



General Assembly

Substitute Bill No. 6635

January Session, 2023



**AN ACT CONCERNING DOG BREED INSURANCE UNDERWRITING
AND LIABILITY OF OWNERS AND KEEPERS OF DOGS.**

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

1 Section 1. (NEW) (*Effective October 1, 2023*) (a) No insurer that
2 delivers, issues for delivery, renews, amends or endorses a
3 homeowners or tenants insurance policy in this state on or after
4 October 1, 2023, shall charge an increased premium for such policy or
5 cancel, refuse to renew or refuse to issue such policy solely on the basis
6 of the breed of dog or mixture of breed of dog owned or harbored by
7 the insured or applicant.

8 (b) Notwithstanding the provisions of subsection (a) of this section,
9 an insurer may cancel, refuse to issue or renew any homeowners or
10 renters insurance policy or impose a reasonably increased premium for
11 such a policy based on the designation of an individual dog of any
12 breed or mixture of breeds as a dangerous dog, as determined by
13 underwriting and actuarial principles reasonably derived from the
14 actual loss experience of such insurer with such individual dog and
15 any anticipated loss given such loss experience.

16 (c) The Insurance Commissioner may adopt regulations, in
17 accordance with the provisions of chapter 54 of the general statutes, to
18 implement the provisions of this section.

19 Sec. 2. Section 22-357 of the general statutes is repealed and the
20 following is substituted in lieu thereof (*Effective October 1, 2023*):

21 (a) As used in this section:

22 (1) "Law enforcement officer" means: Each officer, employee or
23 other person otherwise paid by or acting as an agent of (A) the
24 Division of State Police within the Department of Emergency Services
25 and Public Protection; (B) the Office of the State Capitol Police; (C) a
26 municipal police department; and (D) the Department of Correction;

27 (2) "Property" includes, but is not limited to, a companion animal, as
28 defined in section 22-351a; [and]

29 (3) "The amount of such damage", with respect to a companion
30 animal, includes expenses of veterinary care, the fair monetary value
31 of the companion animal, including all training expenses for a guide
32 dog owned by a blind person or an assistance dog owned by a deaf or
33 mobility impaired person and burial expenses for the companion
34 animal; and

35 (4) "Vicious propensity" means any tendency on the part of a dog,
36 without provocation, to attack, bite or otherwise endanger the safety of
37 persons or the property of another person in a given situation under
38 the circumstances in which the person controlling such dog places
39 such dog.

40 (b) [If any dog does any damage] (1) In any civil action brought
41 against the owner or keeper of any dog to recover damages for any
42 injury to either the body or property of any person, the owner or
43 keeper, or, if the owner or keeper is a minor, the parent or guardian of
44 such minor, shall be liable for the amount of such damage if such
45 person can prove that such owner or keeper knew or had reason to
46 know of such dog's vicious propensity and failed to use reasonable
47 care to restrain such dog to alleviate any dangers of harm, except when
48 such damage has been occasioned to the body or property of a person
49 who, at the time such damage was sustained, was committing a

50 trespass or other tort, or was teasing, tormenting or abusing such dog.

51 (2) If a minor, on whose behalf an action under this section is
52 brought, was under seven years of age at the time such damage was
53 done, it shall be presumed that such minor was not committing a
54 trespass or other tort, or teasing, tormenting or abusing such dog, and
55 the burden of proof thereof shall be upon the defendant in such action.

56 (3) In an action under this section against a household member of a
57 law enforcement officer to whom has been assigned a dog owned by a
58 law enforcement agency of the state, any political subdivision of the
59 state or the federal government for damage done by such dog, it shall
60 be presumed that such household member is not a keeper of such dog
61 and the burden of proof shall be upon the plaintiff to establish that
62 such household member was a keeper of such dog and had exclusive
63 control of such dog at the time such damage was sustained.

64 (4) In any civil action brought under this section against the owner
65 or keeper of any dog to recover damages for any injury to either the
66 body or property of any person alleged to be caused by such dog, there
67 shall be a presumption that such dog did not possess a vicious
68 propensity to engage in behavior that would foreseeably cause injury
69 to the body or property of any person. Such presumption may be
70 rebutted by evidence that such dog previously exhibited behavior that
71 put the owner or keeper of such dog on notice that such dog had a
72 vicious propensity to engage in such behavior that allegedly caused
73 such injury to either the body or property of any person.

74 (5) There shall be no cause of action for strict liability brought
75 against the owner of any dog to recover damages for any injury to
76 either the body or property of any person alleged to be caused by such
77 dog.

