

ACT 283

H.B. NO. 2826-80

A Bill for an Act Relating to Liability of Dog Owners.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The Legislature finds that there has been an increase in the

number of attacks upon humans by dogs. Present statutes contain provisions which penalize persons whose dogs injure or destroy other animals or property, and which encompass other remedial measures to remove the dog which has caused the injury or damage. However, the statutes are silent as to a remedy short of civil suit when a person is injured by a dog. Because of the harm caused by dogs who attack persons, it is apparent that statutory remedies should be provided for victims of dog bites.

SECTION 2. Part III of Chapter 142, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

“Sec. 142- Human bitten by dog; duty of dog owners; action against owner. (a) The owner of any dog which has bitten a human being shall have the duty to take such reasonable steps as are necessary to prevent the recurrence of such incident.

(b) Whenever a dog has bitten a human being on at least two separate occasions for which none of the exceptions specified in section 663- apply, any person may bring an action against the owner of such dog in the district court of the judicial circuit in which such owner resides, to determine whether conditions of the treatment or confinement of the dog or other circumstances existing at the time of the bites have been changed so as to remove the danger to other persons presented by such animal. The court, after hearing, may make any order it deems appropriate to prevent the recurrence of such an incident, including, but not limited to, the removal of the animal from the area or its destruction by its owner. In making its decision, the court may consider (1) the vicious or dangerous propensities of the animal, (2) the ability of the owner to adequately confine or remove the animal, and (3) the necessity of any destruction of an animal in light of the health, safety and welfare of the community. This section shall not preclude any existing common law remedies.”

SECTION 3. New statutory material is underscored.*

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

(Approved June 16, 1980.)

*The text has been edited pursuant to HRS §23G-16.5, authorizing omission of the brackets, bracketed material, and underscoring.