



NEW YORK  
DOG BITE  
INJURY  
GUIDE

*The Actions to Take If You are Attacked  
by Man's Best Friend*

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## DOG BITE GUIDE

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Getting bitten by a dog can cause serious injury. Depending upon the severity of the attack, it can affect how you live your day-to-day life and possibly even take you out of work. If you have been injured by a dog bite, you may be feeling angry and anxious at the same time. The anxiety stemming from a worry that you may not be able to financially handle this situation.

In this guide, you will learn about the legal process following a dog bite and what compensation you may be eligible for.

### ABOUT DOG BITE CASES:

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The Center for Disease Control estimates that almost five million people are bitten by a dog every year. A dog owner is responsible for the aggressiveness of their dog if it can be shown that the dog had a prior propensity for aggressive behavior. In a dog bite case, the court must consider additional factors such as whether the owner has violated an ordinance (e.g., leash laws) and whether this alleged violation contributed to the injury.

These ordinances are not absolute. If the owner has knowledge of a dog's "vicious propensity" then they also may be held liable. A dog may be determined to have a vicious propensity, if it:

- » Lunges at passersby, snarling and growling,
- » Has attempted to bite or nip previously, even if it didn't result in an actual bite,
- » The owner advertises the dog is vicious by way of "attack dog" signs, or verbally bragging to others that his dog is a biter.

In addition, landlords may also be liable if they had notice, or should have known of, the dangerous nature of their renter's dogs.

In a situation in which a dog is loose and encounters another person, knocking that person down, biting the person, or otherwise causing an injury, the injured party must first seek medical attention. Hospital personnel will later ask the injured party if he or she thinks that the attacking dog was up to date on vaccinations and shots—especially rabies and distemper. If the person is injured but can gather information at the scene, he or she should obtain as much information possible about the dog and its owner. The owner can be held responsible for all the injuries caused in the attack if it can be shown that the dog had a propensity for certain aggressive behaviors and that propensity can be demonstrated.

New York State has specific legislation regarding liability in dog bite cases: the one-bite rule. This law dictates that a dog owner cannot be held responsible for her or his dog biting another human being unless the dog has bitten another person before. If it can be proven that the dog had a vicious propensity and that the owner knew of this propensity, the owner should have been more careful of the dog's interactions with other people. Physical examples of the owner's prior knowledge include "Beware of dog" signs and fitting the dog with a muzzle while walking in public.



The first step that an attorney will take will be to contact the dog owner's neighbors and others who live within a small radius of the dog's home. These attempts at contact are helpful, as neighbors of the dog's owner may report having been chased by the dog or feeling too afraid to let their children near the owner's yard. All these accounts will only bolster a dog bite accident case.

# WHAT YOU SHOULD KNOW ABOUT DOG BITE INJURY CASES:

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## *What Should I Do If I Was Attacked by a Dog?*

In a situation where a dog is loose and encounters a person (knocking them down, biting or otherwise causing an injury because of the attack), the first thing to do is to seek medical attention. The hospital is going to ask you at that first visit if the dog that bit you had up-to-date shots, specifically rabies and distemper. If you are injured, but can gather information at the scene, get whatever information you can about the dog and its owner. The owner of the dog can be held responsible for injuries if it can be shown that the dog had a propensity for certain behaviors, and that propensity can be demonstrated in a variety of different ways.



## *Dog Bite Case Mistakes*

The most common mistakes with dog bite cases are the failure to collect any witness information at the scene, and not noting the address where it happened. If you're just walking through the neighborhood and something like this happens to you, you don't first think about trying to nail down where the attack came from or how it happened.

The other issue is trying to lock down information regarding any prior bites or prior vicious propensities. Neighbors are often the best resource for that because they've seen the dog over the years, lunging at people. If you can knock on a door, show the neighbor what happened, the neighbors become much more helpful because they don't want their children or themselves attacked. When they see the damage that the dog has done, they tend to be much more cooperative, and have information that can be used with the insurance company.

## *The One Bite Rule*

New York State has very specific laws regarding liability in dog bite cases. New York State has what is often referred to as the one bite rule.

What that essentially means is that a dog owner cannot be held responsible for it biting a human unless it has bitten someone before. Now that law on itself is not fixed. The courts also say, if you can prove to a meaningful extent that the dog had vicious propensities and the owner knew of them, then they should have been more careful regarding that dog's interactions with other people. So, some of the examples of this can be "beware of the dog" signs, or the dog wearing a muzzle when it is out for a walk. Those are indications that the owners already have had concerns regarding the temperament or behavior of that dog.

## *What Should I Do if I was Bitten by a Dog I was Petting?*

Petting a dog prior to a dog attacking or biting you will not prevent your right to bring a claim against the dog's owner. If that dog has a dangerous propensity, the owner is required to advise you to stay away, even if that owner is not there at the time.

New York State has a strict liability statute which states that one need not prove negligence on the part of a dog owner if that dog was known to have had a dangerous propensity in the first place. The fact that you were involved in some type of friendly interaction with the dog prior to its attacking you does not affect your ability to bring a claim.

## *Can I Lose My Dog Bite Case If There Was a Beware of Dog Sign?*

A common concern among dog bite victims is that receiving warning about the presence of a vicious dog on a property renders their cases invalid. This is not the case in New York State. There are jurisdictions in other states

throughout the country where a “Beware of Dog” sign or a similar written warning on a property could preclude people from then making a claim for a recovery.

It must be substantiated that a dog has a vicious propensity. What better way to show this by simply stating that the dog owner has put out a sign that notifies passersby about the hostility of the dog? This indicates that the owner has knowledge of the dog’s vicious propensity. Even if there is a “Beware of Dog” sign, your attorney will still need to show that there was a vicious propensity prior to the attack.

## *Schedule Your Free Consultation Today!*

At Andrews, Bernstein & Maranto, PLLC, we diligently investigate the responsibility of dog owners and their landlords. Information regarding these dogs is critical to reaching successful verdicts in dog bite cases.

If you or a loved one is attacked by a dog, contact one of our experienced dog bite attorneys for advice and strong representation immediately.

We are available 24 hours a day, 7 days a week.

Never settle for less, find out what your case is worth!

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