

**2005 DRAFTING REQUEST**

**Bill**

Received: 01/31/2005

Received By: pkahler

Wanted: As time permits

Identical to LRB:

For: John Lehman (608) 266-0634

By/Representing: himself

This file may be shown to any legislator: NO

Drafter: chanaman

May Contact:

Addl. Drafters: pkahler

Subject: Insurance - other insurance

Extra Copies:

Submit via email: YES

Requester's email: Rep.LehmanJ@legis.state.wi.us

Carbon copy (CC:) to:

---

**Pre Topic:**

No specific pre topic given

---

**Topic:**

Prohibiting insurance coverage discrimination on basis of dog breed

---

**Instructions:**

See Attached

---

**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	pkahler 02/07/2005			_____			S&L
/1	chanaman 03/04/2005	kfollett 03/18/2005	jfrantze 03/18/2005	_____	mbarman 03/18/2005 mbarman 03/22/2005	mbarman 04/06/2005	

FE Sent For:

### 2005 DRAFTING REQUEST

#### Bill

Received: 01/31/2005

Received By: pkahler

Wanted: As time permits

Identical to LRB:

For: John Lehman (608) 266-0634

By/Representing: himself

This file may be shown to any legislator: NO

Drafter: chanaman

May Contact:

Addl. Drafters: pkahler

Subject: Insurance - other insurance

Extra Copies:

Submit via email: YES

Requester's email: Rep.LehmanJ@legis.state.wi.us

Carbon copy (CC:) to:

---

#### Pre Topic:

No specific pre topic given

---

#### Topic:

Prohibiting insurance coverage discrimination on basis of dog breed

---

#### Instructions:

See Attached

---

#### Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	pkahler 02/07/2005			_____			S&L
/1	chanaman 03/04/2005	kfollett 03/18/2005	jfrantze 03/18/2005	_____	mbarman 03/18/2005		
				_____	mbarman 03/22/2005		
				_____			

*(Handwritten note in a cloud shape)*  
e-mail only  
↳ see attached

FE Sent For:

**2005 DRAFTING REQUEST**

**Bill**

Received: 01/31/2005

Received By: **pkahler**

Wanted: **As time permits**

Identical to LRB:

For: **John Lehman (608) 266-0634**

By/Representing: **himself**

This file may be shown to any legislator: **NO**

Drafter: **chanaman**

May Contact:

Addl. Drafters: **pkahler**

Subject: **Insurance - other insurance**

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.LehmanJ@legis.state.wi.us**

Carbon copy (CC:) to:

---

**Pre Topic:**

No specific pre topic given

---

**Topic:**

Prohibiting insurance coverage discrimination on basis of dog breed

---

**Instructions:**

See Attached

---

**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	pkahler 02/07/2005			_____			S&L
/1	chanaman 03/04/2005	kfollett 03/18/2005	jfrantze 03/18/2005	_____	mbarman 03/18/2005		

FE Sent For:

<END>

**2005 DRAFTING REQUEST**

**Bill**

Received: 01/31/2005

Received By: pkahler

Wanted: As time permits

Identical to LRB:

For: John Lehman (608) 266-0634

By/Representing: himself

This file may be shown to any legislator: NO

Drafter: pkahler

May Contact:

Addl. Drafters:

Subject: Insurance - other insurance

Extra Copies:

Submit via email: YES

Requester's email: Rep.LehmanJ@legis.state.wi.us

Carbon copy (CC:) to:

---

**Pre Topic:**

No specific pre topic given

---

**Topic:**

Prohibiting insurance coverage discrimination on basis of dog breed

---

**Instructions:**

See Attached

---

**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	pkahler	1/18 3/18	JL 3/18	JL 3/18			

FE Sent For:

<END>



State Representative  
**John Lehman**

January 26, 2005

**MEMORANDUM**

To: Attorney Pamela J. Kahler  
From: Representative John Lehman  
Re: Dangerous Dogs – Insurance Coverage Discrimination

It is my understanding that, under Wisconsin law, insurance companies may cancel or refuse to write liability policies for owners of certain breeds of dogs. I would like you to draft legislation that would include the following language:

- A. Insurance companies may deny coverage to owners of dogs that have done one or more of the following:
  1. Inflicted severe injury of a human being without provocation on public or private property.
  2. Killed or inflicted injury on a domestic animal without provocation while off the owner's property.
  3. Attacked a human being without provocation.
  4. If the dog had been used in the commission of a crime.

*who decides?*

*174.02*

- B. No liability policy or surety bond issued pursuant to this act or any other act may prohibit coverage from any specific breed of dog.

