

Alabama Dog Laws

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More and more, courts are hearing cases involving what has become known as "dog fright." Over the years, the laws that determine the liability of a dog owner for the damages caused by their pets have developed as a result of dog bite cases. Even so, the principles of owner responsibility have generally been consistent. Regardless of the type of injury caused by the dog, most cases seeking to recover damages are based on one common theme: that the owner had knowledge that the dog was vicious or dangerous.

In the same vein, Alabama statutory law and common law theories of liability seem to place a similar responsibility upon a dog owner without regard to the nature of the injury suffered by the third party. For instance, the **Restatement** declares in § 302(b) that a person might be chargeable with negligence if a third party is exposed to unreasonable risk of harm by the foreseeable action of the person's animal. Moreover, the **Restatement** explains in **Comment d** that a reasonable person is required to know the habits and tendencies of animals, and, insofar as that knowledge would lead him to identify as customary or normal a particular action on the part of an animal, he is required to anticipate that act and to prevent such actions. There is nothing to indicate that a dog owner would not be embraced in the term "person" as provided in the **Restatement**, nor

that the animal's act would necessarily have to involve physical contact with the victim.

Whether a dog owner has been held liable for another's injuries caused by his pet's menacing behavior has often depended upon the locale of the incident and the role or status of the injured person under the law. For example, Alabama courts have reached different results when the injured party seeking to hold the dog owner liable was a customer or business invitee upon the premises of the dog owner, especially where the owner apparently had no prior knowledge of his dog's propensity to act in that way. In the cases discovered wherein a social guest or visitor to a dog owner's home was injured when suddenly startled by the owner's lunging canine, courts have ruled that the particular evidence either established the owner's liability for the injuries, or at least raised a jury question to that effect.

Finally, with regard to those relatively more numerous cases in which a pedestrian or traveler upon a public thoroughfare has been injured when scared by an approaching or leaping dog, courts have, on occasion, concluded that the dog owner's liability was established or supported by the evidence, depending in some instances upon whether the owner was found to be remiss in permitting his dog to be in a position to frighten passersby.

To decrease a dog owner's risk of liability, a dog owner should also consider the character of the geographic area where he allows his domestic animals to run at large. Alabama courts take into consideration whether an incident occurred in a congested urban area or a suburban or rural setting in its determination of the duty with which the dog owner should be charged. In the case of an urban locale, there is some indication that a court might hold the dog owner more responsible for restraining his pet in such a way as to prevent it from menacing a passerby.

Evidently, the law places a great deal of importance on dog owners and the circumstances under which they keep their animals. Let us look specifically at what the Alabama state law calls for regarding dog ownership in the following areas: 1) liability for injury to person, 2) misconduct on the part of the owner, and 3) liability for injury to livestock.

LIABILITY FOR INJURY TO PERSONS

Law § 3-6-1: Liability of owner of dog for injuries to person bitten or injured while upon property owned or controlled by owner, etc.

Translation: If a dog bites a person while on the owner's property without provoking the dog, and if the person has a legal right to be there, then the owner is liable for the injury.

Law § 3-6-2: When person deemed lawfully on property of owner of dog.

Translation: The person attacked must be on the property lawfully.

Law § 3-6-3: Mitigation of damages.

Translation: If you own a dog that bites someone who is lawfully on your property, but there was no indication of the dog having these tendencies before, you can plead that you had no knowledge of the dog being vicious. In that case, you would only be liable for the expenses that result from the bite.

Law § 3-6-4: Construction of chapter.

Translation: These laws are not intended to lessen the rights or responsibilities for injuries caused by dog bites.

OWNERSHIP MISCONDUCT

Law § 3-1-3: Liability of owner, etc., permitting vicious or dangerous animal to be at liberty, etc., for injuries caused by same.

Translation: If you own a dog that can be vicious or dangerous and the dog becomes free due to your negligence, or is allowed to be free, the owner is liable for any injuries the dog causes to an innocent third party.

Law § 3-1-5: Permitting dogs to run at large; applicability of provisions of section in counties and certain cities or towns.

Translation: Every dog owner must keep the dog restricted to his or her own property. This does not mean that the dog may never accompany the owner or person in charge off of the property. This is also separate from county laws that require a license tag to be kept on dogs.

Law § 3-1-29: Activities relating to fighting of dogs prohibited; punishment; confiscation; procedures for disposition of animals.

Translation: Dog fighting is a felony. To train a dog to fight or to own a dog for fighting is a felony. It is a felony to cause dogs to fight for amusement or for monetary gain. To be a spectator is also criminal. In the event of a dog fight, the dogs will be confiscated.

Law § 3-1-10: Wanton, malicious, etc., destruction, injury, etc., of animal or article or commodity of value of another—prohibited.

Translation: Any person who maliciously injures or destroys an animal or commodity of another will be fined at least twice the value of the damage to the property, and may be imprisoned for no more than six months.

LIABILITY FOR INJURY TO LIVESTOCK

Law § 3-1-1: Keeping of dog known to kill, etc., stock prohibited; liability of owner for injuries, etc., caused by same; liability for killing of same.

Translation: No one can keep a dog that is capable of killing, maiming, or harming livestock without being aware that the dog can be vicious. If you keep such a dog, you are liable for twice the worth of any livestock that your dog might kill or injure. Also, if your dog behaves in this way and someone kills him, that third party is not liable for the dog's death.

Law § 3-1-2: Liability of owner, etc., for injuries caused by rabid dog.

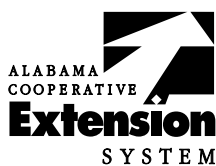
Translation: If you know that a dog you own or are in charge of has been bitten and infected with rabies, then if your dog bites any person or livestock, you are liable for up to twice the amount in damages it causes, including medical treatment.

Law § 3-1-4: Permitting dog or hog known to kill, etc., sheep, domestic fowl, etc., to run at large.

Translation: If you own a dog that is capable of killing or known to be dangerous to livestock, and you let them run free, then you will be fined at least \$5.00 but no more than \$50.00.

Law § 3-1-6: Liability of owner, etc., for injuries to livestock, etc., caused by dog while off premises of owner, etc.

Translation: If you own a dog that kills or injures any livestock while off your premises, you are liable for the damages and the full cost of the damages.



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