



Senate

General Assembly

File No. 272

February Session, 2012

Senate Bill No. 246

Senate, April 5, 2012

The Committee on Judiciary reported through SEN. COLEMAN of the 2nd Dist., Chairperson of the Committee on the part of the Senate, that the bill ought to pass.

AN ACT CONCERNING LIABILITY FOR DAMAGE CAUSED BY A DOG.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 22-357 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2012*):

3 If any dog does any damage to either the body or property of any
4 person, the owner or keeper, or, if the owner or keeper is a minor, the
5 parent or guardian of such minor, shall be liable for the amount of
6 such damage, except when such damage has been occasioned to the
7 body or property of a person who, at the time such damage was
8 sustained, was committing a trespass or other tort, or was teasing,
9 tormenting or abusing such dog. If a minor, on whose behalf an action
10 under this section is brought, was under seven years of age at the time
11 [the] such damage was done, it shall be presumed that such minor was
12 not committing a trespass or other tort, or teasing, tormenting or
13 abusing such dog, and the burden of proof thereof shall be upon the
14 defendant in such action. For the purposes of this section, "property"

15 includes, but is not limited to, a companion animal, as defined in
16 section 22-351a, and "the amount of such damage", with respect to a
17 companion animal, includes expenses of veterinary care, the fair
18 monetary value of the companion animal and burial expenses for the
19 companion animal.

20 Sec. 2. Subsection (a) of section 22-355 of the general statutes is
21 repealed and the following is substituted in lieu thereof (*Effective*
22 *October 1, 2012*):

23 (a) When any person sustains damage by dogs to [his] such person's
24 sheep, goats, horses, hogs, cattle, poultry or domestic rabbits kept in
25 enclosures as described in subsection (f) of this section, such person
26 shall report such damage to the chief administrative officer of the town
27 in which such damage was sustained, or [his] the chief administrative
28 officer's agent, or, if such damage was sustained on land located in two
29 or more towns, [he] such person shall report such damage to such
30 authority of either of such towns. [Thereupon such] Upon receiving
31 such report, the authority, with the person claiming to have sustained
32 such damage, shall estimate the amount of such damage, including
33 expenses of veterinary care, the fair monetary value of the animals or
34 poultry killed, injured or damaged by such dogs and burial expenses
35 for the animals or poultry killed by such dogs. If such authority and
36 the person claiming to have sustained such damage are unable to agree
37 as to the amount thereof, they shall choose some disinterested third
38 person to assist in estimating the damage. Information required by this
39 subsection shall be given within twenty-four hours after the person
40 claiming under this section has or should have had knowledge of the
41 same or, if the intervention of a Sunday or holiday prevents the
42 reporting thereof, on the next succeeding business day. No claim for
43 such damages shall be allowed to any person (1) who owns, keeps or
44 has in possession any unlicensed dog, (2) whose employee, living on
45 the premises, keeps an unlicensed dog which is six months of age or
46 over, or (3) who fails to report such damage within the time limited by
47 this section. The burden of proving the allegations of any claim under
48 this section shall be on the person claiming under this section.

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>October 1, 2012</i>	22-357
Sec. 2	<i>October 1, 2012</i>	22-355(a)

JUD *Joint Favorable*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note***State Impact:*** None***Municipal Impact:*** None***Explanation***

The bill makes changes to laws related to damage caused by domesticated dogs and cats and does not result in a fiscal impact.

The Out Years***State Impact:*** None***Municipal Impact:*** None

OLR Bill Analysis**SB 246*****AN ACT CONCERNING LIABILITY FOR DAMAGE CAUSED BY A DOG.*****SUMMARY:**

By law, a dog's owner or keeper is liable when his or her dog hurts a person or damages property unless the person was trespassing; committing a civil tort; or teasing, tormenting, or abusing the dog. This bill specifies that domesticated dogs and cats ("companion animals") are included within the definition of "property" for which an offending dog's owner or keeper is liable for damages. When a companion animal is affected, the bill provides that damages include expenses for its veterinary care, fair market value, and burial expenses, when applicable.

The bill also permits livestock owners to recover veterinary care and burial expenses when their properly confined or enclosed animals (sheep, goats, horses, hogs, cattle, poultry, or domestic rabbits) are injured or killed by dogs. They can already recover the livestock's value. By law, the chief municipal officer or agent and affected owner estimate the amount of damages. If they cannot agree, they must appoint a disinterested third party to help with estimation.

The bill also makes technical changes.

EFFECTIVE DATE: October 1, 2012

COMMITTEE ACTION

Judiciary Committee

Joint Favorable

Yea 42 Nay 0 (03/21/2012)