

HOUSE No. 3932

The Commonwealth of Massachusetts

PRESENTED BY:

James K. Hawkins and Steven George Xiarhos

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act promoting safe dog ownership.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>James K. Hawkins</i>	<i>2nd Bristol</i>	<i>5/18/2023</i>
<i>Steven George Xiarhos</i>	<i>5th Barnstable</i>	<i>5/18/2023</i>

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By Representatives Hawkins of Attleboro and Xiarhos of Barnstable, a petition (subject to Joint Rule 12) of James K. Hawkins and Steven George Xiarhos relative to liability for damage caused by dogs. The Judiciary.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Third General Court
(2023-2024)**

An Act promoting safe dog ownership.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 Section 155 of Chapter 140 of the General Laws, as appearing in the 2016 Official
2 Edition, is hereby amended by striking the section in its entirety and inserting in place thereof the
3 following:

4 If any dog owner negligently permits their dog to cause damage to the property of any
5 person, including their pet, companion animal, or service animal, or to cause injury to any
6 person, then the owner or keeper thereof; or if the owner or keeper be a minor, the parent or
7 guardian of such owner or keeper thereof shall be punished by a fine of not more than \$2,500.

8 A conviction or findings of sufficient facts on any charge brought under this section shall
9 be prima facie evidence of liability in any action brought in connection with the following:

10 a. Any damage to any property, whether privately or publicly owned;

11 b. Any injury, illness, transmission of disease (such as rabies), or death to any person or
12 animal which is reasonably attributable to or caused by a violation of this section;

13 But no such evidence of civil liability shall be found if such damage shall have been
14 occasioned to the body or property of a person who, at the time such damage was sustained, was
15 committing a trespass or other tort, or was teasing, tormenting, or abusing such dog. If a minor,
16 on whose behalf an action under this section is brought, is under seven years of age at the time
17 the damage was done, there shall be a rebuttable presumption that such minor was not
18 committing a trespass or other tort, or teasing, tormenting or abusing such dog.