

Senate Bill 380

By: Senators Robertson of the 29th, Kirkpatrick of the 32nd, Albers of the 56th, Payne of the 54th and Hickman of the 4th

A BILL TO BE ENTITLED  
AN ACT

1 To amend Chapter 2 of Title 51 of the Official Code of Georgia Annotated, relating to  
2 imputable negligence, so as to remove the vicious or dangerous requirement before an animal  
3 owner may be liable for injuries caused by his or her animal; to expand liability to persons  
4 who harbor animals; to add a defense of provocation; to provide for animals owned by  
5 minors; to require animal owners to provide insurance information to injured parties in  
6 certain circumstances; to preserve common law duties and remedies; to provide for related  
7 matters; to repeal conflicting laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 style="text-align:center">**SECTION 1.**

10 Chapter 2 of Title 51 of the Official Code of Georgia Annotated, relating to imputable  
11 negligence, is amended by revising Code Section 51-2-7, relating to liability of owner or  
12 keeper of vicious or dangerous animal for injuries caused by animal, as follows:

13 "51-2-7.

14 (a) A person who owns, harbors, or keeps ~~a vicious or dangerous~~ an animal of any  
15 kind and who, by careless management or by allowing the animal to go at liberty, causes  
16 injury to another person who does not provoke the injury by his or her own act may be

17 liable in damages to the person so injured. ~~In proving vicious propensity, it shall be~~  
18 ~~sufficient to show that the animal was required to be at heel or on a leash by an ordinance~~  
19 ~~of a city, county, or consolidated government, and the said animal was at the time of the~~  
20 ~~occurrence not at heel or on a leash. The foregoing sentence This Code section shall not~~  
21 ~~apply to domesticated fowl including roosters with spurs. The foregoing sentence shall not~~  
22 ~~apply~~ or to domesticated livestock.

23 (b) In any action brought pursuant to this Code section, provocation shall be a defense to  
24 the extent that it caused the incident to occur. The person who owned, harbored, or kept  
25 the animal shall have the burden of proving that the injured party provoked the animal.

26 (c) In the case of an animal owned by a minor, the parents or person in loco parentis with  
27 custody of such minor shall be considered the owner of such animal.

28 (d) The person who owned, harbored, or kept an animal that has injured another person  
29 shall provide, upon request, insurance information to the injured person or his or her  
30 agents.

31 (e) The duties and remedies provided in this Code section shall be in addition to, and not  
32 in lieu of, any duties and remedies established by common law, including but not limited  
33 to the doctrine of negligence."

34 **SECTION 2.**

35 All laws and parts of laws in conflict with this Act are repealed.