

# Dog Bites: When Your Pet Attacks, Are You Liable?

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The vast majority of dogs are affectionate members of the family. It comes as a surprise when your pet bites someone. But according to the Center for Disease Control, approximately 4.5 million dog bites occur in the United States each year, and California leads the country in this unfortunate statistic. That has prompted the state to adopt strict dog bite liability statutes. However, not every incident is the pet owner's fault. That's why it's important to contact an experienced dog bite attorney if your dog has been involved in an incident.



## What to Do When a Dog Bites

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Pet owners are placed in a difficult situation when their dog unexpectedly bites someone. You must take steps to secure your pet and get it away from the person. As a caring individual, call for emergency assistance and wait for authorities so that you can give a clear account of the incident. Document the events as best you can with photos and gather any eyewitness contact information. These may help demonstrate that you were not at fault.

## California Dog Bite Defenses

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Although California applies strict liability statutes in dog bite cases, there are defenses an experienced attorney can explore. These may include:

- **Trespassing:** Pet owners are liable if the attack occurred in a public place or the victim was legally on private property. This generally includes guests, delivery people,

workers and others that have a legitimate reason to be on the property. If the person was on private property without explicit or implicit permission, their unlawful behavior might cancel the ability to sue you successfully.

- **Not Actually a Bite:** Bruising, scrapes and other minor injuries are not bites. These injuries may fall under common negligence statutes that are less strict than dog bite law.
- **Assumed Risk:** What a bite recipient does before the incident may absolve you of liability. If they antagonized your pet or harmed it in any way, they may have created the danger. In cases where others took possession or control of the dog, such as groomers, walkers, sitters or kennels, they may have assumed the risk of an incident.
- **The Statute of Limitations:** Parties that claim they have been the victim of a dog bite must file a suit within a certain time period. Minors are normally given a longer period of time under California law.

## Dog Biting Another Dog Law

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Dog on dog attacks will follow the same general principles as other incidents in terms of liability. Owners are expected to maintain control of pets and provide adequate safety measures such as leashes and fencing. Defenses, however, could include provocation by other animals under certain limited circumstances as well as trespassing. Keep in mind, the other dog's owner must exercise due care as well.

It's important for dog owners to understand what happens if your dog bites someone. The legal implications can be significant, and you may face a civil lawsuit.