78 Sec. 3. Section 22-364b of the general statutes is repealed and the
79 following is substituted in lieu thereof (*Effective October 1, 2023*):

80 The owner or keeper of a dog shall restrain and control such dog on

81 a leash when such dog is not on the property of its owner or keeper
82 and is in proximity to a blind, deaf or mobility impaired person
83 accompanied by his guide dog, provided the guide dog is in the direct
84 custody of such blind, deaf or mobility impaired person, is wearing a
85 harness or an orange-colored leash and collar which makes it readily-
86 identifiable as a guide dog and is licensed in accordance with section
87 22-345. Any person who violates the provisions of this section shall
88 have committed an infraction. [If] Notwithstanding section 22-357, as
89 amended by this act, if an owner or keeper of a dog violates the
90 provisions of this section and, as a result of such violation, such dog
91 attacks and injures the guide dog, such owner or keeper shall be
92 strictly liable [as provided in section 22-357,] for any damage done to
93 such guide dog, and such liability shall include liability for any costs
94 incurred by such blind, deaf or mobility-impaired person for the
95 veterinary care, rehabilitation or replacement of the injured guide dog
96 and for reasonable attorney's fees.

97 Sec. 4. Section 22-355 of the general statutes is repealed and the
98 following is substituted in lieu thereof (*Effective October 1, 2023*):

99 (a) When any person sustains damage by dogs to such person's
100 sheep, goats, horses, hogs, cattle, poultry or domestic rabbits kept in
101 enclosures as described in subsection [(f)] (b) of this section, such
102 person [shall report such damage to the chief administrative officer of
103 the town in which such damage was sustained, or the chief
104 administrative officer's agent, or, if such damage was sustained on
105 land located in two or more towns, such person shall report such
106 damage to such authority of either of such towns. Upon receiving such
107 report, the authority, with the person claiming to have sustained such
108 damage, shall estimate the amount of such damage, including
109 expenses of veterinary care, the fair monetary value of the animals or
110 poultry killed, injured or damaged by such dogs and burial expenses
111 for the animals or poultry killed by such dogs. If such authority and
112 the person claiming to have sustained such damage are unable to agree
113 as to the amount thereof, they shall choose some disinterested third

114 person to assist in estimating the damage. Information required by this
115 subsection shall be given within twenty-four hours after the person
116 claiming under this section has or should have had knowledge of the
117 same or, if the intervention of a Sunday or holiday prevents the
118 reporting thereof, on the next succeeding business day] may file a civil
119 action against the owner or keeper of such dogs to recover damages for
120 injury to such person's sheep, goats, horses, hogs, cattle, poultry or
121 domestic rabbits. No claim for such damages shall be allowed to any
122 person (1) who owns, keeps or has in possession any unlicensed dog,
123 (2) whose employee, living on the premises, keeps an unlicensed dog
124 which is six months of age or over, or (3) who fails to report such
125 damage within the time limited by this section. [The burden of proving
126 the allegations of any claim under this section shall be on the person
127 claiming under this section] In any civil action brought under this
128 section against the owner or keeper of any dogs to recover damages for
129 injury to such person's sheep, goats, horses, hogs, cattle, poultry or
130 domestic rabbits alleged to have been caused by such dogs, there shall
131 be a presumption that such dogs did not possess a vicious propensity
132 to engage in such behavior that would foreseeably cause injury to such
133 person's sheep, goats, horses, hogs, cattle, poultry or domestic rabbits.
134 Such presumption may be rebutted by evidence that such dogs
135 previously exhibited behavior that put the owner or keeper of such
136 dogs on notice that such dogs had a vicious propensity to engage in
137 such behavior that allegedly caused such injury to such person's sheep,
138 goats, horses, hogs, cattle, poultry or domestic rabbits.

139 [(b) The amount of damage agreed upon or estimated by any two of
140 such three persons shall be paid by such town, and the town may
141 recover such amount, when paid, with the compensation of such
142 disinterested third person, from the owners, keepers or harborers of
143 such dogs, if such persons are the residents of the town. If the owners,
144 keepers or harborers of such dogs are not residents of the town in
145 which the damage has been done, the town paying the damage may
146 recover such damage and compensation from the town or towns
147 where such owners, keepers or harborers reside, unless such owners,

148 keepers or harborers, or such town or towns, on notice, pay to the
149 treasurer of the town which paid such damage the amount of such
150 damage and compensation. Any town which is obliged to pay any
151 such damage may recover the amount thereof from the owners,
152 keepers or harborers of the dogs doing such damage.

153 (c) When additional or increased damages are claimed to sheep,
154 goats, horses, hogs, cattle, poultry or domestic rabbits, which damages
155 were not apparent at, and accrued subsequent to, the first appraisal of
156 damage, a supplemental notice of such claim for additional damage
157 may be given to such authority at any time within thirty days from the
158 discovery of the original damage. The supplemental notice of claim
159 shall set forth the facts upon which such claim is based. The claim shall
160 be made to such authority and shall be acted upon in the manner
161 provided in subsections (a) and (b) of this section.

162 (d) Any authority who has received notice pursuant to the
163 provisions of this section and within a period of fifteen days after
164 receiving such notice, fails to estimate the amount of such damage, or
165 if such authority is unable, within a period of five days, to agree with
166 the person claiming to have sustained such damage as to the amount
167 thereof, or fails to agree with such person on a disinterested third
168 person to assist in estimating such damage, or if such authority and
169 such person agree on such disinterested third person and two of such
170 three persons fail to agree as to the amount of such damage, the person
171 who claims to have sustained damage may institute a civil action
172 against the town in which the damage was sustained for the recovery
173 of such damage. No such action shall be maintained unless brought
174 within one year from the date the damage was sustained.

