

Dog Bite Liability

THE TOPIC

APRIL 2017

Almost 90 million dogs are owned as pets in the United States according to a 2017-2018 survey by the American Pet Products Association.

According to the [Centers for Disease Control and Prevention](#) [1], about 4.5 million people are bitten by dogs each year. Among children, the rate of dog-bite-related injuries is highest for those 5 to 9 years old. Over half of dog-bite injuries occur at home with dogs that are familiar to us.

Some insurance companies will not insure homeowners who own certain breeds of dogs categorized as dangerous, such as pit bulls. Others decide on a case-by-case basis, depending on whether an individual dog, regardless of its breed has been deemed vicious.

RECENT DEVELOPMENTS

- **Claims:** Dog bites and other dog-related injuries generally account for more than one-third of all homeowners insurance liability claim dollars paid out in 2016, costing more than \$600 million, according to the Insurance Information Institute (I.I.I.) and State Farm®. An analysis of homeowners insurance data by the I.I.I. found that the number of dog bite claims nationwide increased to 18,123 in 2016 compared to 15,352 in 2015 --? an 18 percent increase. The average cost per claim for the year, however, decreased by more than 10 percent. The average cost paid out for dog bite claims nationwide was \$33,230 in 2016, compared with \$37,214 in 2015 and \$32,072 in 2014. The decrease in 2016 average cost per claim may be a result of a decrease in severity of injuries. However, the average cost per claim nationally has risen more than 70 percent from 2003 to 2016, due to increased medical costs as well as the size of settlements, judgments and jury awards given to plaintiffs, which are trending upwards.
- California continued to have the largest number of claims in the United States, at 1,934 in 2016, an increase from 1,684 in 2015. California also had the highest average cost per claim at \$76 million. The state with the second highest number of claims was Florida at 1,325. But the state with the highest average cost per claim was New York, with \$55,671. The trend in higher costs per claim is attributable not only to dog bites but also to dogs knocking down children, cyclists, the elderly, etc., which can result in injuries that impact the potential severity of the losses.

Estimated Number and Cost of Dog Bite Liability Claims (And Other Dog-Related Injuries*), 2003-2016

Year	Total Claims Paid Out (\$ millions)	Number of Claims	Average Cost Per Claim
2003	\$324.2	16,919	\$19,162
2005	321.1	14,295	22,464
2006	322.4	14,661	21,987
2007	356.2	14,531	24,511
2008	387.0	15,823	24,461
2009	412.0	16,586	24,840
2010	412.6	15,770	26,166
2011	490.8	16,695	29,396
2012	489.7	16,459	29,752
2013	483.7	17,359	27,862
2014	530.8	16,550	32,072
2015	571.3	15,352	37,214
2016	602.2	18,123	33,230
% change, 2015-2016	5.4%	18.0%	-10.7%
% change, 2003-2016	85.8%	7.10%	73.4%

*Losses also include dog-related injuries that have impacted claims such as fractures or other blunt force trauma injuries.

Source: Insurance Information Institute, State Farm®.

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Estimated Number and Cost of Dog Bite Liability Claims (And Other Dog-Related Injuries*), State Results, 2016

Rank	State	Number of claims	Average cost per claim	Total Claims Paid Out (\$)
1	CA	1,934	\$39,452	
2	FL	1,325	37,339	
3	NY	1,042	55,671	
4	PA	988	24,949	
5	TX	924	21,760	
6	IL	910	42,837	
7	OH	850	34,265	
8	MI	782	27,877	
9	NJ	537	53,685	
10	GA	462	29,351	
	Top 10	9,754	36,994	
	Other	8,369	30,066	
	Total United States	18,123	\$33,795	

*Losses also include dog-related injuries that have impacted claims such as fractures or other blunt force trauma injuries.

Source: Insurance Information Institute, State Farm®.

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NUMBER OF U.S. HOUSEHOLDS THAT OWN A PET, BY TYPE OF ANIMAL

(millions)

Pet	Number
Dog	60.2
Cat	47.1
Freshwater fish	12.5
Bird	7.9
Small animal	6.7
Reptile	4.7
Horse	2.6
Saltwater fish	2.5

Source: American Pet Products Association's 2017-2018 National Pet Owners Survey.

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TOTAL NUMBER OF PETS OWNED IN THE UNITED STATES, BY TYPE OF ANIMAL

(millions)

Pet	Number
Freshwater fish	139.3
Cat	94.2
Dog	89.7
Bird	20.3
Saltwater fish	18.8
Small animal	14.0
Reptile	9.4
Horse	7.6

Source: American Pet Products Association's 2017-2018 National Pet Owners Survey.

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BACKGROUND

State and Local Legislation: Dog owners are liable for injuries their pets cause if the owner knew the dog had a tendency to bite. In some states, statutes make the owners liable whether or not they knew the dog had a tendency to bite; in others, owners can be held responsible only if they knew or should have known their dogs had a propensity to bite. Some states and municipalities have "breed specific" statutes that identify breeds such as pit bulls as dangerous; in others individual dogs can be designated as vicious.

At least two states, Pennsylvania and Michigan, have laws that prohibit insurers from canceling or denying coverage to the owners of particular dog breeds. In Ohio, for example, owners of dogs that have been classified as vicious are required to purchase at least \$100,000 of liability insurance.

The American Kennel Club reports that while many municipalities have enacted bans on specific breeds, several states have laws barring municipalities and counties from targeting individual breeds.

Dog Owners? Liability: There are three kinds of law that impose liability on owners:

1) A dog-bite statute: where the dog owner is automatically liable for any injury or property damage the dog causes without provocation.

2) The one-bite rule: where the dog owner is responsible for an injury caused by a dog if the owner knew the dog was likely to cause that type of injury?in this case, the victim must prove the owner knew the dog was dangerous.

3) Negligence laws: where the dog owner is liable if the injury occurred because the dog owner was unreasonably careless (negligent) in controlling the dog.

Criminal Penalties: On January 26, 2001, two Presa Canario dogs attacked and killed Diane Whipple in the doorway of her San Francisco, California, apartment. Marjorie Knoller, the owner of the dogs, was convicted of involuntary manslaughter for keeping a mischievous dog that killed a person. She was sentenced to four years in prison for involuntary manslaughter and was ordered to pay \$6,800 in restitution. Her husband, Robert Noel, was convicted on lesser charges but also received a four-year prison sentence. Knoller became the first Californian convicted of murder for a dog?s actions. This was only the third time such charges have been upheld in the United States, the first coming in Kansas in 1997.

Insurers are Limiting their Exposure: Homeowners and renters insurance policies typically cover dog bite liability legal expenses, up to the liability limits (typically \$100,000 to \$300,000). If the claim exceeds the limit, the dog owner is responsible for all damages above that amount. Some insurers do not ask the breed of a dog owned when writing or renewing homeowners insurance and do not track the breed of dogs involved in dog bite incidents. However, once a dog has bitten someone, it poses an increased risk. In that instance, the insurance company may charge a higher premium, nonrenew the homeowner?s insurance policy or exclude the dog from coverage.

Some insurers are taking steps to limit their exposure to such losses. Some companies require dog owners to sign liability waivers for dog bites, while others charge more for owners of breeds such as pit bulls and Rottweilers and others are not offering insurance to dog owners at all. Some will cover a pet if the owner takes the dog to classes aimed at modifying its behavior or if the dog is restrained with a muzzle, chain or cage.

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