



**House
Legislative
Analysis
Section**

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DOG OWNERS: LIABILITY

Senate Bill 270 as passed by the Senate
First Analysis (5-5-88)

Sponsor: Senator Joseph S. Mack
Senate Committee: Regulatory Affairs
House Committee: Judiciary

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THE APPARENT PROBLEM:

Public Act 73 of 1939 makes a dog's owner liable for damages suffered by a person bitten by that dog while the person was lawfully on private property, including the property of the dog's owner. The law is at present silent on whether an owner is liable in a situation where a person had gained lawful entry, but with an unlawful purpose in mind. Such a clarification may be useful.

THE CONTENT OF THE BILL:

The bill would amend Public Act 73 of 1939 to clarify that when a person has gained lawful entry upon premises for the purpose of an unlawful or criminal act, that entry would not constitute being lawfully on property within the meaning of the act. Thus, the owner of a dog that bit someone who gained lawful entry for unlawful purposes would not be liable for that dog bite.

MCL 287.351

FISCAL IMPLICATIONS:

Fiscal information is not available.

ARGUMENTS:

For:

The bill would enact an appropriate clarification of the law on dog owner liability.

POSITIONS:

The Michigan Humane Society supports the bill. (5-4-88)

The United Kennel Club supports the bill. (5-3-88)

The Michigan Animal Control Officers Association does not oppose the bill. (5-3-88)

The Michigan Association for Pure Bred Dogs, Inc., does not oppose the bill. (5-3-88)

S.B. 270 (5-5-88)