

Dog Owner's Responsibility

Dogs have the reputation of being “man’s best friend,” but sometimes that just is not the way things work out. A four-year old child hardly has any idea of the capacity of a dog to cause devastating facial scarring when she offers it a lick of an ice cream cone. Unfortunately, as friendly as a dog may seem, it sometimes reacts out of excitement, fear, or pain, and causes injuries that are very unfortunate. Most people are not aware of the fact that there is really no defense to the claims of someone who is bitten by a dog in New Hampshire. There is strict liability under NH RSA 466:19 for any damage to any person or property that is caused by a dog. That liability attaches to the owner or the keeper of the dog. Therefore, it is important to make sure that ownership of a dog includes purchasing appropriate liability insurance that will protect the owner or keeper from such an unexpected loss. Recently, we were involved in a case where the dynamics of the claim were a bit unusual. The owner was in the military service and the keeper was the person with whom the dog was left while the soldier was away. During a walk down the street, the dog was aggressive, and pulled the keeper across the street to “visit” with another smaller dog. The larger dog attacked the smaller dog and then circled the owner of the smaller dog, tangling her in the leash, causing her to fall and break her hip. Who is responsible? Both the owner and the keeper are liable, but sometimes, for insurance purposes, choices have to be made as to who to sue and what the apportionment of liability is as among the liable parties. In that case, both the owner and the keeper’s respective insurance carriers chipped in to pay to resolve the case.

Not all liabilities are from dog “bites”, or direct “contact.” We handled a case that involved a dog that was not restrained in its yard and ran into oncoming bicycles causing the driver of one of the bicycles to take evasive action, causing him to fall from the bike, suffer a broken rib, collapsed lung, back injury, and serious concussion. There are local laws on restraining your pet, but this sort of lack of attention to the safety of the pet and the safety of others is dangerous to both animal and human. Our client successfully made a claim against the owner of the stray dog and luckily recovered from his injuries as well.