



General Assembly

January Session, 2013

Raised Bill No. 921

LCO No. 3353



Referred to Committee on JUDICIARY

Introduced by:
(JUD)

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 Section 22-357 of the general statutes is repealed and the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, 2013*):

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21 repealed and the following is substituted in lieu thereof (*Effective*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, 2013*):

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, 2013</i>	22-357
Sec. 2	<i>October 1, 2013</i>	22-355(a)

Statement of Purpose:

To (1) clarify that the owner or keeper of a dog that does damage to the companion animal of another is liable for the expense of veterinary care, the fair monetary value of the companion animal and the burial expenses for the companion animal, and (2) clarify the calculation of damages for damage done by a dog to domestic animals and poultry.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]