

REVENUE: No revenue impact

FISCAL: No fiscal impact

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<b>Action:</b>	Do Pass as Amended and Be Printed Engrossed
<b>Vote:</b>	9 - 0 - 0
<b>Yeas:</b>	Barker, Bonamici, Cameron, Flores, Komp, Krieger, Read, Whisnant, Macpherson
<b>Nays:</b>	0
<b>Exc.:</b>	0
<b>Prepared By:</b>	Matt Kalmanson, Counsel
<b>Meeting Dates:</b>	2/8, 3/22

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**WHAT THE MEASURE DOES:** Establishes that a dog owner, in a civil action for medical expenses arising from an injury caused by a dog, may not raise as a defense that the owner could not foresee that the dog would cause the injury. Preserves “any other defense that may be available to the owner,” such as that the dog was provoked.

**ISSUES DISCUSSED:**

- The “one-bite” rule in actions relating to dog bites
- Impact of one-bite rule on injured parties
- Nature of, and bill’s potential impact on, insurance coverage of dog-bite injuries
- Laws of other states
- Evidence necessary for punitive damages

**EFFECT OF COMMITTEE AMENDMENT:** Clarifies that a plaintiff need not establish foreseeability in an action arising from an injury caused by a dog. Deletes text limiting bill to actions to recover medical expenses. Clarifies that bill does not change the existing requirements for an award of punitive damages.

**BACKGROUND:** A person who possesses a domestic animal that the person knows or has reason to know is abnormally dangerous is strictly liable for the harm caused by the animal. For all other domestic animals, the owner is liable for harm caused by the animal if the owner is negligent in failing to prevent the harm. The Court of Appeals has ruled that, in this context, negligence is determined by evaluating the owner’s knowledge that the dog might cause the injury incurred by the victim (i.e., whether the injury was foreseeable). HB 2345 provides that a plaintiff need not establish that a dog bite was foreseeable in order to recover damages, while at the same time preserving “any other defense that may be available to the owner,” such as that the dog was provoked. The bill expressly does not alter the law of punitive damages.