

JAN 22 2021

A BILL FOR AN ACT

RELATING TO DOG BITES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that dog bites are among
2 the top reasons for emergency room visits, ranking higher than
3 injuries occurring on motorcycles, to pedestrians, and from
4 gunshots. According to a 2018 study, an average of over 4.6
5 million people in the United States each year are admitted into
6 the emergency department as a result of a dog bite. Many dog
7 bite victims are children.

8 The legislature further finds that the current State law
9 only allows a dog bite victim standing in district court if it
10 can be proven to the court that the dog has bitten and injured
11 on a prior separate occasion. However, the legislature notes
12 there is no systematic tracking system for dog bites in Hawai'i
13 and many of the incidences go unreported.

14 Therefore, the purpose of this Act is to allow a person who
15 has been bitten by a dog to bring legal action against the dog's
16 owner without having to prove that the dog has bitten on two
17 separate occasions.



1 SECTION 2. Section 142-75, Hawaii Revised Statutes, is
2 amended to read as follows:

3 **"§142-75 Human bitten by dog; duty of dog owners; action**
4 **against owner.** (a) The owner of any dog that has bitten a
5 human being shall have the duty to take such reasonable steps as
6 are necessary to prevent the recurrence of such incident.

7 (b) Whenever a dog has bitten a human being [~~on at least~~
8 ~~two separate occasions~~] under circumstances for which none of
9 the exceptions specified in section 663-9.1 apply, any person
10 may bring an action against the owner of the dog in the district
11 court of the judicial circuit in which the owner resides, to
12 determine whether conditions of the treatment or confinement of
13 the dog or other circumstances existing at the time of the bite
14 or bites have been changed so as to remove the danger to other
15 persons presented by [~~such~~] the animal. The court, after
16 hearing, may make any order it deems appropriate to prevent the
17 recurrence of such an incident, including but not limited to the
18 removal of the animal from the area or its destruction by its
19 owner. In making its decision, the court may consider:

20 (1) The vicious or dangerous propensities of the animal;



1 (2) The ability of the owner to adequately confine or
2 remove the animal; and

3 (3) The necessity of any destruction of an animal in light
4 of the health, safety, and welfare of the community.

5 This section shall not preclude any existing common law
6 remedies.

7 (c) Each county may enact and enforce ordinances
8 regulating persons who own, harbor, or keep any dog that has
9 bitten, injured, or maimed a person. No ordinance enacted under
10 this subsection shall be held invalid on the ground that it
11 covers any subject or matter embraced within any statute or rule
12 of the State; provided that the ordinance shall not affect the
13 civil liability of a person owning, harboring, or keeping the
14 dog. Upon enactment of an ordinance, whether enacted on,
15 before, or after June 30, 2001, the ordinance shall have full
16 force and effect; provided that the ordinance is consistent with
17 this section."

18 SECTION 3. Statutory material to be repealed is bracketed
19 and stricken. New statutory material is underscored.

20



S.B. NO. 189

1 SECTION 4. This Act shall take effect upon its approval.

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INTRODUCED BY: Kal Alford



S.B. NO. 189

Report Title:

Dog Bites; Duty of Dog Owners; Action Against Owner

Description:

Removes the requirement to prove that the dog has bitten on two separate occasions for dog bite victims to bring legal action against a dog's owner.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

