

## DOG BITE LAWS IN ALL 50 STATES

This chart provides a summary of laws regarding the liability of 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 or off the owner’s 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 base 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 liable 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 is 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 on <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. §§ 11-1020, 11-1025, 11-1026	No “One Bite” Rule. Owner strictly liable for bites occurring while dog is at large (§ 11-1020) or while in a public place (§ 11-1025). Only defense is provocation.

STATE	AUTHORITY	ADDITIONAL INFORMATION
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 on the dog owner where a 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 strictly liable for damages, unless victim committed a trespass, tort, or was abusing the dog. If victim is under the age of 7-years-old, there is a presumption against trespass/tort. Section 22-357 reads, “If any dog does any damage to either the body or property of any person, the owner or keeper, or, if the owner or keeper is a minor, the parent or guardian of such minor, shall be liable for the amount of such damage, except when such damage has been occasioned to the body or property of a person who, at the time such damage was sustained, was committing a trespass or other tort, or was teasing, tormenting or abusing such dog.”
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 Ga. Code Ann. §§ 4-8-1, 4-8-4, 4-8-5, 4-8-20 to 4-8-32	Dog owner who keeps a “vicious or dangerous” animal and allows it to run free, injuring someone who does not provoke it, may be liable in damages. However, this section doesn't apply to dogs subject to § 4-8-4(b). Establishes minimum standards for the control and regulation of dogs. Provides for the identification of dangerous/vicious dogs, requires registration for the possession of such dogs and the owner to maintain an enclosure, post warning signs, have a microchip implanted, and provide \$50,000 in liability insurance.
HAWAII	Haw. Rev. Stat. Ann. § 663-9	§ 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.

STATE	AUTHORITY	ADDITIONAL INFORMATION
ILLINOIS	510 I.L.C.S. 5/16 § 16	<p>Dog owner will be liable for all injuries, even if not caused by a bite, absent provocation or trespass by the victim. The statute reads:</p> <p><i>“§ 16. Animal attacks or injuries. If a dog or other animal, without provocation, attacks, attempts to attack, or injures any person who is peaceably conducting himself or herself in any place where he or she may lawfully be, the owner of such dog or other animal is liable in civil damages to such person for the full amount of the injury proximately caused thereby.”</i></p> <p>As of 1/1/22, insurance companies that write homeowners insurance will be required to report to the best of their ability all dog bite claims to the state.</p>
INDIANA	<i>Poznanski v. Horvath</i> , 788 N.E.2d 1255, 1259 (Ind. 2003); <i>Ross v. Lowe</i> , 605 N.E.2d 786, 788 (Ind. App. 1992).	Dog owner liable under negligence principles if owner knows or had reason to know that the dog, or dog breed, has 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); <i>Restatement (Second) of Torts</i> § 518. <i>Henkel v. Jordan</i> , 644 P.2d 1348 (Kan. App. 1982).	<p>Dog owner will be liable if it is found that they had knowledge of the dog’s vicious propensities, or if they acted negligently.</p> <p>Henkel was a “dog fright” case in which the plaintiff was frightened by a pesky pup while riding his bike, and fell, suffering injuries. The court did not focus on the “vicious propensity” standard that would be applicable to a “dog bite” case, but rather applied a more general foreseeability standard (defendants knew the dog had frightened people several times before). The court affirmed a jury award in favor of the plaintiff.</p>
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.

STATE	AUTHORITY	ADDITIONAL INFORMATION
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-years-old, 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.
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” (two 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, § 123(10)	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.

STATE	AUTHORITY	ADDITIONAL INFORMATION
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	Dog 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. Ann. § 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. Pennsylvania law does not impose absolute liability upon dog owners from torts caused by their dogs. <i>McCloud v. McLaughlin</i> , 837 A.2d 541 (Pa. Super. 2003) (citing <i>Deardorff v. Burger</i> , 606 A.2d 489 (Pa. Super. 1992)). The plaintiff must prove that the dog owner acted negligently. Pennsylvania has abolished the “one free bite” rule, which required that an owner restrain his or her dog only after its behavior evidenced viciousness. <i>Villaume v. Kaufman</i> , 550 A.2d 793 (Pa. Super. 1988) (citing <i>Freeman v. Terzya</i> , 323 A.2d 186 (Pa. Super. 1974)). A plaintiff cannot recover for injuries sustained in an incident involving a dog bite by merely establishing that the dog had a propensity for viciousness and the owner was aware of the same, the plaintiff must demonstrate that the owner failed to take proper precautions to preclude the dog from acting in a vicious manner. <i>Darby v. Clare F. and R. Co.</i> , 170 A. 387 (Pa. Super. 1934). Circumstances that constitute knowledge of the dog’s viciousness or dangerous propensities include but are not limited to: (1) complaints brought to the owner’s attention; (2) fighting with other dogs; (3) frequent confinement of the dog; (4) warning signs on the owner’s premises; and (5) statements by the owner as to the dog’s character. <i>Sheptak v. Wagner</i> , 23 Pa. D. & C.3d 46 (1982). Pennsylvania case law clearly adopts the defense of assumption of the risk for dog bite cases. <i>Groner v. Hedrick</i> , 169 A.2d 302 (Pa. 1961).
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
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 the dog owner is subject to civil liability for breach of that duty. Dog 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(1)(a) – First Bite Wis. Stat. § 174.02(1)(b) – Second Bite	<i>First Bite (Without Notice of Dangerous Propensity)</i> . Dog owner is strictly liable for “full amount of damages caused by the dog injuring or causing injury to a person, domestic animal or property.” The owner will also pay penalty of “not less than \$50 or more than \$500 if the dog injures or causes injury to a person, domestic animal, property, deer, game birds or the nests or eggs of game birds.” <i>Second Bite (With Notice of Dangerous Propensity)</i> . Dog owner is strictly liable for “two times the full amount of damages caused by the dog injuring or causing injury to a person, domestic animal or property if the owner was notified or knew that the dog previously injured or caused injury to a person, domestic animal or property.” No claim based on “second bite” for damages caused by the dog to a domestic animal or to property.

STATE	AUTHORITY	ADDITIONAL INFORMATION
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.

These materials and other materials promulgated by Matthiesen, Wickert & Lehrer, S.C. may become outdated or superseded as time goes by. If you should have questions regarding the current applicability of any topics contained in this publication or any publications distributed by Matthiesen, Wickert & Lehrer, S.C., please contact Gary Wickert at [gwickert@mwl-law.com](mailto:gwickert@mwl-law.com). This publication is intended for the clients and friends of Matthiesen, Wickert & Lehrer, S.C. This information should not be construed as legal advice concerning any factual situation and representation of insurance companies and/or individuals by Matthiesen, Wickert & Lehrer, S.C. on specific facts disclosed within the attorney/client relationship. These materials should not be used in lieu thereof in anyway.