

## **Dog Inflicted Injury Liability for Owners**

Our topics for this week are:

- **Type of dogs with most potential for inflicting injuries**
- **Dog owner legal responsibilities**
- **Protections against liability lawsuits for injuries caused by your dog**

Most dogs are friendly, loving members of the family, but even normally docile dogs may bite when they are frightened or when protecting their puppies, owners or food.

According to the Centers for Disease Control and Prevention (CDC), more than 4.5 million people are bitten by dogs annually, resulting in an estimated 800,000 injuries that require medical attention, and about 20 people are killed. More than 50 percent of dog bites occur on the dog owner's property, and they account for one-third of all homeowners insurance liability claims. The average bite claim settlement is for more than \$29,000.

### **Potential for Injury**

Still, the risks are low considering that about 70 million dogs are kept as pets in the U.S. and that nearly all bites could be avoided with responsible care and handling. The most dangerous dogs are larger dogs, not because they necessarily bite more often, but because their bites inflict more damage. Three-fourths of biting dogs are owned by family or friends of the person bitten. Most dogs involved in a killing are in the 50 to 100 lb. weight range.

Non-fatal wounds are usually to the arms, hands, or face to children less than five years of age or adults more than 65 years of age. Dogs involved in serious bites to humans are primarily male. Male dogs are 6.2 times more likely to bite people, and intact males are 2.6 times more likely to bite than neutered male dogs. However, once a dog develops the courage and ability to successfully bite a human, neutering has little effect in preventing future attempts to bite.

### **Breeds and Bites**

Breeds of dogs that have been selective bred for aggressive behavior do not have the same temperament as breeds that were not bred for that trait. However, members of aggressive breeds can have the trait of aggressiveness encouraged or discouraged by their socialization as a puppy and handling as an adult. A dog's handling, socialization, and training have more to do with the risk of bite or lethal ability than the breed. However without proper handling, some breeds are more inherently dangerous due to their size, gender, and breeding.

All male dogs not intended to reproduce by responsible breeding practices, should be neutered. Male dogs that are not neutered are 3 times more likely to bite humans.

The U.S. Centers for Disease Control and Prevention (CDC) has reported the dog breeds most often involved in fatal human attacks. An association of liability lawyers lists pit bulls, Rottweilers, chows, and Akitas as the most dangerous dogs. In March 2009, the U.S. Army and Marine Corps prohibited pit bulls, Rottweilers, Doberman pinschers, chow-chows, and wolf-hybrids in U.S. military housing units due to the risk of severe bites. The dog breeds that are ineligible for insurance coverage for bites by some companies included pit bulls, Rottweilers, German shepherd dogs, chow-chows, Mastiffs, Akitas, and Doberman pinschers.

Most states have laws that require animal handlers to exercise adequate control over animals to prevent them from harming itself, other animals, people, or property. More serious charges may be filed against a handler who knowingly failed to exercise adequate control over a potentially dangerous animal.

There is always a degree of risk in handling animals. A handler must assume the responsibility for the safety of the animal and that of the people who may become injured by the animal being handled. Liability waivers may help win a case for a defendant, but they do not prevent lawsuits and the cost of defense.

Waivers of responsibility also do not absolve handlers of liability in an injury or death that is due to their negligence or incompetence. Incompetence is simply not having the knowledge or ability to control an animal. Failing to properly contain or control an animal that causes injury to a human is negligence. Knowing that an animal is potentially dangerous and not taking extra efforts to protect others is also considered negligence. Injury does not have to be direct. Injuries that occur during an attempt to escape a dangerous dog is also a liability for the dog's owner.

### **Dog Owner Liability**

Dog owners are liable for any injuries their dog causes in the following instances: if the owner knew the dog had a tendency to cause that kind of injury; if a state statute makes the owner liable, whether or not the owner knew the dog had a tendency to cause that kind of injury; or if the injury was caused by unreasonable carelessness on the part of the owner.

There are three kinds of law that impose liability on owners:

**Dog-bite statute** - The dog owner is automatically liable for any injury or property damage the dog causes, even without provocation.

**“One-bite” rule** - In some states, the owner is not held liable for the first bite the dog inflicts. One bite laws are irresponsible. Owner liability should not depend on documenting a prior injury, courtesy of allowing a “free” bite.