175 (e) When the selectmen, town manager or other chief executive
176 officer of the town receives notice from any person claiming to have
177 sustained damage by dogs to his sheep, goats, horses, hogs, cattle,
178 poultry or domestic rabbits in excess of one hundred dollars, such
179 authority shall, within twenty-four hours, report the same to the
180 commissioner for investigation and shall call upon the commissioner

181 or his agent to act for the town in appraising the damage as provided
182 in subsections (a), (b), (c) and (d) of this section. The fact that said
183 commissioner or his agent has acted for such authority shall not bar an
184 action for the recovery of the damage as provided in subsection (d) of
185 this section.]

186 [(f)] (b) Sheep, goats, horses, hogs, cattle, poultry and domestic
187 rabbits shall be confined or shall be enclosed by a fence or wall of
188 material and height sufficient to restrain them from roaming. [In any
189 case in which any town has paid an amount in excess of one hundred
190 dollars for such damage to the owner of any such animal or poultry,
191 and the amount of such damage cannot be collected from the owners,
192 keepers or harborers of such dogs, the selectmen, town manager or
193 other chief executive officer of such town, city or borough shall
194 forward to the commissioner a statement of the facts, showing the
195 amount so paid, and the State Treasurer, at the request of the
196 commissioner, shall reimburse such town, city or borough for the
197 amount of such damage, from the funds received by the state under
198 the provisions of this chapter.]

199 Sec. 5. Section 22-333 of the general statutes is repealed and the
200 following is substituted in lieu thereof (*Effective October 1, 2023*):

201 Any dog, cat or other animal captured or impounded under the
202 provisions of this chapter shall be redeemed by the owner or keeper
203 thereof, or the agent of such owner or keeper, upon proper
204 identification, and, if the animal in question is a dog, upon
205 presentation to the municipal animal control officer of a license and tag
206 for such dog, and upon the payment by such owner or keeper or his
207 agent of (1) the redemption fee established by the municipality, which
208 shall not exceed fifteen dollars, and (2) the cost of advertising incurred
209 under the provisions of section 22-332.]; provided no dog, cat or other
210 animal seized for doing damage under the provisions of section 22-355
211 shall be released except upon written order of the commissioner, the
212 Chief Animal Control Officer or an animal control officer.] When the
213 owner or keeper of any such impounded dog, cat or other animal fails

214 to redeem such dog, cat or other animal within twenty-four hours after
215 receiving notification to do so, or, where the owner was unknown,
216 within twenty-four hours after notification was effected by means of
217 publication in a newspaper, such owner or keeper shall pay, in
218 addition to such redemption fee and the cost of advertising, the
219 amount determined by the municipality to be the full cost of detention
220 and care of such impounded dog, cat or other animal. The owner or
221 keeper of any dog, cat or other animal impounded for the purposes of
222 quarantine, as set forth in sections 22-358 and 22-359, shall pay the
223 amount determined by the municipality to be the full cost of detention
224 and care of such quarantined animal. In addition, any owner or keeper
225 of any such impounded dog, cat or other animal who fails to redeem
226 such dog, cat or other animal within one hundred twenty hours after
227 receiving notification to do so shall have committed an infraction. The
228 legislative body of the municipality shall set any fees imposed by the
229 municipality under this section.

230 Sec. 6. Section 22-364 of the general statutes is repealed and the
231 following is substituted in lieu thereof (*Effective October 1, 2023*):

232 (a) No owner or keeper of any dog shall allow such dog to roam at
233 large upon the land of another and not under control of the owner or
234 keeper or the agent of the owner or keeper, nor allow such dog to roam
235 at large on any portion of any public highway and not attended or
236 under control of such owner or keeper or his agent, provided nothing
237 in this subsection shall be construed to limit or prohibit the use of
238 hunting dogs during the open hunting or training season. The
239 unauthorized presence of any dog on the land of any person other than
240 the owner or keeper of such dog or on any portion of a public highway
241 when such dog is not attended by or under the control of such owner
242 or keeper, shall be prima facie evidence of a violation of the provisions
243 of this subsection. Violation of any provision of this subsection shall be
244 an infraction.

245 (b) [Any] Notwithstanding section 22-357, as amended by this act,
246 any owner or keeper of any dog who, knowing of the vicious

247 propensities of such dog and having violated the provisions of
248 subsection (a) of this section within the preceding year, intentionally or
249 recklessly violates the provisions of subsection (a) of this section shall
250 be fined not more than one thousand dollars or imprisoned not more
251 than six months, or both, if such dog, while roaming at large, causes
252 physical injury to another person and such other person was not
253 teasing, tormenting or abusing such dog.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2023</i>	New section
Sec. 2	<i>October 1, 2023</i>	22-357
Sec. 3	<i>October 1, 2023</i>	22-364b
Sec. 4	<i>October 1, 2023</i>	22-355
Sec. 5	<i>October 1, 2023</i>	22-333
Sec. 6	<i>October 1, 2023</i>	22-364

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Joint Favorable Subst. C/R

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