



Dog Bite Law in Kentucky: A Warning + Case Law (I Swear I Don't Hate Dogs!)

Brian Dettman

Kentuckians may value man's best friend just as much as their beloved horses. It's that love and affection that makes it difficult to share the truth about dog bite cases, but here it is.

I get calls all the time about dogs who "wouldn't hurt a fly." Dogs who have "never shown aggression" in their lives. These are often the same dogs that end up taking a chunk of human flesh during an unexpected attack.

One of my cases involved a 3-year-old girl and her uncle's yellow lab. Their dog reminded me of Old Yeller — good-natured, always friendly, didn't mind when the kids use him to play dress-up.

The dog was 14 years old, and this was the first and only bite in his lifespan. Never so much as a rough bark or cross look out of the lab.

Unfortunately for my client, that all ended one day when the dog bit a portion of her face for seemingly no reason. This resulted in a trip to the hospital, a permanent scar and a minor settlement that I'm sure my client will wish she never needed, once she turns 18.

I write all of this not to scare the living daylights out of everyone, but to warn you, and maybe prevent another tragedy.

If you have a dog, no matter how peaceful the dog has been in the past, please be on the lookout. Avoid pesky personal injury lawyers and lawsuits if you can. I acknowledge that given my experience I'm likely paranoid, but still, when my kids go to other houses — including family members' — I make sure the dogs are put away, even if there is no history of aggression from the dog. It doesn't matter how big the dog is — Dachshunds and Bullmastiffs both bite — and I've worked cases involving both.

Here are three things you should know about the current status of dog bite law in Kentucky:

Strict Liability

Get your dog on a leash. I currently represent a woman who cuts hair for a living. Her neighbor's Pit-mix was allowed off-leash when the dog bit my client's dominant hand. The dog owner's insurance is going to eventually take a beating on something that could have been prevented by proper dog handling. There is no one

free bite in Kentucky. I get calls about that quite often. We have a strict liability statute here that states, "any owner whose dog is found to have caused damage to a person, livestock, or other property shall be responsible for that damage." This makes writing a complaint pretty straightforward. Leash ordinances also help.

Landlord Liability

In the past few years, the biggest change to dog bite law helps landlords. Defense lawyer and legislator Stan Lee helped pass this law. Landlords are not on the hook because they aren't the owner of the dog. However, if the landlord knows a dangerous dog is on the property, it might get interesting.

Animal Exclusion in Homeowners Policies

I'm seeing a decent amount of animal exclusion limitations in homeowners policies.

This is a small dog attack story, weighing less than 10 pounds. A few years back, I represented a Rwandan woman who was out for a run in her neighborhood. A very small, unleashed dog chased her down, causing her to fall off the sidewalk, seriously injuring her ankle. When the case was first presented to me, I thought to myself, "How did this little dog do that?" Then I remembered my daughters, who are from Malawi, were deathly afraid of dogs when they first came to America. My client relayed the same cultural feelings, so I took the case. The problem is that a big carrier had written in a \$50,000 animal exclusion limit and the defendant didn't have significant assets. The carrier came to their senses and tendered, but with more damage, things could've gone haywire.

If I unknowingly had this exclusion placed in my homeowners policy, I would not be pleased. Go check your own policy now and make sure this garbage isn't in there, and buy an umbrella insurance policy.

Brian Dettman is a husband, dad, hockey player, surfer and personal injury lawyer. He litigates, resolves and tries dog bite cases throughout Kentucky. He does not hate dogs. ■



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