

The Senate Committee on Insurance and Labor offered the following substitute to SB 142:

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 provide for related matters; to repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

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

12 "4-8-21.

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

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

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

- 17 (A) Causes a substantial puncture of a person's skin by teeth without causing serious
18 injury; provided, however, that a nip, scratch, or abrasion shall not be sufficient to
19 classify a dog as dangerous under this subparagraph;
- 20 (B) ~~Aggressively attacks~~ Attacks in a manner that causes a reasonable person to
21 reasonably believe that the dog posed an imminent and unjustified threat of serious
22 physical injury to such person or another person although no such injury occurs;
23 provided, however, that the acts of barking, growling, or showing of teeth by a dog
24 shall not be sufficient to classify a dog as dangerous under this subparagraph; ~~or~~
- 25 (C) While off the owner's property, kills a pet animal without justification; provided,
26 however, that this subparagraph shall not apply where the death of such pet animal is
27 caused by a dog that is working or training as a hunting dog, herding dog, or predator
28 control dog; or
- 29 (D) Escapes confinement or restraint to chase people in a manner that causes a
30 reasonable person to believe that the dog posed an imminent and unjustified threat of
31 serious physical injury on two separate occasions within a 12 month period.
- 32 (3) 'Local government' means any county or municipality of this state.
- 33 (4) 'Owner' means any natural person or any legal entity, including, but not limited to,
34 a corporation, partnership, firm, or trust owning, possessing, harboring, keeping, or
35 having custody or control of a dog. In the case of a dog owned by a minor, the term
36 'owner' includes the parents or person in loco parentis with custody of the minor.
- 37 (5) 'Serious injury' means any physical injury that creates a substantial risk of death;
38 results in death, broken or dislocated bones, lacerations requiring multiple sutures, or
39 disfiguring avulsions; requires plastic surgery or admission to a hospital; or results in
40 protracted impairment of health, including transmission of an infection or contagious
41 disease, or impairment of the function of any bodily organ.
- 42 (6) 'Vicious dog' means a dog that inflicts serious injury on a person or causes serious
43 injury to a person resulting from reasonable attempts to escape from the dog's attack.

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

51

SECTION 2.

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

55 "4-8-27.

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

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

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

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

69 (3) The owner maintains and can provide proof of general or specific liability insurance
70 in the amount of at least \$50,000.00 issued by an insurer authorized to transact business
71 in this state insuring the owner of the dangerous dog against liability for any bodily injury
72 or property damage caused by the dog; and

73 (4) The owner provides proof of sterilization of the dog and microchipping of the dog,
74 including the microchip number.

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

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

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

83 (2.1) The dog has been sterilized;

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

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

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

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

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

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

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

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

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

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

111

SECTION 3.

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

114 "4-8-32.

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

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

120

SECTION 4.

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