

SENATE BILL No. 1260

April 17, 2008, Introduced by Senators GARCIA, GLEASON, ANDERSON and CROPSEY and referred to the Committee on Judiciary.

A bill to amend 1939 PA 73, entitled

"An act providing for the recovery of damages by persons bitten by dogs; and creating a liability of the owners of such dogs,"

by amending the title and section 1 (MCL 287.351), section 1 as amended by 1988 PA 142.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 TITLE

2 An act ~~providing~~ **TO PROVIDE** for the recovery of damages by
3 ~~persons bitten by dogs~~ **CAUSED BY DOG BITES**; and ~~creating~~ **TO CREATE**
4 a liability of the owners of ~~such dogs~~.

5 Sec. 1. (1) If a dog bites a ~~person~~, **AN INDIVIDUAL** without
6 provocation while the ~~person~~ **INDIVIDUAL** is on public property ~~or~~
7 lawfully on private property, including the property of the owner
8 of the dog, the owner of the dog ~~shall be~~ **IS** liable for any damages

1 suffered by the ~~person~~ **INDIVIDUAL** bitten, regardless of the former
2 viciousness of the dog or the owner's knowledge of ~~such~~ **THAT**
3 viciousness.

4 (2) IF A DOG BITES ANOTHER DOG OR COMPANION ANIMAL WITHOUT
5 PROVOCATION WHILE THE OTHER DOG OR COMPANION ANIMAL IS ON PUBLIC
6 PROPERTY OR LAWFULLY ON PRIVATE PROPERTY, INCLUDING THE PROPERTY OF
7 THE OWNER OF THE BITING DOG, THE OWNER OF THE BITING DOG IS LIABLE
8 FOR ANY DAMAGES SUFFERED BY THE OWNER OF THE INJURED DOG OR
9 COMPANION ANIMAL, INCLUDING VETERINARY EXPENSES INCURRED BY THE
10 OWNER, REGARDLESS OF THE FORMER VICIOUSNESS OF THE BITING DOG OR
11 THE OWNER'S KNOWLEDGE OF THAT VICIOUSNESS.

12 (3) ~~(2) A person~~ **AN INDIVIDUAL** is lawfully on the private
13 property of the owner of the dog within the meaning of this act if
14 the ~~person~~ **INDIVIDUAL** is on the owner's property in the performance
15 of ~~any~~ **A** duty imposed ~~upon him or her~~ **ON THE OWNER** by the laws of
16 this state or by the laws or postal regulations of the United
17 States ~~—~~ or if the ~~person~~ **INDIVIDUAL** is on the owner's property as
18 an invitee or licensee of the person lawfully in possession of the
19 property unless ~~said person~~ **THE INDIVIDUAL** has gained lawful entry
20 ~~upon~~ **ON** the premises for the purpose of an unlawful or criminal
21 act.

22 (4) AS USED IN THIS SECTION, "COMPANION ANIMAL" MEANS AN
23 ANIMAL, INCLUDING A DOG, CAT, RABBIT, COMPANION BIRD, OR OTHER
24 NONLIVESTOCK ANIMAL, COMMONLY CONSIDERED TO BE, OR CONSIDERED BY
25 THE OWNER TO BE, A PET.