

Dog Bites and Dog Attack Statutes

In California, for a dog owner to be liable for the damages suffered by a person bitten by the owner's dog, there is no requirement that the owner had knowledge of the dangerous propensities of his or her dog, or any requirement of knowledge of any previous bite by the dog.

If you've been injured by a dog bite, visit our law firm website at <http://www.SebastianGibsonLaw.com> for more information and call us at any of the numbers easily found on our website.

Under California Civil Code Section 3342, the owner of the dog who bites another person, is liable regardless of the former viciousness of the dog or the owner's knowledge of such viciousness. Under this statute, the owner is said to be strictly liable or subject to strict liability, whether the dog bites a lawyer or a postal worker.

As strange as it may seem, while California Civil Code Section 3342 in effect repudiates the common law requirement of scienter, or knowledge of viciousness, California maintains the common law cause of action based on scienter or knowledge of a domestic animal's dangerousness. Under this common law cause of action used by attorneys for a dog bite in California, liability is based on the owner's knowledge of the dog's prior behavior rather than on the owner's negligence. The usefulness of this cause of action is to establish liability on someone other than the dog's owner for a dog bite in California.

Dog Bite Negligence and Negligence Per Se

Yet a further way for a dog bite lawyer to establish liability for a California dog bite, is based on the negligence of the person who causes or allows the dog bite or attack to occur. Negligence can be the result of mishandling, allowing a dog to roam the streets unleashed, or improper tying or chaining (note that it is also a misdemeanor under California Penal Code Section 597t to tie an animal in such a manner that will cause the animal to become entangled or injured or which prevents the animal from access to adequate shelter, food and water).

Dog Vaccinations

A dog owner whose dog has not been vaccinated by the age of four months and whose dog bites someone who then must submit to rabies treatment can also be sued by a dog bite attorney in California for violation of the applicable Health and Safety Code Section 1920 and for the cost of and pain and suffering resulting from this treatment.

Dog Propensities For Dog Bites and Causing Injury

Our law firm has even successfully pursued a claim for significant damages when a non-owner allowed a dog with a propensity to jump on others, knocked down a person and caused serious injury to that person.

But the question remains, is there an exception for when a dog bites a lawyer?

Dog Bite and Dog Attack Defenses

There are defenses to dog bite and dog attack liability in California, the most common of which involve the provocation of a dog, the comparative negligence of the dog bite victim and assumption of risk by the victim. Persons who handle dogs as part of their occupation, such as veterinarians, dog groomers and dog handlers are deemed to assume the risk of being bitten while the dog that bites them is in their custody. On the other hand, a dog owner who fails to warn such a person or who misleads such a person about the vicious propensities of the animal may not be similarly protected by this defense.

So is there a defense a dog can raise if it bites a member of the legal profession?

Dog Bites to Children

A special rule involving minors can negate the defenses allowed to a dog owner such as provocation, comparative negligence or assumption of risk. Minors under the age of five are deemed, as a matter of law, to be incapable of negligent acts. They are therefore incapable either of performing a negligent act toward a dog, or of acting with reasonable care toward a dog.

Dog Bite Defenses

The answer to the question of whether a dog can bite a lawyer and get away with it, is no.

Neither “my dog ate my homework” nor “my dog bit my lawyer” are valid defenses to getting out of school work or avoiding responsibility in California, although children will continue to try to use these excuses without success and dogs will be confused as to why their owners are saying “bad dog, bad dog” to them after they bite someone.

If you’ve been bit by a dog and seriously injured, visit our law firm website at <http://www.SebastianGibsonLaw.com> and call the law offices of Sebastian Gibson today. If you’re an insurance defense lawyer and a dog bit you, you’re on your own. In that case, we take sides with the dog. Just kidding.