

Senate Bill 142

By: Senators Anderson of the 24th, Brass of the 28th, Burns of the 23rd, Anavitarte of the 31st, Robertson of the 29th and others

A BILL TO BE ENTITLED  
AN ACT

1 To amend Article 2 of Chapter 8 of Title 4 of the Official Code of Georgia Annotated,  
2 relating to responsible dog ownership, so as to revise the definition of dangerous dog; to  
3 provide for the owner of a dangerous or vicious dog to maintain minimum liability insurance  
4 coverage; to provide for criminal penalties for an owner's failure to maintain minimum  
5 liability insurance coverage for a dangerous or vicious dog; to provide for enhanced  
6 penalties; to amend Chapter 2 of Title 51 of the Official Code of Georgia Annotated, relating  
7 to imputable negligence, so as to provide an additional ground for proving vicious propensity  
8 in tort actions relating to the liability of owners or keepers of vicious or dangerous animals  
9 for injures caused by such animals; to provide for related matters; to repeal conflicting laws;  
10 and for other purposes.

11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

12 **SECTION 1.**

13 Article 2 of Chapter 8 of Title 4 of the Official Code of Georgia Annotated, relating to  
14 responsible dog ownership, is amended by revising Code Section 4-8-21, relating to  
15 definitions, as follows:

16 "4-8-21.

17 (a) As used in this article, the term:

18 (1) 'Classified dog' means any dog that has been classified as either a dangerous dog or  
19 vicious dog pursuant to this article.

20 (2) 'Dangerous dog' means any dog that:

21 (A) Causes a substantial puncture of a person's skin by teeth without causing serious  
22 injury; provided, however, that a nip, scratch, or abrasion shall not be sufficient to  
23 classify a dog as dangerous under this subparagraph;

24 (B) Aggressively attacks in a manner that causes a person to reasonably believe that  
25 the dog posed an imminent threat of serious injury to such person or another person  
26 although no such injury occurs; provided, however, that the acts of barking, growling,  
27 or showing of teeth by a dog shall not be sufficient to classify a dog as dangerous under  
28 this subparagraph; ~~or~~

29 (C) While off the owner's property, kills a pet animal; provided, however, that this  
30 subparagraph shall not apply where the death of such pet animal is caused by a dog that  
31 is working or training as a hunting dog, herding dog, or predator control dog; or

32 (D) Demonstrates a propensity for domination or aggressive behavior as indicated by  
33 any of the following types of conduct:

34 (i) Unprovoked barking, growling, or snarling when people are present;

35 (ii) Aggressively running along fence lines when people are present; or

36 (iii) Escaping confinement or restraint to chase people.

37 (3) 'Local government' means any county or municipality of this state.

38 (4) 'Owner' means any natural person or any legal entity, including, but not limited to,  
39 a corporation, partnership, firm, or trust owning, possessing, harboring, keeping, or  
40 having custody or control of a dog. In the case of a dog owned by a minor, the term  
41 'owner' includes the parents or person in loco parentis with custody of the minor.

42 (5) 'Serious injury' means any physical injury that creates a substantial risk of death;  
43 results in death, broken or dislocated bones, lacerations requiring multiple sutures, or  
44 disfiguring avulsions; requires plastic surgery or admission to a hospital; or results in  
45 protracted impairment of health, including transmission of an infection or contagious  
46 disease, or impairment of the function of any bodily organ.

47 (6) 'Vicious dog' means a dog that inflicts serious injury on a person or causes serious  
48 injury to a person resulting from reasonable attempts to escape from the dog's attack.

49 (b) No dog shall be classified as a dangerous dog or vicious dog for actions that occur  
50 while the dog is being used by a law enforcement or military officer to carry out the law  
51 enforcement or military officer's official duties. No dog shall be classified as a dangerous  
52 dog or a vicious dog if the person injured by such dog was a person who, at the time, was  
53 committing a trespass, was abusing the dog, or was committing or attempting to commit  
54 an offense under Chapter 5 of Title 16."

55

## SECTION 2.

56 Said article is further amended by revising Code Section 4-8-27, relating to certificates of  
57 registration, requirements for issuance of certificate, individuals excluded from receiving  
58 registration, limitation of ownership, and annual renewal, as follows:

59 "4-8-27.

60 (a) It shall be unlawful for an owner to have or possess within this state a classified dog  
61 without a certificate of registration issued in accordance with the provisions of this Code  
62 section. Certificates of registration shall be nontransferable and shall only be issued to a  
63 person 18 years of age or older. No more than one certificate of registration shall be issued  
64 per domicile.

