. |
| MISSISSIPPI | <i>Poy v. Grayson</i> , 273 So.2d 491 (Miss. 1973). | "One-Bite" Rule. Dog owner is only liable if they have knowledge of their dog's vicious propensities. |
| MISSOURI | Mo. Rev. Stat. § 273.036 | Dog owner will be held liable for damages to victim, livestock, and property while victim was on public property, or lawfully on private property. However, victim's damages may be reduced by the percentage that they were at fault. |
| MONTANA | Mont. Code Ann. § 27-1-715 | Dog owner will be held strictly liable for damages caused by their dog, if the incident occurred in an incorporated town or city. |

| STATE | AUTHORITY | ADDITIONAL INFORMATION |
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| NEBRASKA | Neb. Rev. Stat. § 54-601 | Dog owner will be held strictly liable for damages caused by their dog, unless the dog is playful and mischievous – in these cases, the “one-bite” rule applies. |
| NEVADA | Nev. Stat. Ann. § 202.500 | No civil liability statute for an average dog bite. The common law for liability, however, states that if the plaintiff can prove that the dog owner’s negligence led to the dog bite injury, the plaintiff may recover damages for the dog bite injury. Section 202.500 makes owner guilty of felony if “vicious” dog (has previously inflicted serious personal injury) bites as opposed to merely a “dangerous” (2 bites within 18 months) dog. |
| NEW HAMPSHIRE | N.H. Rev. Stat. Ann. § 466:19 | Dog owner will not only be held strictly liable for all physical damages caused by their dog, but also for any mischievous acts which causes injury. |
| NEW JERSEY | N.J. Stat. Ann. § 4:19-16 | Dog owner will be held strictly liable for damages to victim when victim is on public property or lawfully on private property. |
| NEW MEXICO | <i>Smith v. Village of Ruidoso</i> , 128 N.M. 470, 994 P.2d 50 (N.M. 1999). | Dog owner will only be found strictly liable if they had prior knowledge of the dog’s vicious propensities, or liable if they were negligent. |
| NEW YORK | N.Y. Agriculture & Markets Law, § 121(8) | Dog owner will be held strictly liable for medical damages, but for all other damages the victim must prove that the owner knew (or should have known) of the dog’s dangerous propensities. |
| NORTH CAROLINA | N.C. Gen. Stat. Ann. § 67-12, 67-4.4, 67-4.1 | Dog owner will only be liable if they intentionally, knowingly, and willfully let their dog violate the “running at large” statute at the time of the incident. |
| NORTH DAKOTA | <i>Sendelbach v. Grad</i> , 246 N.W.2d 496 (N.D. 1976). | Dog owner will be liable for damages, if the victim can prove that the dog owner was negligent and negligence caused the injury. |
| OHIO | Ohio Rev. Code. Ann. § 955.28 | Owner will be held liable for any damages caused by dog. Trespass is a defense. Individuals are protected if they feared a dog bite and killed/maimed the dog. |
| OKLAHOMA | Okla. Stat. § 4-42.1 | Dog owner will be held responsible for all damages, absent trespass or provocation. |
| OREGON | <i>Westberry v. Blackwell</i> , 282 Or. 129, 577 P.2d 75 (Or. 1978). | Dog owner will be liable for victim’s bite injuries if they knew (or had reason to know) of their dog’s dangerous propensities. |
| PENNSYLVANIA | Pa. Consol. Stat. § 502 A | Dog owner will be strictly liable if they had knowledge of their dog’s violent propensities. If the dog owner did not know, they will be liable for all damages (medical plus other damages) for severe injuries, but only liable for medical damages for non-severe injuries. |
| RHODE ISLAND | R.I. Gen. Laws § 4-13-16 | Dog owner will be held liable for all damages unless the dog was confined. If a dog owner is found liable for bite-damages a second time, the damages will be doubled. |
| SOUTH CAROLINA | S.C. Code Ann. § 47-3-110 | Dog owner will be liable for all damages if victim was on public property or lawfully on private property. |

| STATE | AUTHORITY | ADDITIONAL INFORMATION |
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| SOUTH DAKOTA | <i>Blaha v. Stuard</i> , 640 N.W.2d 85 (S.D. 2002). | Dog owner will be liable if the victim can prove that the owner knew, or should have known, of the dog's dangerous propensities, or if the owner was negligent. |
| TENNESSEE | Tenn. Code Ann. § 44-8-413 | Dog owner is liable for all damages, regardless of prior knowledge of dog's vicious propensities. Trespass is a defense. |
| TEXAS | V.T.C.A., Health & Safety Code § 822.005 | Dog owner will be liable if the victim can prove that the owner had knowledge of the dog's dangerous propensities, was negligent, a leash law was violated, or the owner caused the injury intentionally. |
| UTAH | Utah Code Ann. § 18-1-1 | Dog owner is liable for damages, regardless of prior knowledge of dog's vicious propensities. Government will not be held liable for dogs assisting law-enforcement. |
| VERMONT | <i>Hillier v. Noble</i> , 142 Vt. 552, 458 A.2d 1101 (Vt. 1983). | Dog owner will be liable to the victim for damages if it can be proven that the dog owner had knowledge (or should have known) of the dog's prior dangerous behavior. |
| VIRGINIA | <i>Butler v. Frieden</i> , 158 S.E.2d 121 (Va. 1967). | Recognizes common law duty of exercising ordinary care to protect other persons from injuries that might be inflicted by his dog and was subject to civil liability for breach of that duty. Owner must have prior knowledge of dog's dangerous propensity, unless owner negligent or broke the law. |
| WASHINGTON | Wash. Rev. Code § 16-08-040 | Dog owner will be held liable for damages, regardless of prior knowledge of dog's vicious propensities, absent provocation. |
| WEST VIRGINIA | W. Va. Code § 19-20-13 | If the dog owner allows their dog to run at large, they will be liable for damages the dog inflicted on people or property while they were at large. |
| WISCONSIN | Wis. Stat. § 174.02 | Dog owner will be liable for the full amount of damages incurred by the victim, upon the first occurrence of the dog causing injury. |
| WYOMING | <i>Borns ex rel. Gannon v. Voss</i> , 70 P.3d 262 (Wyo. 2003) | Dog owner will be liable if the victim can prove negligence or knowledge of the dog's dangerous propensities. |

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