

1993 Assembly Bill 233

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1993 WISCONSIN ACT 154

AN ACT to amend 174.02 (1), 174.02 (2) (a), 174.02 (2) (b), 174.02 (3) (a) 1, 174.11 (title), 174.11 (1) and 174.11 (4) of the statutes, relating to: injuries to domestic animals caused by dogs and providing penalties.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 174.02 (1) of the statutes is amended to read:

174.02 (1) LIABILITY FOR INJURY. (a) *Without notice.* Subject to s. 895.045, the owner of a dog is liable for the full amount of damages caused by the dog injuring or causing injury to a person, ~~livestock~~ domestic animal or property.

(b) *After notice.* Subject to s. 895.045, the owner of a dog is liable for 2 times the full amount of damages caused by the dog injuring or causing injury to a person, ~~livestock~~ domestic animal or property if the owner was notified or knew that the dog previously injured or caused injury to a person, ~~livestock~~ domestic animal or property.

SECTION 2. 174.02 (2) (a) of the statutes is amended to read:

174.02 (2) (a) *Without notice.* The owner of a dog shall forfeit not less than \$50 nor more than \$100 if the dog injures or causes injury to a person, ~~livestock~~ domestic animal, property, deer, game birds or the nests or eggs of game birds.

SECTION 3. 174.02 (2) (b) of the statutes is amended to read:

174.02 (2) (b) *After notice.* The owner of a dog shall forfeit not less than \$100 nor more than \$500 if the dog injures or causes injury to a person, ~~livestock~~ domestic animal, property, deer, game birds or the nests or eggs of game birds, if the owner was notified or knew that the dog previously injured or caused injury to a person, ~~livestock~~

domestic animal, property, deer, game birds or the nests or eggs of game birds.

SECTION 4. 174.02 (3) (a) 1. of the statutes is amended to read:

174.02 (3) (a) 1. The dog caused serious injury to a person or ~~livestock~~ domestic animal on 2 separate occasions off the owner's property, without reasonable cause.

SECTION 5. 174.11 (title) of the statutes is amended to read:

174.11 (title) Claims for damage by dogs to domestic animals including ranch mink.

SECTION 6. 174.11 (1) of the statutes is amended to read:

174.11 (1) The owner of any ~~livestock or~~ domestic animal, including a ranch mink, when it is proven that ~~the~~ a dog forcibly entered ~~the an~~ enclosure in which the mink ~~were~~ was kept, which ~~are~~ is attacked, chased, injured or killed by ~~dogs~~ a dog may, within 3 days after the owner has knowledge or notice thereof, file a written claim for damages with the clerk of the town, village or city in which the damage occurred or, if it occurred in a town or village, with the chairperson of such town or the president of such village. The form of the claim may be prescribed by the department of agriculture, trade and consumer protection. Upon presentation of a claim the supervisors of the town, the board of trustees of the village, or the common council of the city, or a committee appointed for that purpose by the supervisors, the board of trustees or the common council shall promptly investigate the claim and may subpoena witnesses, administer oaths and take testimony relative to the claim and shall

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within 30 days after the filing of the claim make, certify and return to the county clerk the claim, a report of the investigation, the testimony taken and the amount of damages suffered by the owner of the ~~livestock or mink~~ domestic animal.

SECTION 7. 174.11 (4) of the statutes is amended to read:

174.11 (4) The county board shall allow, as the amount of a claim for ~~livestock and a domestic animal, including a ranch mink,~~ killed by ~~dogs~~ a dog, the amount determined to be the fair market value of the ~~livestock or domestic animal, including a ranch mink,~~ on the date the death occurred. The county board shall allow, as the amount of a claim for ~~livestock and a domestic animal, including a ranch mink,~~ injured by ~~dogs~~ a dog, the amount determined to be the total of the costs resulting from the injury including a loss in fair market value but the total amount of the claim may not exceed the fair market value. No claim may be paid to any person who has failed to pay a dog tax on an assessable dog.

SECTION 8. Initial applicability. This act first applies to an injury to a domestic animal, as defined in

section 174.001 (2g) of the statutes, caused by a dog on the effective date of this SECTION, but does not preclude consideration of an injury to a person, livestock, as defined in section 174.001 (3) of the statutes, or property caused by a dog before the effective date of this SECTION in assessing the liability of the owner, as defined in section 174.001 (5) of the statutes, of the dog under section 174.02 (1) (b) of the statutes, as affected by this act; does not preclude consideration of an injury to a person, livestock, as defined in section 174.001 (3) of the statutes, property, deer, game birds or the nests or eggs of game birds caused by a dog before the effective date of this SECTION in imposing a forfeiture on the owner, as defined in section 174.001 (5) of the statutes, of the dog under section 174.02 (2) (b) of the statutes, as affected by this act; and does not preclude consideration of an injury to a person or livestock, as defined in section 174.001 (3) of the statutes, caused by a dog before the effective date of this SECTION in determining whether to order an officer, as defined in section 174.001 (4) of the statutes, to kill the dog under section 174.02 (3) of the statutes, as affected by this act.