

ARTICLE

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New Jersey's Dog-Bite Statute: Legal Responsibility Of Ownership



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While owning a dog can be a great experience, man's best friend is responsible for 4.7 million reported dog-bite incidents every year in the United States, with many more going unreported. Alarming, the vast majority of dogs involved in these incidents belong to the victim's friends or family members. What's even scarier is that according to the American Humane Association, of the 800,000 people who seek medical treatment for dog-bite wounds each year, over half are children. With these statistics in mind, it is important to understand that a dog's owner is legally responsible for a dog that bites or attacks another individual.

The Law

According to the law in most states, including New Jersey, dog owners are held strictly liable for the injuries that result when their dog bites someone. Sixteen states, however, currently follow the "one-bite rule" which gives a dog owner a legal free pass the first time a dog bites someone, unless the victim can show the dog's owner was negligent in handling the dog, such as by violating a leash law, or that the owner knew the dog had aggressive tendencies. Several states have also begun adopting breed-specific laws directed at dog breeds that are known to be aggressive such as pit bulls.

Under New Jersey's dog bite statute, a dog owner is responsible for the damage its dog inflicts, even if the dog had never previously shown any type of aggressive behavior or viciousness. To establish liability, the victim of the dog bite must show three things: (1) the defendant was the owner of the dog; (2) the victim was in a public place at the time of the incident or was lawfully in a private place like the dog owner's property; and (3) the dog bit the plaintiff in that place. Essentially, if someone is bitten by a dog, the dog's owner is civilly liable for the injuries as long as the victim was not trespassing at the time of the incident. This liability attaches even if the dog were to bite someone entrusted with the dog's care, such as a pet sitter or dog walker. The statute of limitations on a claim involving a dog bite is two years.

Although the New Jersey dog bite statute imposes strict liability on dog owners, there is an exception for victims that instigate or provoke the dog's aggression. In these instances, the dog's owner is not held liable because the dog may have acted in aggression solely to protect itself from further mistreatment. For example, if an individual is bitten after physically attacking a dog, then that individual cannot sue the dog's owner because the dog was merely acting in self-defense.

Married individuals and their spouses, or domestic partners, can both be held responsible for the actions of their dogs if they share ownership. The parties share liability if (1) both partners considered

the dog to be theirs; (2) the couple shared in the burdens and benefits of the dog ownership; and (3) both individuals hold themselves out to the world to be the dog's owners.

Insurance Coverage

Dog-bite accidents, or in the language of many insurance policies "canine-inflicted injuries," that occur on the dog owner's property are commonly covered by the dog owner's homeowners' insurance policy. Some policies, however, completely exclude dog-related incidents, while others have exceptions for certain dog breeds deemed aggressive like pit bulls or Rottweilers. Additionally, if an incident occurs, the dog owner's premiums may rise or the dog itself may be excluded from future coverage. Besides homeowners' insurance, the accident may also be covered by the individual's renter's insurance, motor home owner's insurance, condominium owner's insurance, landlord's insurance, or even motor vehicle insurance if the accident resulted from the use of a vehicle such as if the dog and the victim were inside the car at the time of the bite. Although the New Jersey statute imposes a two-year statute of limitations, a homeowners' insurance policy may allot a different time restriction on when a claim can be made.

Other Animal Related Accidents

New Jersey's statute does not affect incidents where the victim was attacked by a dog in some manner other than biting. If an individual were to suffer injuries in such a scenario, such as if the dog were to knock a victim over without biting them, the victim can raise a negligence claim against the dog's owner. Additionally, the negligence standard also applies in matters relating to animals other than dogs, such as incidents involving common household pets like cats.

Steps To Take After An Accident

There are several steps a dog-bite victim should take after the incident to preserve their rights and ensure those who are responsible are held accordingly. It is extremely important that the victim contact the police or the local agency responsible for animal control immediately after the incident. This ensures that a proper investigation will take place as to who owns the dog and whether or not it has been properly vaccinated. This will also guarantee that the contact information of potential witnesses is collected. Most importantly, the victim should seek medical attention as soon as possible because even if the wound does not appear to be dangerous, an infection could develop in the future. Medical experts can also properly document the wounds, though the victim may also wish to

photograph the wounds themselves. If you are the victim of a dog bite, you should take immediate steps to protect your rights by contacting a personal injury attorney as soon as possible.