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Personal Injury Medical Malpractice

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An Owner's Liability for the Acts of its Dog, *con't...*

By John F. Nash

It has been held that a dog's running around and barking is "normal canine behavior" and that such activity does not put the dog's owner on notice that its dog has a vicious disposition or tendencies. But a prior bite that the owner knows about, or was told about, does establish the vicious nature of his or her dog, and the owner will be strictly liable to the next victim who the dog injures. That is not to say that the victim of the first bite can not hold the dog's owner strictly liable for his or her injuries, for where it can be shown prior to the first bite that a dog's owner knew that his or her dog growled, snapped or bared its teeth, or that the owner kept the dog as a guard dog, or that the dog had a tendency to rise up and greet people, such factors may give rise to an inference that the dog's owner had knowledge, or had reason to know, that his or her dog had vicious propensities.

The breed of a dog, standing alone, is insufficient to establish that the dog must naturally have vicious propensities. So where it can be shown that a Pit Bull, or a German Sheppard or a Rottweiler was kept as a family pet and not as a trained guard dog or watch dog, its owner will not be strictly liable if the dog bites someone, or knocks someone down, unless it can also be shown that the owner knew, or had reason to know, that the dog had a vicious disposition or vicious propensity.

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