

Who Let the Dogs Out: Massachusetts Dog Owner Liability and Dog Bite Injury Laws

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Injuries from Dog Bites are Common and Often Serious

Every year, approximately [4.7 million Americans](#) are victims of a dog bite attack. About 60% of all dog bite victims are children and 77% of all dog bite injuries to children under 10 tend to be facial. Around 12 individuals die from dog bite incidents annually. In 2019, 14 year old Ryan Hazel from Dighton, Massachusetts, was tragically killed on May 9, 2019 after being attacked by a number of dogs, and in April 2019, a Taunton woman and her dog were attacked by six pitbulls—resulting in severe injuries to the woman and the death of the woman’s dog. In 2012, dog bites accounted for about one-third of all homeowners insurance liability claims with a total cost of \$489 million. So what should the public be aware of—both as dog owners and as individuals who may simply come into contact with a dog—regarding Massachusetts Dog Owner Liability and Dog Bite Injury Laws? We have outlined below a brief synopsis of what you should be informed and provide answers to some frequently asked questions:

Massachusetts Law on Dog Bites

Massachusetts has its own statute covering dog bites, [M.G.L. c. 140, Section 155](#). This statute states “If any dog shall do any damage to either the body or property of any person, the owner or keeper, or if the owner or keeper be a minor, the parent or guardian of such minor, shall be liable for such damage, **unless** such damage shall have been occasioned to the body or property of a person who, at the time such damage was sustained, was committing a trespass or other tort, or was teasing, tormenting or abusing such dog. If a minor, on whose behalf an action under this section is brought, is under seven years of age at the time the damage was done, it shall be presumed that such minor was not committing a trespass or other tort, or teasing, tormenting or abusing such dog, and the burden of proof thereof shall be upon the defendant in such action.”

What this statute states is that dog owners are liable for any damage inflicted upon the body or property of any person by the dog owner’s dog. An exception to this liability is if the individual injured was committing a trespass or other tort, such as assault and/or battery, or trespass to chattels OR if the individual was teasing, tormenting, or abusing the dog. An exception to this

exception would be if the individual attacked was under the age of seven as there is a presumption that a child under seven was not trespassing, committing a tort, or tormenting/abusing the dog.

When can I bring a claim under the Massachusetts Dog Bite Law to Pursue Damages for Injuries?

In Massachusetts, the statute of limitations to bring a legal claim against a dog owner for a dog bite is three years from the date of the initial injury, or dog bite.

Does the Massachusetts Dog Bite Law cover just dog bites?

The Massachusetts dog bite statute extends beyond simply injuries inflicted through a dog's bite. The statute encompasses all injuries that may be inflicted upon an individual or their property by a dog, such as if a dog ran and jumped into someone—causing that person to fall and injure themselves, or if a dog injures livestock, chews on items belonging to other, and breaks fences/other personal property.

But wait, I heard that “Every Dog Gets One Free Bite” where the dog owner is not liable?

The states are split on whether dog bites are handled on a “negligence” basis or a “strict liability” basis. In “negligence” states, the “one free bite” saying is essentially true as an owner is liable for injuries inflicted by its dog if it is shown that (a) the dog had a propensity to do something harmful which was unusual for the animal's class; (b) the owner was aware of the dangerous propensity prior to the incident in question; and (c) the animal's propensity to act harmfully caused damages to a person or property. This means that, in negligence states, the “one free bite” saying developed as the “first bite” would put the owner on notice that their dog has dangerous and/or violent propensities. The owner would thus be liable to injuries caused after that initial bite as they have been put on notice of their dog's dangerous and/or violent propensities.

However, Massachusetts is a “strict liability” state, meaning that dog owners are still liable to injuries caused by their dogs even if the owner had no prior knowledge that their dogs have a violent propensity or could bite and/or cause injury.

Our Expertise in Dog Owner Liability and Personal Injury Cases

Our expertise in dog owner liability and personal injury cases allows us to carefully review each client's circumstances, to identify all possible legal claims and defenses against all possible parties, and to pursue the maximum amount of compensation that is available or defend against a possible claim that is being brought against you pursuant to the MA Dog Bite Statute. This is one of the many reasons why it is important to have a personal injury attorney to assist you in protecting your right and fighting for the compensation and justice you deserve.

If you have been injured by a dog or someone has brought a claim against you for the actions of your dog, please call our office today at [\(508\) 880-6677](tel:5088806677) and speak with one of our personal injury attorneys for you free and confidential personal injury case consultation.



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