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TITLE 18

DOGS

Chapter

1. Injuries by dogs.

CHAPTER 1

INJURIES BY DOGS

Section

- 18-1-1. Liability of owners — Scienter — Dogs used in law enforcement.
18-1-2. Dogs acting together — Actions — Parties — Judgment.

Section

- 18-1-3. Dogs attacking domestic animals, hoofed protected wildlife or domestic fowls.

18-1-1. Liability of owners — Scienter — Dogs used in law enforcement.

Every person owning or keeping a dog shall be liable in damages for injury committed by such dog, and it shall not be necessary in any action brought therefor to allege or prove that such dog was of a vicious or mischievous disposition or that the owner or keeper thereof knew that it was vicious or mischievous; but neither the state nor any county, city, or town in the state nor any peace officer employed by any of them shall be liable in damages for injury committed by a dog when: (1) The dog has been trained to assist in law enforcement, and (2) the injury occurs while the dog is reasonably and carefully being used in the apprehension, arrest, or location of a suspected offender or in maintaining or controlling the public order.

History: R. S. 1898 & C. L. 1907, § 70; C. L. 1917, § 112; R. S. 1933 & C. 1943, 24-0-1; L. 1971, ch. 29, § 1.

Cross-References. — Dog field meets and training, Wildlife Resources Code, §§ 23-17-8 and 23-17-9.

Pound, power of city to establish, § 10-8-64.

Rabies, control and prevention, §§ 26-6-11 to 26-6-15.

Tax and regulation of dogs by cities, § 10-8-65.

Tax and regulation of dogs by counties, § 17-5-29.

COLLATERAL REFERENCES

Am. Jur. 2d. — 4 Am. Jur. 2d Animals §§ 94 to 98.

C.J.S. — 3A C.J.S. Animals §§ 186 to 203.

A.L.R. — Keeping of dogs as enjoined nuisance, 11 A.L.R.3d 1399.

Dog owner's liability for damages from motor vehicle accident involving attempt to avoid

collision with dog on highway, 41 A.L.R.3d 888.

Liability of motorist for collision as affected by attempts to avoid dog or other small animal in road, 41 A.L.R.3d 1124.

Key Numbers. — Animals ⇌ 68, 81, 97, 103.

18-1-2. Dogs acting together — Actions — Parties — Judgment.

Where any injury has been committed by two or more dogs acting together and such dogs are owned or kept by different persons, all such persons may be joined as defendants in the same action to recover damages therefor, and the amount found by the court or jury as damages for such injury shall be apportioned among the several defendants found liable and judgment shall be entered severally against them for the amount so apportioned.

History: R.S. 1898 & C.L. 1907, § 71; C.L. 1917, § 113; R.S. 1933 & C. 1943, 24-0-2.

NOTES TO DECISIONS

Judgment entered severally.

Judgment in action under this section against two owners of sheep-killing dogs for amount apportioned is to be entered severally

against the respective owners; there is no joint liability of owners for total damage caused by several dogs, as under some statutes. *Carson v. Sabin*, 106 Utah 250, 147 P.2d 857 (1944).

COLLATERAL REFERENCES

Am. Jur. 2d. — 4 Am. Jur. 2d Animals §§ 91 to 98.

Key Numbers. — Animals ⇌ 74(6), 100(6).

C.J.S. — 3A C.J.S. Animals §§ 204 to 208, 232.

18-1-3. Dogs attacking domestic animals, hoofed protected wildlife or domestic fowls.

Any person may kill a dog while it is attacking, chasing or worrying any domestic animal having a commercial value, or any species of hoofed protected wildlife, while attacking domestic fowls, or while such dog is being pursued thereafter.

History: L. 1933, ch. 17, § 1; C. 1943, 24-0-3; L. 1973, ch. 27, § 1.

COLLATERAL REFERENCES

Am. Jur. 2d. — 4 Am. Jur. 2d Animals § 138.

Amount of damages for killing or injuring dog, 1 A.L.R.3d 1022.

C.J.S. — 3A C.J.S. Animals §§ 194, 202, 209 to 297.

Personal liability of public officer for killing or injuring animal while carrying out statutory duties with respect to it, 2 A.L.R.3d 822.

A.L.R. — Measure and elements of damages for killing or injuring dog, 1 A.L.R.3d 997.

Key Numbers. — Animals ⇌ 81, 84.