

Senate Engrossed House Bill

homeowner's insurance; dogs; nondiscrimination

State of Arizona  
House of Representatives  
Fifty-fifth Legislature  
Second Regular Session  
2022

# HOUSE BILL 2323

AN ACT

AMENDING SECTION 11-1025, ARIZONA REVISED STATUTES; AMENDING TITLE 20, CHAPTER 6, ARTICLE 7, ARIZONA REVISED STATUTES, BY ADDING SECTION 20-1510; RELATING TO PROPERTY INSURANCE.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 11-1025, Arizona Revised Statutes, is amended to  
3 read:

4 11-1025. Liability for dog bites; military and police work;  
5 definitions

6 A. The owner of a dog ~~which~~ THAT bites a person when the person is  
7 in or on a public place or lawfully in or on a private place, including  
8 the property of the owner of the dog, is liable for damages suffered by  
9 the person bitten, regardless of the former viciousness of the dog or the  
10 owner's knowledge of its viciousness.

11 B. THE BREED OF A DOG MAY NOT BE CONSIDERED IN FINDINGS OF FACTS OR  
12 CONCLUSIONS OF LAW ENTERED BY A COURT, ADMINISTRATIVE LAW JUDGE, HEARING  
13 OFFICER, ARBITRATOR OR OTHER LEGAL DECISION-MAKER REGARDING WHETHER A DOG  
14 IS AGGRESSIVE OR VICIOUS OR HAS CREATED LIABILITY.

15 ~~B. C. Nothing in~~ This section ~~or in~~ AND section 11-1020 ~~shall~~  
16 ~~permit~~ DO NOT ALLOW the bringing of an action for damages against any  
17 governmental agency using a dog in military or police work if the bite  
18 occurred while the dog was defending itself from a harassing or provoking  
19 act, ~~or~~ assisting an employee of the agency in any of the following:

20 1. ~~in the apprehension~~ APPREHENDING or holding ~~of~~ a suspect ~~where~~  
21 IF the employee ~~has~~ HAD a reasonable suspicion of the suspect's  
22 involvement in criminal activity.

23 2. ~~in the investigation of~~ INVESTIGATING a crime or possible crime.

24 3. ~~in the execution of~~ EXECUTING a warrant.

25 4. ~~in the defense of~~ DEFENDING a peace officer or another person.

26 ~~C. D.~~ Subsection ~~B. C~~ of this section ~~shall~~ DOES not apply in any  
27 case ~~where~~ IN WHICH the victim of the bite was not a party to, nor a  
28 participant in, nor suspected to be a party to or a participant in, the  
29 act that prompted the use of the dog in the military or police work.

30 ~~D. E.~~ Subsection ~~B. C~~ of this section ~~shall apply~~ APPLIES only  
31 ~~where~~ IF a governmental agency using a dog in military or police work has  
32 adopted a written policy on the necessary and appropriate use of a dog for  
33 the police or military work enumerated in subsection ~~B. C~~ of this section.

34 F. FOR THE PURPOSES OF THIS SECTION:

35 1. "AGGRESSIVE" MEANS THAT A DOG HAS BITTEN A PERSON OR DOMESTIC  
36 ANIMAL WITHOUT PROVOCATION OR HAS A KNOWN HISTORY OF ATTACKING PERSONS OR  
37 DOMESTIC ANIMALS WITHOUT PROVOCATION.

38 2. "BREED" MEANS THE ACTUAL OR PERCEIVED BREED OR MIXTURE OF BREEDS  
39 OF A DOG.

40 3. "PROVOCATION" MEANS TORMENTING, ATTACKING OR INCITING A DOG AND  
41 INCLUDES THE STANDARD FOR DETERMINING PROVOCATION PRESCRIBED IN SECTION  
42 11-1027.

43 4. "VICIOUS" MEANS THAT A DOG HAS A PROPENSITY TO ATTACK, TO CAUSE  
44 INJURY TO OR TO OTHERWISE ENDANGER THE SAFETY OF HUMAN BEINGS WITHOUT  
45 PROVOCATION OR HAS BEEN FOUND TO HAVE ANY OF THESE TRAITS AFTER A HEARING

1 BEFORE A COURT OF COMPETENT JURISDICTION OR BEFORE A HEARING OFFICER  
2 PURSUANT TO SECTION 11-1006.

3 Sec. 2. Title 20, chapter 6, article 7, Arizona Revised Statutes,  
4 is amended by adding section 20-1510, to read:

5 20-1510. Homeowner's or renter's insurance; dog breeds;  
6 prohibitions; definitions

7 A. THE BREED OF A DOG MAY NOT BE THE SOLE FACTOR CONSIDERED OR USED  
8 FOR ANY OF THE FOLLOWING PURPOSES:

9 1. UNDERWRITING OR ACTUARIAL PROCESSES FOR DETERMINING RISK,  
10 LIABILITY OR ACTUAL OR POTENTIAL LOSSES RELATED TO CLAIMS INVOLVING DOGS  
11 UNDER A POLICY OF INSURANCE.

12 2. QUESTIONNAIRES, SURVEYS OR OTHER MEANS OF GATHERING INFORMATION  
13 REGARDING OWNERSHIP OR POSSESSION OF A DOG OR THE PRESENCE OF A DOG ON  
14 PREMISES INSURED OR TO BE INSURED UNDER A POLICY OF INSURANCE.

15 B. FOR THE PURPOSES OF THIS SECTION:

16 1. "BREED" MEANS THE ACTUAL OR PERCEIVED BREED OR MIXTURE OF BREEDS  
17 OF A DOG.

18 2. "POLICY OF INSURANCE" MEANS A HOMEOWNER'S OR RENTER'S POLICY OF  
19 INSURANCE.

20 Sec. 3. Applicability

21 This act applies to new policies of insurance and renewed policies  
22 of insurance issued from and after June 30, 2023.