65 (b) Unless otherwise specified by this Code section, a certificate of registration for a  
66 dangerous dog shall be issued if the dog control officer determines that the following  
67 requirements have been met:

68 (1) The owner has maintained an enclosure designed to securely confine the dangerous  
69 dog on the owner's property, indoors, or in a securely locked and enclosed pen, fence, or  
70 structure suitable to prevent the dangerous dog from leaving such property; ~~and~~

71 (2) Clearly visible warning signs have been posted at all entrances to the premises where  
72 the dog resides; and

73 (3) The owner maintains and can provide proof of general or specific liability insurance  
74 in the amount of at least \$500,000.00 issued by an insurer authorized to transact business  
75 in this state insuring the owner of the dangerous dog against liability for any bodily injury  
76 or property damage caused by the dog.

77 (c) Except as provided in subsections (e) and (f) of this Code section, a certificate of  
78 registration for a vicious dog shall be issued if the dog control officer determines that the  
79 following requirements have been met:

80 (1) The owner has maintained an enclosure designed to securely confine the vicious dog  
81 on the owner's property, indoors, or in a securely locked and enclosed pen, fence, or  
82 structure suitable to prevent the vicious dog from leaving such property;

83 (2) Clearly visible warning signs have been posted at all entrances to the premises where  
84 the dog resides;

85 (3) A microchip containing an identification number and capable of being scanned has  
86 been injected under the skin between the shoulder blades of the dog; and

87 (4) The owner maintains and can provide proof of general or specific liability insurance  
88 in the amount of at least ~~\$50,000.00~~ \$500,000.00 issued by an insurer authorized to  
89 transact business in this state insuring the owner of the vicious dog against liability for  
90 any bodily injury or property damage caused by the dog.

91 (d) No certificate of registration shall be issued to any person who has been convicted of  
92 two or more violations of this article.

93 (e) No person shall be the owner of more than one vicious dog.

94 (f) No certificate of registration for a vicious dog shall be issued to any person who has  
95 been convicted of:

96 (1) A serious violent felony as defined in Code Section 17-10-6.1;

97 (2) The felony of dogfighting as provided for in Code Section 16-12-37 or the felony of  
98 aggravated cruelty to animals as provided for in Code Section 16-12-4; or

99 (3) A felony involving trafficking in cocaine, illegal drugs, marijuana,  
100 methamphetamine, or ecstasy as provided for in Code Sections 16-13-31 and 16-13-31.1  
101 from the time of conviction until two years after completion of his or her sentence, nor to  
102 any person residing with such person.

103 (g) Certificates of registration shall be renewed on an annual basis. At the time of renewal  
104 of a certificate of registration for a vicious dog, a dog control officer shall verify that the  
105 owner is continuing to comply with provisions of this article. Failure to renew a certificate  
106 of registration within ten days of the renewal date or initial classification date shall  
107 constitute a violation of this article.

108 (h) Any person who fails to comply with the requirements of paragraph (3) of  
109 subsection (b) or paragraph (4) of subsection (c) of this Code section shall be guilty of a  
110 misdemeanor and, upon conviction thereof, shall be subject to a fine of not more than  
111 \$1,000.00 or imprisonment for not more than 12 months, or both, per violation."

112

### SECTION 3.

113 Said article is further amended by revising Code Section 4-8-32, relating to penalty for  
114 violation, as follows:

115 "4-8-32.

116 (a) Except as otherwise specified in this article, any person who violates any provision of  
117 this article shall be guilty of a misdemeanor.

118 (b) Any person who fails to comply with the provisions of this article, and such failure  
119 results in physical injury to another person, shall be guilty of a misdemeanor of a high and  
120 aggravated nature and, upon conviction, shall pay a fine of not more than \$5,000.00."

121

**SECTION 4.**

122 Chapter 2 of Title 51 of the Official Code of Georgia Annotated, relating to imputable  
123 negligence, is amended by revising Code Section 51-2-7, relating to liability of owner or  
124 keeper of vicious or dangerous animal for injuries caused by animal, as follows:

125 "51-2-7.

126 A person who owns or keeps a vicious or dangerous animal of any kind and who, by  
127 careless management or by allowing the animal to go at liberty, causes injury to another  
128 person who does not provoke the injury by his or her own act may be liable in damages to  
129 the person so injured. In proving vicious propensity, it shall be sufficient to show that the  
130 animal meets the definition of a dangerous dog provided for in Code Section 4-8-21 or was  
131 required to be at heel or on a leash by an ordinance of a city, county, or consolidated  
132 government, and ~~the~~ that said animal was at the time of the occurrence not at heel or on a  
133 leash. The foregoing sentence shall not apply to domesticated fowl including roosters with  
134 spurs. The foregoing sentence shall not apply to domesticated livestock."

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**SECTION 5.**

136 All laws and parts of laws in conflict with this Act are repealed.