

Oregon Dog Bite Attack Laws

Whatever it is that causes a dog to attack and bite someone, it can be a horrifying and life-altering experience, especially if a child is involved. Besides the physical injuries, including scars that can last a lifetime, there can also be emotional and psychological consequences. In Oregon, dog bite laws can be quite complicated, and victims would do well to consult an [experienced and committed Oregon personal injury lawyer](#). The old saying that “there are no bad dogs, only bad owners,” may be true, but getting justice and compensation for a bite victim requires more than wise words.

The existing [Oregon dog bite laws](#) are the same now, bizarrely, as they were on July 4th, 1776, when America retained many of the laws of the day in England. The main focus of the current statutes is what is called the ***One Bite Law***, which states that a dog owner is “*strictly liable for injuries caused by the dog only if the owner knows or has reason to know of the animal’s dangerous propensities.*” In other words, if a dog attacks and bites a child, and there is no previous history of the dog having attacked anyone, and the owner says he had no idea the dog would bite anyone, he is not legally liable for damages. Many states have dropped this statute, but Oregon has kept it on the books, making the job of even an experienced [Oregon injury attorney](#) exceptionally difficult.

As with most laws, there are exceptions to the One Bite Law, but they are limited and tricky. For example, a dog owner is liable for injury caused by the animal biting someone if:

- The animal has trespassed onto someone else’s property
- The owner intentionally causes the dog to attack and bite
- The owner has been negligent in preventing the dog from causing harm

Unfortunately, it is difficult for an Oregon dog bite lawyer to prove that the owner of a dog knew in advance of an attack that the dog was potentially dangerous. This is especially true if the dog is one of a breed not normally considered dangerous, like Labradors, spaniels, beagles, collies and many others. However, even for other breeds, it seems the law, in Oregon at least, does not expect an owner to know in advance of that first bite if their animal may have a propensity to attack. Even if the owner of the dog has referred to his animal, through signs or verbally, as a guard dog, this is not enough under Oregon law, to prove the owner knew the dog could bite.

The law is more severe with owners of animals that are known to be dangerous. In such cases, even if the owner of the dog has taken reasonable precautions to prevent the animal from attacking someone, they are still liable for damage done by the dog if they knew or had reason to know of the dog’s dangerous propensities.

Unfortunately, even the best [Portland injury lawyer](#) has no specific precedent to use which can show or help prove that a dog owner had enough knowledge in advance of an attack to hold him liable for any injuries caused. Such incidents are by and large dealt with on a case by case basis, and generally left to the jury to decide.

In *Westberry v. Blackwell*, 282 Or 129, 133, 577 P2d 75 (1978), a child was bitten on the hand by a neighbor's dog. He went inside to complain to his mother, and when she tried to walk past the dog to get to her car, she was severely bitten on the leg. An Oregon court allowed the case to go ahead, even with the One Bite Law, because after the child had been bitten on the hand, the owner was expected to have known the dog had the capacity to attack, in spite of the very short period of time that had elapsed between the first and second incidents.

In another case (*Medlyn v. Armstrong*, 49 Or. App. 829), an Oregon dog bite lawyer was able to prove a dog's owners were liable for their otherwise gentle dog biting a child on the face, even though it was the first time the dog had ever bitten anyone. The child went near the dog while the animal was eating, and even though the child didn't provoke the animal or try to take its food, the lawyer was able to call witnesses who testified that the normally placid dog had a tendency to become aggressive when eating. As such, the owners had a duty to know their dog could attack.

Oregon dog bite laws are a minefield, and many think existing laws should be rewritten to hold dog owners more accountable. One thing is absolutely certain, however. If you or someone you know has been attacked by a dog, it will definitely require the services of a competent Oregon dog bite lawyer to see you through that legal minefield.