

Lawsuits Can Take a Bite Out of Your Wallet; Be a Responsible Dog Owner

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NEW YORK, August 18, 2010 ? Dog bites accounted for more than one-third of all homeowners insurance liability claims paid out in 2009, costing \$412 million and up 6.4 percent from 2008, according to the Insurance Information Institute (I.I.I.).

An analysis of homeowners insurance data by the I.I.I. found that the average cost of dog bite claims was \$24,840 in 2009, up slightly from \$24,461 in 2008. In fact, over the six-year period since 2003, the cost of these claims has risen nearly 30 percent. Additionally, the number of claims increased by 4.8 percent to 16,586 in 2009 from 15,823 in 2008.

CHART: ESTIMATED NUMBER AND COST OF DOG BITE CLAIMS, 2003-2009

?The rise in dog bite claims over the last seven years (2003-2009) can be attributed to increased medical costs as well as the size of settlements, judgments and jury awards given to plaintiffs, which have risen well above the rate of inflation in recent years,? said Loretta Worters, vice president at the I.I.I.

More than 4.7 million people in the United States are bitten by dogs annually, and nearly 900,000 of those, half of them children, require medical care, according to the Centers for Disease Control and Prevention (CDC). Of those injured, 386,000 require treatment in an emergency department and about 16 die. The rate of dog bite related injuries is highest for children aged five to nine years old; the rate decreases thereafter. Almost two-thirds of these injuries among children ages four years and younger are to the head or neck region. Injury rates in children are significantly higher for boys than for girls. With more than 50 percent of bites occurring on the dog owner?s property, the issue is a major source of concern for insurers.

Dog Owner Liability

There are three kinds of law that impose liability on owners:

1. **Dog-bite statute:** The dog owner is automatically liable for any injury or property damage the dog causes, even without provocation.
2. **?One-bite? rule:** In some states, the owner is not held liable for the first bite the dog inflicts. Once an animal has demonstrated vicious behavior, such as biting or otherwise displaying a ?vicious propensity?, the owner can be held liable. Some states have moved away from the one-bite rule and hold owners responsible for any injury, regardless of whether the animal has previously bitten someone.
3. **Negligence laws:** The dog owner is liable if the injury occurred because he or she was unreasonably careless (negligent) in controlling the dog.

In most states, dog owners are not liable for losses incurred by trespassers who are injured by a dog. A dog owner who is legally responsible for an injury to a person or property may be responsible for reimbursing the injured person for medical bills, lost wages, pain and suffering and property damage.

?Some people purchase dogs for the purpose of guarding their homes; however, deadbolt locks and home security systems are safe burglary deterrents, which will often earn you a discount on your insurance premium,? said Worters.

How to Protect Yourself?And Your Assets

Homeowners and renters insurance policies typically cover dog bite liability. Most standard homeowners policies provide policyholders with anywhere from \$100,000 to \$300,000 in liability coverage. If the claim exceeds those limits, the dog owner is personally responsible for all damages above that amount, including legal expenses. A liability policy also provides no-fault medical coverage in the event a dog bites a friend or neighbor. This enables them to submit their medical bills directly to the homeowner?s insurance company. Homeowners can generally get \$1,000 to \$5,000 worth of this coverage.

Most insurance companies will insure homeowners with dogs. However, once a dog has bitten someone, your insurance company may charge a higher premium or exclude the dog from coverage. Some companies require dog owners to sign liability waivers for dog bites. Some will cover a pet only if the owner takes the dog to classes aimed at modifying its behavior.

A single lawsuit?even if won by the dog owner who has been sued?can end up costing hundreds of thousands of dollars in legal fees and lost wages. The greater a person?s assets, the more potential there is for risk. The personal liability coverage available through a standard homeowners or automobile policy simply may not be enough. Therefore, the I.I.I. advises homeowners to consider purchasing a personal excess liability policy. Also known as an umbrella liability policy, this protects you against personal liabilities, such as dog bites, that could impact a substantial portion of your assets.

Umbrella liability coverage usually ranges from \$1 million to \$10 million, and covers broad types of liability. Most insurance companies have required minimum amounts of underlying coverage?typically at least \$250,000 of protection from your auto policy and \$300,000 of protection from your homeowners policy. If you own a boat, you must also have boat insurance with a specified minimum amount of coverage. Personal excess liability insurance is relatively inexpensive. The first \$1 million of coverage costs about \$150 to \$300 per year, the second million about \$75, and subsequent increments of \$1 million cost about \$50 per year.

The best way to protect yourself is to prevent your dog from biting anyone in the first place. The most dangerous dogs are those that fall victim to human shortcomings such as poor training, irresponsible

ownership and breeding practices that foster viciousness. To reduce the chances of a dog biting someone, the following steps are recommended by the CDC:

- Consult with a professional (e.g., veterinarian, animal behaviorist, or responsible breeder) to learn about suitable breeds of dogs for your household and neighborhood.
- Spend time with a dog before buying or adopting it. Use caution when bringing a dog into a home with an infant or toddler. Dogs with histories of aggression are inappropriate in households with children.
- Be sensitive to cues that a child is fearful of or apprehensive about a dog and, if so, delay acquiring a dog. Never leave infants or young children alone with any dog.
- Have your dog spayed or neutered. Studies show that dogs are three times more likely to bite if they are NOT neutered.
- Socialize your dog so it knows how to act with other people and animals.
- Discourage children from disturbing a dog that is eating or sleeping.
- Play non-aggressive games with your dog, such as ?go fetch.? Playing aggressive games like ?tug-of-war? can encourage inappropriate behavior.
- Avoid exposing your dog to new situations in which you are unsure of its response.
- Never approach a strange dog and always avoid eye contact with a dog that appears threatening.
- Immediately seek professional advice from veterinarians, animal behaviorists, or responsible breeders if the dog develops aggressive or undesirable behaviors.

?Most dogs are friendly, loving members of the family,? said Worters. ?But even normally docile dogs may bite when they are frightened or when protecting their puppies, owners or food. Ultimately, the responsibility for properly training and controlling a dog rests with the owner.?

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