

**Proposed Substitute
Bill No. 6635**

January Session, 2023

LCO No. 5818

**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 homeowners
3 or tenants insurance policy in this state on or after October 1, 2023, shall
4 charge an increased premium for such policy or cancel, refuse to renew
5 or refuse to issue such policy solely on the basis of the breed of dog or
6 mixture of breed of dog owned or harbored by the insured or applicant.

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

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

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 Section 22-357 of the general statutes is repealed and the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

20 (a) As used in this section:

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

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

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

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

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

50 (2) If a minor, on whose behalf an action under this section is brought,
51 was under seven years of age at the time such damage was done, it shall

52 be presumed that such minor was not committing a trespass or other
53 tort, or teasing, tormenting or abusing such dog, and the burden of proof
54 thereof shall be upon the defendant in such action.

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

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

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

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

78 The owner or keeper of a dog shall restrain and control such dog on
79 a leash when such dog is not on the property of its owner or keeper and
80 is in proximity to a blind, deaf or mobility impaired person
81 accompanied by his guide dog, provided the guide dog is in the direct
82 custody of such blind, deaf or mobility impaired person, is wearing a

83 harness or an orange-colored leash and collar which makes it readily-
84 identifiable as a guide dog and is licensed in accordance with section 22-
85 345. Any person who violates the provisions of this section shall have
86 committed an infraction. [If] Notwithstanding section 22-357, as
87 amended by this act, if an owner or keeper of a dog violates the
88 provisions of this section and, as a result of such violation, such dog
89 attacks and injures the guide dog, such owner or keeper shall be strictly
90 liable [, as provided in section 22-357,] for any damage done to such
91 guide dog, and such liability shall include liability for any costs incurred
92 by such blind, deaf or mobility-impaired person for the veterinary care,
93 rehabilitation or replacement of the injured guide dog and for
94 reasonable attorney's fees.

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

97 (a) When any person sustains damage by dogs to such person's sheep,
98 goats, horses, hogs, cattle, poultry or domestic rabbits kept in enclosures
99 as described in subsection [(f)] (b) of this section, such person [shall
100 report such damage to the chief administrative officer of the town in
101 which such damage was sustained, or the chief administrative officer's
102 agent, or, if such damage was sustained on land located in two or more
103 towns, such person shall report such damage to such authority of either
104 of such towns. Upon receiving such report, the authority, with the
105 person claiming to have sustained such damage, shall estimate the
106 amount of such damage, including expenses of veterinary care, the fair
107 monetary value of the animals or poultry killed, injured or damaged by
108 such dogs and burial expenses for the animals or poultry killed by such
109 dogs. If such authority and the person claiming to have sustained such
110 damage are unable to agree as to the amount thereof, they shall choose
111 some disinterested third person to assist in estimating the damage.
112 Information required by this subsection shall be given within twenty-
113 four hours after the person claiming under this section has or should
114 have had knowledge of the same or, if the intervention of a Sunday or
115 holiday prevents the reporting thereof, on the next succeeding business

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

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

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

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

172 (e) When the selectmen, town manager or other chief executive officer
173 of the town receives notice from any person claiming to have sustained
174 damage by dogs to his sheep, goats, horses, hogs, cattle, poultry or
175 domestic rabbits in excess of one hundred dollars, such authority shall,
176 within twenty-four hours, report the same to the commissioner for
177 investigation and shall call upon the commissioner or his agent to act
178 for the town in appraising the damage as provided in subsections (a),
179 (b), (c) and (d) of this section. The fact that said commissioner or his
180 agent has acted for such authority shall not bar an action for the recovery
181 of the damage as provided in subsection (d) of this section.]

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

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

196 Any dog, cat or other animal captured or impounded under the
197 provisions of this chapter shall be redeemed by the owner or keeper
198 thereof, or the agent of such owner or keeper, upon proper
199 identification, and, if the animal in question is a dog, upon presentation
200 to the municipal animal control officer of a license and tag for such dog,
201 and upon the payment by such owner or keeper or his agent of (1) the
202 redemption fee established by the municipality, which shall not exceed
203 fifteen dollars, and (2) the cost of advertising incurred under the
204 provisions of section 22-332. [; provided no dog, cat or other animal
205 seized for doing damage under the provisions of section 22-355 shall be
206 released except upon written order of the commissioner, the Chief
207 Animal Control Officer or an animal control officer.] When the owner
208 or keeper of any such impounded dog, cat or other animal fails to
209 redeem such dog, cat or other animal within twenty-four hours after
210 receiving notification to do so, or, where the owner was unknown,
211 within twenty-four hours after notification was effected by means of
212 publication in a newspaper, such owner or keeper shall pay, in addition
213 to such redemption fee and the cost of advertising, the amount
214 determined by the municipality to be the full cost of detention and care

215 of such impounded dog, cat or other animal. The owner or keeper of any
216 dog, cat or other animal impounded for the purposes of quarantine, as
217 set forth in sections 22-358 and 22-359, shall pay the amount determined
218 by the municipality to be the full cost of detention and care of such
219 quarantined animal. In addition, any owner or keeper of any such
220 impounded dog, cat or other animal who fails to redeem such dog, cat
221 or other animal within one hundred twenty hours after receiving
222 notification to do so shall have committed an infraction. The legislative
223 body of the municipality shall set any fees imposed by the municipality
224 under this section. Sec. 6. Section 22-364 of the general statutes is
225 repealed and the following is substituted in lieu thereof (*Effective October*
226 *1, 2023*):

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

239 (b) [Any] Notwithstanding section 22-357, as amended by this act,
240 any owner or keeper of any dog who, knowing of the vicious
241 propensities of such dog and having violated the provisions of
242 subsection (a) of this section within the preceding year, intentionally or
243 recklessly violates the provisions of subsection (a) of this section shall
244 be fined not more than one thousand dollars or imprisoned not more
245 than six months, or both, if such dog, while roaming at large, causes
246 physical injury to another person and such other person was not teasing,
247 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