

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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SENATE BILL 994

Short Title: Dangerous Dog Liability.

(Public)

Sponsors: Senators Odom; Carpenter, Conder, Guy, Plyler, Richardson, Sherron, Smith, and Walker.

Referred to: Judiciary I.

April 24, 1989

A BILL TO BE ENTITLED

AN ACT TO REQUIRE THE OWNER OF A DANGEROUS DOG OR POTENTIALLY DANGEROUS DOG TO TAKE PRECAUTIONS AGAINST ATTACKS BY SUCH DOGS, TO IMPOSE CRIMINAL PENALTIES AND CIVIL LIABILITY UPON THE OWNER OF A DANGEROUS DOG WHICH ATTACKS AND CAUSES SERIOUS BODILY INJURY TO A PERSON, TO REQUIRE THE OWNER OF A DANGEROUS DOG OR POTENTIALLY DANGEROUS DOG TO MAINTAIN A LIABILITY POLICY TO PROVIDE AGAINST SUCH ATTACKS, AND TO TAX THE OWNERSHIP OF A DANGEROUS DOG.

The General Assembly of North Carolina enacts:

Section 1. Chapter 67 of the General Statutes is amended by adding a new Article to read:

“ARTICLE 1.1.
"DANGEROUS DOGS.

"§ 67-4.1. Definitions.

(a) As used in this Article, unless the context clearly requires otherwise and except as modified in subsection (b), the term:

(1) 'Dangerous dog' means

a. A dog that:

1. Without provocation has killed or inflicted severe injury on a person; or

2. Is determined by the county or municipal authority responsible for animal control to be potentially

- 1 (1) The authority that made the determination under this Article, stating
2 the name and address of the new owner of the dog; and
3 (2) The person taking possession of the dog, specifying the dog's
4 dangerous behavior and the authority's determination.

5 (c) Violation of this section is a misdemeanor punishable by a fine not to exceed
6 one hundred dollars (\$100.00).

7 "**§ 67-4.3. Penalty for attacks by dangerous dogs or potentially dangerous dogs.**

8 The owner of a dangerous dog that attacks a person and causes physical injuries
9 requiring medical treatment in excess of one hundred dollars (\$100.00) shall be guilty of
10 a misdemeanor punishable by a fine of up to five thousand dollars (\$5,000),
11 imprisonment up to two years, or both.

12 "**§ 67-4.4. Strict liability.**

13 The owner of a dangerous dog or a potentially dangerous dog shall be strictly liable
14 in civil damages for any injuries the dog inflicts upon a person or another animal.

15 "**§ 67-4.5. Owner must be insured.**

16 The owner of a dangerous dog or a potentially dangerous dog shall present to an
17 animal control officer evidence of a policy of insurance in the amount of at least one
18 hundred thousand dollars (\$100,000) issued by an insurer authorized to do business in
19 this State insuring the owner of the dangerous dog or potentially dangerous dog against
20 liability for any personal injuries inflicted by the dog. Violation of this section shall be
21 a misdemeanor punishable by a fine not to exceed one hundred dollars (\$100.00)."

22 Sec. 2. Article 2 of Chapter 105 of the General Statutes is amended by
23 adding a new section to read:

24 "**§ 105-102.5. Dangerous dogs.**

25 There is imposed upon every owner of a dangerous dog, as defined in G.S. 67-4.1,
26 an annual privilege tax of one hundred dollars (\$100.00) per dog. This tax shall be
27 collected by the county in which the dog is located. The county shall deposit one-half
28 of the net proceeds of the tax in the county's general fund and shall deposit the
29 remaining net proceeds of the tax with the State Treasurer for the General Fund. As
30 used in this section, the term 'net proceeds' means gross proceeds less the cost to the
31 county of collecting and administering the tax."

32 Sec. 3. This act shall become effective October 1, 1989.