

SB 2049

RELATING DOG OWNER LIABILITY

Provides that the owner of an attacking dog shall be liable for injuries caused by the dog on public property. Requires the owner of an attacking dog to be liable for injuries or destruction of certain animals. Exempts owners of certain animals that cause injuries or destruction of property while defending themselves against an attack by another dog.

PSM, JDL



AMERICAN
KENNEL CLUB®

February 5, 2014

The Honorable Will Espero, Chairman
Members of the Senate Committee on Public Safety,
Intergovernmental and Military Affairs

Dear Senator Espero and Committee Members,

On behalf of responsible dog owners in your state, the American Kennel Club writes to respectfully request an amendment to S.B. 2049. We request that the bill be amended to include the capitalized text as indicated below:

"(a) If any dog, while on public property or private property without the consent of the owner of that property, [injures or destroys] WITHOUT PROVOCATION attacks any sheep, cattle, goat, hog, fowl, dog, or cat, causing an injury or damage to other property belonging to any person other than the owner of the attacking dog, the owner of the attacking dog shall be liable in damages to the person injured for the value of the property so injured or destroyed. The owner of the attacking dog shall confine or destroy the dog, and if the owner of the attacking dog neglects or refuses to do so, the owner of the attacking dog, in the event of any further damage being done to the person or property of any person by the attacking dog, in addition to paying the person injured for the damage, shall pay the costs of the trial together with the penalty imposed under section 142-12, and it shall be lawful for any other person to destroy the attacking dog. This subsection shall not apply to the owner of any sheep, cattle, goat, hog, fowl, dog, or cat that caused injuries or destruction of property while defending itself against an attack by another dog ANIMAL."

This amendment would provide protection to the owner of a dog that caused injury or damage in response to provocation or that caused injuries or destruction of property while defending itself against an attack by another animal.

It would also prevent the unjust destruction of a dog that defended itself against attack by another animal or that reacted to provocation by a human or other animal.

Thank you for your kind attention to this matter.

Sincerely,

Sheila Goffe
Director of Government Relations

CC: Senator Les Ihara, Jr.



PACIFIC PET ALLIANCE

February 5, 2014

Testimony in Support, with reservations, of SB 2049

Sen. Espero and members of the Senate Committee on Public Safety,
Intergovernmental and Military Affairs:

The Pacific Pet Alliance is a Hawai'i non-profit organization that promotes responsible pet ownership through education and advocacy.

We would encourage all dog owners to be responsible by engaging their dogs in obedience training. Numerous studies have shown that this is the single most effective way to help the public retain and maintain dogs as companion animals. A dog that is well-trained is a joy to be with, and is less likely to be returned to a breeder or shelter.

The Pacific Pet Alliance supports the premise that dog owners should be responsible for their dogs' conduct. However, we respectfully ask this Honorable Committee to consider clarification of the definition of the term "attacking dog." Dog behavior is complex, and communication between dogs is often misunderstood by humans. It may be inappropriate to classify an apparently aggressive interaction between dogs that does not result in actual physical injury as an "attack."

Respectfully submitted,
PACIFIC PET ALLIANCE

Lynn Muramaru, President

January 30, 2014

Re: SB2049 Dog Liability

Aloha, my name is Laurel Grimes and I am a paralegal student at Kapiolani Community College and a legal assistant at the law firm Clay Chapman Iwamura Pulice & Nervell. In my Law 101 class last year, the teacher asked us for suggestions for bills to introduce to the legislature, and this SB2049 was mine, based on life experience. Let me tell you the story and why this is an important issue to me.

On March 16, 2011 I took my dog Ipo for a walk around the neighborhood at 4:30pm. Ipo was a small 10lb Yorkshire terrier. As we walked along the west side of Palolo Valley near the Laundromat, we passed a house with a tall chain link fence. We were on the sidewalk heading north when a large 130lb male Rottweiler ran up and in an instant put his head through a gap in the fence and pulled Ipo, leash and all, into the yard beyond my reach. The fence was locked and too high to climb, so I screamed for help while the Rottweiler viciously mauled my dog for 2 minutes without anyone in the house coming outside. I heard Ipo screaming in pain as the Rottweiler shook and mauled him. A girl (who later said she had been "on the throne" which is why it took her some time to come outside) came out of the house and turned on the hose, but the Rottweiler refused to drop Ipo. After another minute a man came out of the house (who later told me he had been in the shower) and went after his dog with a baseball bat. The Rottweiler ran away from him into the backyard, and I couldn't see how the man was able to get Ipo away from him. The girl brought me my dog, covered in blood and saliva and wet from the hose, and a neighbor who had heard me screaming gave me a ride to our vet in Manoa. Ipo survived the night but died the next day in surgery as they were sewing up his bleeding internal injuries including a shredded diaphragm. He went into cardiac arrest and couldn't be revived.

I went over to the man's house that evening to discuss it, and he told me he was sorry about the attack but would not help with the substantial medical

bills. I was unemployed at the time, and interning at a law firm downtown, and they offered to take the case pro bono, which was very fortunate, as we had to borrow money to pay the vet and certainly could not afford a lawyer. I assisted the attorney in negotiations with the man's homeowner's insurance, and after about 8 months, we settled the case, and the insurance settlement covered the cost of the medical expenses, but not pain and suffering or anything else.

I think this bill is important because, although I was lucky enough to get free representation, most people in my situation would just be out of luck, given the current status of this issue. We need to have a bill to hold people accountable for their animals on public property – if their dog attacks a dog or cat on public property, they should be held responsible for any damages. Holding people accountable for their pets' actions is the only way to discourage negligence in the first place. I urge you to support this bill for all the other Ipos out there. Together we can make the Hawaiian community safer for everyone.

Thank you for considering my testimony.

Laurel Grimes

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