

BY: Conference Committee

AMENDMENTS TO SENATE BILL 160
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with “Dog” in line 2 down through “Presumption” in line 3 and substitute “Dog”; in line 4, after “of” insert “establishing that an owner of a dog is liable for damages for a personal injury to or the death of a minor under a certain age caused by a dog except under certain circumstances;”; strike beginning with “providing” in line 7 down through “evidence;” in line 8; and in line 9, after the semicolon insert “defining a certain term;”.

AMENDMENT NO. 2

On page 2, after line 2, insert:

“(A) (1) IN THIS SECTION, “OWNER OF A DOG” INCLUDES:

(I) A CUSTODIAL PARENT OR GUARDIAN OF A MINOR WHO IS AN OWNER OF A DOG; AND

(II) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A PERSON WHO KEEPS OR HARBORS A DOG.

(2) “OWNER OF A DOG” DOES NOT INCLUDE A VETERINARY HOSPITAL, A COMMERCIAL KENNEL, AN ANIMAL SHELTER, A UNIT OF STATE OR LOCAL GOVERNMENT THAT CONDUCTS ANIMAL CONTROL, OR A PET SHOP, OR AN EMPLOYEE, ACTING IN THE COURSE OF EMPLOYMENT, OF A VETERINARY HOSPITAL, A COMMERCIAL KENNEL, AN ANIMAL SHELTER, A UNIT OF STATE OR LOCAL GOVERNMENT THAT CONDUCTS ANIMAL CONTROL, OR A PET SHOP AS TO

(Over)

A DOG BEING TREATED, BOARDED, SHELTERED, CONTROLLED, OR OFFERED FOR ADOPTION OR SALE.

(B) THIS SECTION DOES NOT APPLY TO A DOG BEING USED BY AN EMPLOYEE OF A GOVERNMENTAL UNIT IN MILITARY OR POLICE WORK, IF THE EMPLOYEE WAS COMPLYING WITH A WRITTEN POLICY ADOPTED BY THE GOVERNMENTAL UNIT ON THE NECESSARY AND APPROPRIATE USE OF A DOG IN MILITARY OR POLICE WORK AND THE PERSONAL INJURY OR DEATH OCCURRED AS A RESULT OF:

(1) REASONABLE USE OF FORCE; OR

(2) TRAINING OR A TRAINING EXERCISE IN SUPPORT OF THE DOG'S DUTIES IN MILITARY OR POLICE WORK.

(C) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, AN OWNER OF A DOG IS LIABLE FOR DAMAGES FOR A PERSONAL INJURY TO OR THE DEATH OF A MINOR WHO IS UNDER THE AGE OF 13 YEARS CAUSED BY A DOG, REGARDLESS OF WHETHER THE DOG HAS SHOWN ANY VICIOUS OR DANGEROUS PROPENSITIES OR WHETHER THE OWNER KNEW OR SHOULD HAVE KNOWN OF THE DOG'S VICIOUS OR DANGEROUS PROPENSITIES.

(2) AN OWNER OF A DOG IS NOT LIABLE UNDER THIS SUBSECTION, IF AT THE TIME THE DOG CAUSED THE PERSONAL INJURY OR DEATH:

(I) THE MINOR WAS TRESPASSING ON THE REAL PROPERTY OF THE OWNER OF THE DOG AND CONSPICUOUSLY POSTED ON THE REAL PROPERTY WAS A SIGN OR WARNING STATING "BEWARE OF DOG";

(II) THE MINOR WAS COMMITTING A DELINQUENT ACT ON THE REAL PROPERTY OF THE OWNER OF THE DOG THAT WOULD BE A CRIMINAL OFFENSE IF COMMITTED BY AN ADULT;

(III) THE MINOR WAS COMMITTING A DELINQUENT ACT AGAINST THE OWNER OF THE DOG THAT WOULD BE A CRIMINAL OFFENSE IF COMMITTED BY AN ADULT; OR

(IV) THE DOG WAS IN THE TEMPORARY CUSTODY OR CONTROL OF A VETERINARY HOSPITAL OR COMMERCIAL KENNEL.”.

AMENDMENT NO. 3

On page 2, in lines 3, 13, and 23, strike “(A)”, “(B)”, and “(C)”, respectively, and substitute “(D)”, “(E)”, and “(F)”, respectively; in line 3, after “(1)” insert “THIS SUBSECTION APPLIES TO:

(I) AN INDIVIDUAL AT LEAST 13 YEARS OLD; AND

(II) AN INDIVIDUAL UNDER THE AGE OF 13 IF THE OWNER OF A DOG IS NOT LIABLE UNDER SUBSECTION (C) OF THIS SECTION.

(2)”;

in line 8, strike “(2)” and substitute “(3)”;

and strike in their entirety lines 10 through 12, inclusive.

AMENDMENT NO. 4

On page 2, in line 21, after “PROPERTY” insert “OTHER THAN THE OWNER OF THE DOG”.