

## Dog Laws, Part 2 ("Granny, Will Your Dog Bite?")

"The life I touch for good or ill will touch another life, and that in turn another, until who knows where the trembling stops or in what far place my touch will be felt."

-- Frederick Buechner, distinguished author and evangelist

The American Veterinary Medical Association says that 36.1 percent of American households have dogs, with an average of 1.6 dogs. Tennessee has 2.37 million households, which translates to 1.37 million dogs in Tennessee.

Most dogs don't bite – but nationwide, about 800,000 persons a year require medical attention for dog attacks. This Part 2 column is about this serious problem.

### Q. Does Tennessee have a dog bite law?

For years, the answer was no – but now it is yes. A new Tennessee law took effect on July 1, 2007, called the Dianna Acklen Act.

The Act was passed in memory of a beloved Franklin County librarian who was attacked and killed by vicious dogs while she was taking her daily walk. The Act holds dog owners liable for injuries caused by their dogs, with certain exceptions.

### Q. What does the new law say?

The law says each dog owner has a duty, or legal responsibility, to keep his or her dog under reasonable control at all times. The owner also must not allow the dog to run at large. "Running at large" happens when a dog is not controlled by the owner and goes onto another person's property or out onto public roads or property.

When a dog is not under reasonable control, or the dog has been allowed to run at large, then the dog's owner may be legally responsible for any injuries or damages caused by the dog.

### Q. I've heard that "all dogs get one bite." What does that mean?

The old "one bite" rule meant that if a dog had never before bitten a person, then the owner would not be responsible for the first time that the dog bit someone.

The new law, however, takes away this rule and says that a dog owner is liable for injuries or damages when a dog is not under control or is running at large in a public place or at another person's home. There are a few exceptions.

### Q. What exceptions protect a dog owner from liability?

An owner of a dog will not be liable if:

- The dog is a police or military dog, and the person who gets hurt was involved in the conduct that caused the use of the dog;
- The injured person was trespassing upon the private, non-residential property of the dog's owner;
- The dog was protecting the dog's owner from attack by the injured person or the injured person's dog;
- The injury happened while the dog was securely confined in a kennel or crate; or
- The injured person harassed or provoked the dog.

### Q. What happens if a dog attacks someone on its owner's property?

Here's another exception. The new law also says that a dog's owner will not be legally responsible if the dog hurts a person on the owner's residential property, farm, or other noncommercial property – unless the injured person can prove that the dog owner "knew or should have known" about the dog's dangerous tendencies.

**Next week:** Part 3 – Questions about road-side puppy sales.

by Jim Hawkins, Managing Attorney, Gallatin office, Legal Aid Society

**Note:** This column is not intended to take the place of legal advice. All cases are different and need individual attention. Consult with a private attorney of your choice to review the facts and law specific to your case.

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