

**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRB-1945/1dn  
CMH:kjf:jf

March 18, 2005

Representative Lehman:

Although you did not request the draft to prohibit an insurer from imposing higher premiums for particular breeds of dogs, I added that provision. Otherwise, an insurer could effectively deny coverage by greatly increasing rates based on breed of dog. Please let me know if you would prefer that provision removed.

You requested a draft that allowed insurers to deny coverage to dog owners based only on actions of a particular dog such as inflicting injury on a person without provocation or on a domestic animal without provocation while off the owner's property. I was not sure who would determine the dog was provoked. Also I did not know if you wanted to include dogs that had been unlawfully released under s. 943.75 (2) or (2m) since the owners of such dogs are generally immune from liability. So I modeled the provision slightly after s. 174.02 (1) (b) to allow an insurer to deny coverage or to increase rates to a dog owner if the owner knows that the dog previously injured a person, domestic animal, or property. This provision excludes injuries to persons if the dog is unlawfully released under s. 943.75 (2) or (2m) and excludes law enforcement dogs that may have injured a crime suspect while performing law enforcement functions. If you intend a different result, please let me know and I will redraft.

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