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
1 2 3 4 5 6 7 8 9 10 11	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
12 13	Article to read: "ARTICLE 1.1.
14	"DANGEROUS DOGS.
15	" <u>§ 67-4.1. Definitions.</u>
16 17	(a) As used in this Article, unless the context clearly requires otherwise and except as modified in subsection (b), the term:
18	(1) 'Dangerous dog' means
19	a. A dog that:
20	1. Without provocation has killed or inflicted severe injury
21	on a person; or
22	<u>2.</u> <u>Is determined by the county or municipal authority</u>
23	responsible for animal control to be potentially

1	dangerous and, after this determination, engages in one
2	or more of the behaviors listed in subdivision (3) of this
3	subsection.
4	b. A pit bulldog or a dog that has a fifty percent (50%) or more pit
5	<u>bulldog bloodline.</u>
6	(2) 'Owner' means any person or legal entity that has a possessory
7	property right in the dog.
8	(3) 'Potentially dangerous dog' means a dog that the county or municipal
9	authority responsible for animal control has determined to have:
10	a. <u>Inflicted a bite on a person either upon public or private real</u>
11	property;
12	b. <u>Killed or inflicted severe injury upon a domestic animal when</u>
13	not on the owner's real property; or
14	c. Approached a person when not on the owner's property in a
15	vicious or terrorizing manner in an apparent attitude of attack.
16	The authority making the determination must notify the owner in
17	writing, giving the reasons for its determination, before the dog may be
18	considered potentially dangerous under this Article.
19	(4) 'Owner's real property' means any real property owned or
20	leased by the owner of the dog, but does not include any public
21	right-of-way or a common area of a condominium, apartment
22	complex, or townhouse development.
23	(5) 'Severe injury' means any physical injury that results in broken bones
24	or disfiguring lacerations requiring multiple sutures or cosmetic
25	surgery.
26	(b) The provisions of this Article do not apply to a dog being used by a law
27	enforcement officer to carry out the law enforcement officer's official duties. Except as
28	provided in (a)(1)b., a dog shall not be considered a dangerous dog or potentially
29	dangerous dog under this Article if the injury inflicted by the dog was sustained by a
30	person who, at the time of the injury, was committing a willful trespass or other tort,
31	was tormenting, abusing, or assaulting the dog, had been observed or reported to have
32	tormented, abused, or assaulted the dog, or was committing or attempting to commit a
33	<u>crime.</u>
34	"§ 67-4.2. Precautions against attacks by dangerous or potentially dangerous dogs.
35	(a) It is unlawful for an owner to:
36	(1) Leave a dangerous dog unattended on the owner's real property unless
37	the dog is confined indoors, in a securely enclosed and locked pen, or
38	in another structure designed to restrain the dog;
39	(2) Permit a dangerous dog to go beyond the owner's real property unless
40	the dog is leashed and muzzled or is otherwise securely restrained and
41	muzzled.
42	(b) If the owner of a dangerous dog or a potentially dangerous dog transfers
43	ownership or possession of the dog to another person, the owner shall provide written
44	notice to:

- 1 (1) The authority that made the determination under this Article, stating the name and address of the new owner of the dog; and
 - (2) The person taking possession of the dog, specifying the dog's dangerous behavior and the authority's determination.
 - (c) Violation of this section is a misdemeanor punishable by a fine not to exceed one hundred dollars (\$100.00).

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

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

"§ 67-4.4. Strict liability.

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

"§ 67-4.5. Owner must be insured.

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

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

"§ 105-102.5. Dangerous dogs.

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

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