**Negligence laws** - The dog owner is liable if the injury occurred because the dog owner was unreasonably careless (negligent) in controlling the dog.

In most states, dog owners are not liable to trespassers who are injured by a dog. However, a dog owner who is legally responsible for an injury to a person or property may be also responsible for reimbursing the injured person for medical bills, lost wages, pain and suffering and property damage.

### **Protect Yourself—and Your Assets**

Homeowners and renters insurance policies typically cover dog bite liability. Most policies provide \$100,000 to \$300,000 in liability coverage. If the claim exceeds the limit, the dog owner is personally responsible for all damages above that amount, including legal expenses.

Most insurance companies will insure homeowners with dogs. However, once a dog has bitten someone, it poses an increased risk. In such a case, the insurance company may charge a higher premium or exclude the dog from coverage altogether. Some companies will require dog owners to sign liability waivers for dog bites. Some will cover a pet if the owner takes the dog to classes aimed at modifying its behavior.

A single lawsuit—even if won—can end up costing hundreds of thousands of dollars. And the greater a person’s assets, the more potentially is at risk. The personal liability coverage available through a standard homeowners or automobile policy simply may not be enough, so you may want to consider purchasing a personal excess liability policy. Also known as an umbrella liability policy, it protects you against personal liabilities—such as dog bites—that could impact a substantial portion of your assets.

The amount of umbrella liability coverage usually ranges from \$1 million to \$10 million, and covers broad types of liability. Most insurance companies have required minimum amounts of underlying coverage—typically at least \$250,000 of protection from your auto policy and \$300,000 of protection from your homeowners policy. If you own a boat, then you must also have boat insurance with a specified minimum amount of coverage. Personal excess liability insurance is relatively inexpensive. The first \$1 million of coverage costs about \$150 to \$300 per year, the second million about \$75, and subsequent increments of \$1 million cost about \$50 per year.

### **Be a Responsible Dog Owner**

Ultimately, the responsibility for properly training and controlling a dog rests with the owner. The most dangerous dogs are those that fall victim to human shortcomings such as poor training, irresponsible ownership and breeding practices that foster viciousness or neglect and abuse. To reduce dog bite liability, the CDC advises:

- Consult with your veterinarian and responsible dog breeders to learn about suitable breeds of dogs for your family, neighbors, and the dog.
- Spend time with a dog before buying or adopting it.
- Be sensitive to cues that a child is fearful or apprehensive about a dog.
- Have your dog spayed or neutered.
- Socialize your dog so that it knows how to act with other people and animals.
- Discourage children from disturbing a dog that is eating or sleeping.
- Avoid exposing your dog to new situations in which you are unsure of its response.
- Do not let strangers approach your dog without permission and the approval to approach should include instructions not to lean over the dog, extend fingers toward the dog, attempt to pet the top of its head, or stare at its face. Appropriate approaches include lowering your body, looking toward - but not directly at - the dog, extend the back of your hand with your fingers curled for the dog to smell, and if treats are available drop a small treat in front of the dog.

If you have comments or you're interested in particular animal handling subjects, contact us at [CBC@BetterAnimalHandling.com](mailto:CBC@BetterAnimalHandling.com)

Now let's recap the key points to remember from today's episode:

- 1. Sexually intact male dogs that weigh 50 to 100 lb are the most likely to inflict serious injuries or death to humans.**
- 2. Some dog breeds have been selectively bred for fearless aggression.**
- 3. Proper selection, socialization, and training are particularly critical for dogs which have the body size and breeding to be at greater risk to inflict injuries to humans.**

More information on animal handling can be found in my books, *Animal Handling and Physical Restraint*, *Concise Textbook of Small Animal Handling*, and *Concise Textbook of Large Animal Handling* all published by CRC Press and available on Amazon and from many other fine book supply sources.

Additional information is provided at: [www.betteranimalhandling.com](http://www.betteranimalhandling.com) . This website has more than 200 past podcasts with notes on handling of dogs, cats, other small mammals, birds, reptiles, horses, cattle, small ruminants, swine, and poultry.

Don't forget, serious injury or death can result from handling and restraining some animals. Safe and effective handling and restraint requires experience and continual practice. Acquisition of the needed skills should be under the supervision of an experienced animal handler.