

**HOUSE . . . . . No. 3683**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

***Timothy R. Whelan***

*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

**An Act to promote safe dog ownership.**

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Timothy R. Whelan</i>	<i>1st Barnstable</i>
<i>Brian M. Ashe</i>	<i>2nd Hampden</i>
<i>William L. Crocker, Jr.</i>	<i>2nd Barnstable</i>
<i>David F. DeCoste</i>	<i>5th Plymouth</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>
<i>Carlos Gonzalez</i>	<i>10th Hampden</i>
<i>Mark C. Montigny</i>	<i>Second Bristol and Plymouth</i>
<i>Elizabeth A. Poirier</i>	<i>14th Bristol</i>
<i>Paul Tucker</i>	<i>7th Essex</i>
<i>Chris Walsh</i>	<i>6th Middlesex</i>

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By Mr. Whelan of Brewster, a petition (subject to Joint Rule 12) of Timothy R. Whelan and others relative to penalties for neglectful dog ownership. The Judiciary.

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**The Commonwealth of Massachusetts**

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**In the One Hundred and Ninetieth General Court  
(2017-2018)**  
\_\_\_\_\_

An Act to promote safe dog ownership.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1           Section 155 of Chapter 140 of the General Laws, as appearing in the 2014 Official  
2 Edition, is hereby amended by striking the section in its entirety and inserting in place thereof the  
3 following:

4           If any dog owner negligently permits their dog to cause damage to the property of any  
5 person, including their pet, companion animal, or service animal, or to cause injury to any  
6 person, then the owner or keeper thereof; or if the owner or keeper be a minor, the parent or  
7 guardian of such owner or keeper thereof, shall be punished by a fine of not more than \$2,500.

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9           A conviction or findings of sufficient facts on any charge brought under this section shall  
10 be prima facie evidence of liability in any action brought in connection with the following:

11           a. Any damage to any property, whether privately or publicly owned;

12           b. Any injury, illness, transmission of disease (such as rabies), or death to any person or  
13 animal which is reasonably attributable to or caused by a violation of this section;

14           But no such evidence of civil liability shall be found if such damage shall have been  
15 occasioned to the body or property of a person who, at the time such damage was sustained, was  
16 committing a trespass or other tort, or was teasing, tormenting or abusing such dog. If a minor,  
17 on whose behalf an action under this section is brought, is under seven years of age at the time  
18 the damage was done, there shall be a rebuttable presumption that such minor was not  
19 committing a trespass or other tort, or teasing, tormenting or abusing such dog.