



New York State Conservation Council Inc.
8 East Main Street, Ilion, New York 13357-1899

MEMORANDUM IN OPPOSITION

Bill # **S 731** Ortt No same as

Title: **Relates to liability for owners of dogs for injuries caused by such dog; provides liability for any injuries caused by a dog without any prior determination of propensity or dangerousness.**

The objective of this bill this bill is to remove the requirement that a dog be determined to be a "dangerous dog" prior to determining liability for injuries and damages. The owner of a dog shall be liable for all injuries and damages suffered by any person who is bitten by the dog regardless of the prior behavior or provocation.

Justification:

The NYSCC is opposed to this legislation. Under current law, the petitioner is required to establish that the dog is, in fact, a dangerous dog through "clear and convincing evidence." Under the proposed changes, all dogs would be deemed dangerous, regardless of circumstances.

The effect of the proposed changes would be to make dog owners liable for all injuries and damages inflicted by the dog barring outright assault on the dog or its owner. Under this proposal, the owner would be liable irrespective of having taken preventative steps or of actions taken by the victim. An accidental bite inflicted by a friendly dog engaged in play could become the basis for litigation.

This proposal is much too open ended. The sponsor offers no compelling argument as to the need for this legislation. Its only function appears to be easing the path to the courthouse.

Contact:

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