



Legislation Text

File #: Res 1853-2009, **Version:** *

Res. No. 1853

Resolution calling on the State Legislature to pass legislation that would require the owners of dangerous dogs to obtain liability insurance for personal injury or death of any person, resulting from an attack of such dangerous dog.

By Council Members Stewart, Dickens, James, Palma, Sanders Jr., Gerson, Foster, Vallone Jr., Koppell and Seabrook

Whereas, According to the Centers for Disease Control, 4.7 million Americans per year are victims of dog attacks; and

Whereas, Attacks by dangerous dogs present a health and safety risk, as well as a financial burden to the people of New York City; and

Whereas, Section 121 of the State Agriculture and Markets Law provides that after a court proceeding that adjudicates a dog attack or threatened dog attack, a judge may designate a dog as a dangerous dog; and

Whereas, After a dog is declared to be a dangerous dog, the judge may order the neutering or spaying of the dog, the microchipping of the dog or numerous other remedies as deemed necessary for the protection of the public, including the maintenance of a liability insurance policy in an amount determined by the court, but not in excess of one hundred thousand dollars; and

Whereas, Section 17-345 of the Administrative Code of the City of New York empowers the Commissioner of the Department of Health and Mental Hygiene to declare a dog to be a dangerous dog upon the complaint by a person that such dog is dangerous, after holding a hearing; and

Whereas, The Commissioner may, after declaring a dog to be a dangerous dog, order the owner of such dog to comply with various requirements, including the registration of such dog with the Department of Health and Mental Hygiene, the muzzling or confinement of such dog, the humane destruction of a dog that kills or

causes severe injury to a person, the removal of the dog from the City and the completion of a course in obedience and/or anti-bite training for the dog and owner; and

Whereas, The Commissioner is empowered, at his or her discretion, to order the owner of a dangerous dog to maintain a liability insurance policy in an amount not in excess of one hundred thousand dollars for the personal injury or death of a person resulting from an attack of such dangerous dog; and

Whereas, Neither New York State nor New York City require that owners of dangerous dogs maintain liability insurance for injuries resulting from attacks from their dogs; and

Whereas, Numerous other states throughout the nation, such as Pennsylvania, Texas, Virginia and Washington require that owners of dangerous dogs obtain liability insurance for such dogs; and

Whereas, Requiring that all persons, who own dogs that have been declared to be dangerous, maintain a liability insurance policy of one hundred thousand dollars for the personal injury or death of a person resulting from an attack of their dog would further enhance public safety by ensuring that victims of attacks by such dogs have a sensible recourse when trying to obtain compensation for their injuries; now, therefore, be it

Resolved, That the Council of the City of New York calls on the State Legislature to pass legislation that would require the owners of dangerous dogs to obtain liability insurance for personal injury or death of any person, resulting from an attack of such dangerous dog.

KS
LS #4694
3/1/08