

Dog Bite Liability

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DOG BITES OR DOG-RELATED costs were responsible for more than one-third of all homeowners liability dollars paid out in claims, or over \$530,000,000. (www.iii.org) According to the American Pet Products Association, there are more than 56 million households with over 83 million dogs in the United States. Helping clients understand the risks and responsibilities of pet ownership is another value-added service of the professional insurance agent.

Homeowners insurance historically has covered liability for dog bites. In recent years, the increasing number of incidents has prompted many insurers to attempt to exclude certain breeds of dogs, or dogs that are known to be dangerous. In some cases, homeowners have been unable to purchase coverage, or had their policies cancelled due to the presence of a certain breed of dog. While some dog owners may feel that these measures are unfair, the statistics do bear that out.

The Centers for Disease Control advises that one in five bites per year, or approximately 885,000, are serious enough to require medical attention. In 2012, more than 27,000 people had reconstructive plastic surgery as a result of dog bites. The average cost in 2014 was over \$32,000 per claim. There were 37 dog-related deaths in 2012. While New York had only the third highest number of claims at 965, it registered the highest average cost per claim in the country: a startling \$56,628. California led the United States with 1,867 claims and Ohio was second with 1,009. The actual number of claims has decreased over the years, but the cost per claim has increased over 67% since 2003. (www.iii.org)

Breed banning is not just an insurance issue. Over 700 cities have passed laws banning certain dog breeds since the

1980s, when fighting dogs (usually pit bulls) became more popular as pets. Forty countries have dangerous dog breed laws.

Historically, according to dogsbite.org, pit bulls have been involved in the vast majority of attacks. In the 10-year period from 2005 to 2014, pit bulls killed 203 Ameri-

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cans and accounted for 62% of the total recorded deaths (326). Combined, pit bulls and rottweilers accounted for 74% of these deaths. A 2010 study showed that during the period from 2006-2008, 18% of fatal dog attacks occurred off the owner's property. In 2013, for example, over one-third of the victims of fatal dog attacks were living or staying with the dog's owner at the time of the attack. (www.dogsbite.org)

The person who owns or harbors a dangerous dog is responsible for medical bills. In addition, they may be subject to a fine, or punitive damages, especially if the dog has attacked before. The victim's lost income and pain and suffering are also compensable.

With respects to dog bite liability, New York is a "mixed state." (<http://dogbitelaw.com/>)

A limited degree of strict liability is coupled with the one bite rule. Strict liability holds the owner or "harborer" of the animal liable for medical and/or veterinary costs, if the animal was previously determined to be dangerous. For other damages, New York requires that the victim prove the dog had dangerous tendencies and that the owner knew it. New Jersey is another state that is considering stricter leash and fence laws in an effort to further control large breeds and prevent attacks.

Pet owners sometimes will state that their dog has never hurt anyone. Unfortunately, in more than two-thirds of dog bite cases, the attack was the first known aggressive behavior of the dog. Family or friends' pets are responsible for the majority of dog bites.

If a dog owner is uninsured for the dog bite liability, society as a whole ends up paying for the medical bills and other expenses of the victims. Man's best friend should not be a liability. Helping clients understand the potential risks, and how to reduce their exposure, is another sign of the true insurance professional.

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