

HOUSE BILL 621

By Gilmore

AN ACT to amend Tennessee Code Annotated, Title 44,
Chapter 8, relative to dangerous and vicious dogs.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 44, Chapter 8, is amended by adding the following as a new part:

44-8-501. As used in this part:

(1)

(A) Except as provided in subdivision (1)(B), "dangerous dog"

means:

(i) Any dog that, without provocation, bites, attacks, or endangers the safety of a human or other animal on public or private property;

(ii) Any dog which because of its physical nature and vicious propensity is capable of causing serious bodily injury, as defined in this section, or death to humans or other animals and would constitute a danger to human life or property; or

(iii) Any dog that behaves in a manner that the owner knows or should reasonably know that the dog is possessed of tendencies to attack humans or other animals;

(B) "Dangerous dog" does not include:

(i) Any police dog that bites, attacks, or endangers the safety of a human when the dog is being used by a law

enforcement officer to carry out the law enforcement officer's official duties;

(ii) Any dog that attacks a human in a pen or other enclosure in which the dog is being kept, if the pen or enclosure is designed to prevent with reasonable certainty the dog from leaving the pen or enclosure on its own; or

(iii) Any dog that bites, attacks, or endangers the safety of a human while a human is committing or attempting to commit a trespass or other criminal offense on the property of the owner of the dog;

(2) "Enclosure" means an area for keeping a dangerous or vicious dog securely confined indoors or in a securely enclosed and locked pen, fence, or structure while outdoors on the owner's property that is suitable to prevent the entry of young children and the escape of the dog. A pen or structure is designed to prevent with reasonable certainty a dog's escape if it has secure sides and a secure top, and, if the dog is enclosed within a fence, all sides of the fence are of sufficient height and the bottom of the fence is constructed or secured in a manner as to prevent the dog's escape either over or under the fence;

(3) "Owner" means any natural person or any legal entity, including, but not limited to, a corporation, partnership, firm, or trust who is vested with legal ownership or title to a dog and regularly keeps, harbors, possesses, or exercises custody or control of the dog within this state;

(4) "Police dog" means a dog that has been trained, and may be used, to assist one (1) or more law enforcement officers in the performance of official duties;

(5) "Serious bodily injury" means bodily injury that involves:

(A) A substantial risk of death;

- (B) Protracted unconsciousness;
- (C) Extreme physical pain;
- (D) Protracted or obvious disfigurement;
- (E) Protracted loss or substantial impairment of a function of a bodily member, organ or mental faculty; or
- (F) A broken bone of a child who is eight (8) years of age or less;

(6)

(A) Except as provided in subdivision (6)(B), "vicious dog" means:

(i) Any dog that, without provocation, attacks a person or other animal on public or private property and causes serious bodily injury, or death to humans or other animals; or

(ii) Any dog that aggressively bites, attacks, or endangers the safety of humans or other animals, without provocation, after the owner has notice or knows that the dog has previously bitten, attacked, or endangered the safety of a human or other animal;

(B) "Vicious dog" does not include any of the following:

(i) Any police dog that causes serious bodily injury, or death to a human when the dog is being used by a law enforcement officer to carry out the law enforcement officer's official duties;

(ii) Any dog that attacks a human or other animal in a pen or other enclosure in which the dog is being kept, if the pen or enclosure is designed to prevent with reasonable certainty the dog from leaving the pen or enclosure on its own; or

(iii) Any dog that causes serious bodily injury, or death to any human while a human is committing or attempting to commit a trespass or other criminal offense on the property of the owner of the dog; and

(7) "Without provocation" means that a dog is not teased, tormented, hit, kicked, or abused by a person with any object or part of a person's body.

44-8-502. Every owner of a dangerous or vicious dog shall have a policy of insurance in the amount of at least twenty-five thousand dollars (\$25,000) issued by an insurer authorized to transact business in this state insuring the owner of the dangerous or vicious dog against liability for any injuries inflicted by the dog. The owner shall within sixty (60) days from the date on which the owner knows or should reasonably know the dog is a dangerous or vicious dog comply with this section.

SECTION 2. This act shall take effect July 1, 2013, the public welfare requiring it.