
Judiciary Committee

HB 3179

Title: An act relating to provocation as a defense for dog bites.

Brief Description: Limiting provocation as a defense for dog bites.

Sponsors: Representative Ross.

Brief Summary of Bill
<ul style="list-style-type: none">Limits the defense of provocation for injury to a person caused by a dog where the victim is under the age of six and the dog is running at large or on the property of a person other than the dog owner without express or implied permission.

Hearing Date: 2/4/08

Staff: Sarah Silbovitz (786-7119) and Lara Zarowsky (786-7123).

Background:

Dangerous dogs and potentially dangerous dogs are regulated under state law and may also be regulated by local ordinance. A **dangerous** dog is one that: (1) inflicts severe injury on a human without provocation; (2) kills a domestic animal while off the owner's property; or (3) is already declared a potentially dangerous dog due to injury to a human, and again bites, attacks, or endangers the safety of humans. A dog cannot be declared dangerous for inflicting injury on a person who was committing a tort on the owner's premises, tormenting the dog, or committing a crime.

A **potentially dangerous** dog is one that, when unprovoked: (1) bites a human or domestic animal; (2) chases a person in public or approaches a person in public in a menacing fashion; or (3) has a known propensity to attack, cause injury, or threaten the safety of humans or domestic animals. Potentially dangerous dogs are regulated only at the local level.

When a dog inflicts injury on a person, the dog owner is liable for damages. However, proof that the dog was provoked is a complete defense in an action for damages by an injured person.

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Provocation is not defined under state law but is defined by some local ordinances. For instance, Seattle's municipal code provides that a dog is provoked if it is being physically abused or if a reasonable person would believe that the animal, in response to an assault, is defending itself, its owner, or another person in the vicinity. An animal is not considered provoked if the injured person who provoked the animal is less than six years old.

Summary of Bill:

The defense of provocation is not available in an action for damages by an injured person when the injured person is a child under the age of six, and at the time of the attack, the dog is running at large, or is on the property of a person other than the dog owner without the property owner's express or implied permission.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed.