

Colorado Legislative Council Staff
**STATE and LOCAL
 FISCAL IMPACT**

Drafting Number: LLS 04-0646
Prime Sponsor(s): Rep. Stafford
 Sen. Hillman

Date: February 3, 2004
Bill Status: House Agriculture
Fiscal Analyst: Steve Tammeus (303-866-2756)

TITLE: CONCERNING LIABILITY REGARDING THE BEHAVIOR OF DOGS.

Fiscal Impact Summary	FY 2004/2005	FY 2005/2006
State Revenues General Fund		
State Expenditures General Fund	Potential cost increase	
FTE Position Change	0.0 FTE	0.0 FTE
Other State Impact: None		
Effective Date: July 1, 2004		
Appropriation Summary for FY 2004/2005: None		
Local Government Impact: Requires local governments to amend any law that regulates dangerous dogs specific to breed.		

Summary of Legislation

This bill creates new statutes governing civil actions against dog owners. The bill specifies that a person, or a personal representative of a person, who suffers bodily injury or death from being bitten by a dog as a result of the negligence of the dog owner shall be entitled to bring a civil action to recover damages against the dog owner regardless of the viciousness or dangerous propensities of the dog or the dog owner's knowledge or lack of knowledge of the dog's viciousness or dangerous propensities.

The bill imposes strict liability on cases in which the dog owner had knowledge of the dog's viciousness or dangerous propensities, and permits a court to enter a euthanasia order in strict liability cases. The bill specifies certain circumstances by which the dog owner may be exempt from liability.

The bill establishes an affirmative defense to a criminal charge brought under the statutes governing cruelty to animals involving injury or death to a dog that the dog was worrying livestock and was on the property where the livestock were being kept at the time of the dog's injury or death. The bill prohibits a municipality or county from adopting a rule, law, or resolution for the control of dangerous dogs that is specific to breed.

State Expenditures

Judicial Branch. This bill adds a new section to statutes regarding civil actions against dog owners. Under current law, a dog may bite a person or animal once before being defined as a "dangerous dog", and an owner can claim to not know the dog was dangerous at the first occurrence. This bill creates a civil cause of action that does not allow for "one free bite", nor the owner's lack of knowledge as a defense. Additionally, if proven that the owner had previous knowledge, the owner will be held strictly liable, and the court may order the dog to be euthanized at the expense of the dog owner.

These changes, in addition to increased public awareness of the proposed law, is anticipated to increase the number of civil filings in district courts. The number, and any associated costs, of those filings has not been estimated. However, based upon caseload standards, the Judicial Branch will incur General Fund costs of \$16,718 and 0.2 FTE (magistrate and staff) for every 50 additional cases filed starting in FY 2004-05. The Judicial Branch will prepare a decision item or supplemental appropriation request in the event additional appropriations are required.

Local Government Impact

This bill will require any county or municipality to amend any existing rule, law, or resolution that regulates dangerous dogs in a manner specific to breed.

State Appropriations

No new state appropriations will be required for FY 2004-05.

Departments Contacted

Judicial

Local Affairs