

FIRST REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 992
101ST GENERAL ASSEMBLY

2117H.02C

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal section 273.036, RSMo, and to enact in lieu thereof one new section relating to dog owner liability, with a penalty provision.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Section 273.036, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 273.036, to read as follows:

273.036. 1. The owner or possessor of any dog that bites **or physically injures**, without provocation, any person while such person is on public property, or lawfully on private property, including the property of the owner or possessor of the dog, is strictly liable for damages suffered by persons bitten **or physically injured**, regardless of the former viciousness of the dog or the owner's or possessor's knowledge of such viciousness. Owners and possessors of dogs shall also be strictly liable for any damage to property or livestock proximately caused by their dogs. If it is determined that the damaged party had fault in the incident, any damages owed by the owner or possessor of the biting **or injuring** dog shall be reduced by the same percentage that the damaged party's fault contributed to the incident. The provisions of this section shall not apply to dogs killing or maiming sheep or other domestic animals under section 273.020.

2. Any person who is held liable under the provisions of subsection 1 of this section shall pay a fine not exceeding one thousand dollars. The remedies provided by this section are in addition to and cumulative with any other remedy provided by statute or common law.

3. For the purposes of this section, **"physically injures" or "physically injured"** means slight impairment of any function of the body or temporary loss of the use of any part of the body as a result of the conduct of the dog.

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EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.