*↑ Pennsylvania*

Thank you. Please feel free to give me a call if you have any questions regarding my request.

State Capitol:  
P.O. Box 8952  
Madison, WI 53708  
Toll-free: 1-888-534-0062  
(608) 266-0634  
Fax: (608) 282-3662  
E-Mail:  
rep.lehmanj@legis.state.wi.us

Home:  
708 Orchard Street  
Racine, WI 53405  
(262) 632-3330



State of Wisconsin  
2005 - 2006 LEGISLATURE

LRB-1945/1  
CMH:.....

other

D-NOTE

PJK:kjf

2005 BILL

AN ACT ...; relating to: liability coverage for owners of dogs.

generate

under a liability insurance policy

**Analysis by the Legislative Reference Bureau**

Current law does not prohibit an insurer from denying liability coverage, or from basing premiums for coverage under a liability insurance policy, to a dog owner based on the particular breed of dog he or she owns. This bill prohibits an insurer from denying liability coverage, or from basing premiums for coverage under a liability insurance policy, to a dog owner based on the breed of his or her dog. The bill permits an insurer to deny liability coverage to, or to base premiums for coverage under a liability insurance policy on, a dog owner due to the past behavior of his or her dog. If the dog owner knows that his or her dog has been used in the commission of a crime or has previously injured a person, domestic animal, or property, then the insurer may generally deny coverage or increase the premium for coverage.

because of

For further information see the **state and local** fiscal estimate, which will be printed as an appendix to this bill.

to

only because of

he or she owns

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

SECTION 1. 632.235 of the statutes is created to read:

**632.235 Denial of coverage based on dog ownership.** (1) No insurer authorized to write liability coverage may deny, or impose an increased premium for,

**BILL****SECTION 1**

coverage under a liability insurance policy because the person to be covered is a dog owner and owns a particular breed of dog.

(2) (a) An insurer authorized to write liability insurance may deny, or impose an increased premium for, coverage under a liability insurance policy because the person to be covered is a dog owner only if the dog owner knows that his or her dog has been used in the commission of a crime or that his or her dog previously injured a person, domestic animal, or property.

(b) An insurer may not deny coverage or impose an increased premium for coverage under par. (a) if the dog owner would be immune from liability under s. 895.57 (4) or if the dog is used by a law enforcement agency, as defined in s. 165.83 (1) (b), and the dog injures a crime suspect while the dog is performing law enforcement functions.

**SECTION 2. Initial applicability.**

(1) This act first applies to insurance policies that are issued or renewed on the effective date of this subsection.

(END)

*D-Note*

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

LRB-1945/1dn

Y.....  
cmh:kjf

Date

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 <sup>whether it was</sup> 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 if the dog were 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 ~~also~~ excludes law-enforcement dogs that may have injured a crime suspect while performing law enforcement functions. If you intended a different result, please let me know and I will redraft.

Cathlene Hanaman  
Legislative Attorney  
Phone: (608) 267-9810  
E-mail: cathlene.hanaman@legis.state.wi.us



**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.

Cathlene Hanaman  
Legislative Attorney  
Phone: (608) 267-9810  
E-mail: [cathlene.hanaman@legis.state.wi.us](mailto:cathlene.hanaman@legis.state.wi.us)

**Barman, Mike**

---

**From:** Hanaman, Cathlene  
**Sent:** Tuesday, March 22, 2005 2:16 PM  
**To:** Lori Northrop; Lynn Emery; Mike Barman; Sarah Basford  
**Subject:** FW: LRB 1945 -- Insurance on certain breeds of dogs

Can you resend it with the jacketing buttons? See below?

-----Original Message-----

**From:** Stoll, Joanna  
**Sent:** Tuesday, March 22, 2005 2:04 PM  
**To:** Hanaman, Cathlene  
**Subject:** LRB 1945 -- Insurance on certain breeds of dogs

Hi Cathlene,

I accidentally deleted your e-mail message to John with the enablers on LRB 1945 (insurance on certain breeds of dogs). Any chance you could re-send it? It would be helpful if you could send it to me directly. I'm at: Stoll, Joanna.

Thanks much,  
Jo  
Jo Stoll  
Aide to Rep. John Lehman  
6-0634

Sent to  
Rep. Lehman → called  
& told  
her

**Barman, Mike**

---

**From:** Stoll, Joanna  
**Sent:** Wednesday, April 06, 2005 10:42 AM  
**To:** LRB.Legal  
**Subject:** Draft review: LRB 05-1945/1 Topic: Prohibiting insurance coverage discrimination on basis of dog breed

It has been requested by <Stoll, Joanna> that the following draft be jacketed for the ASSEMBLY:

Draft review: LRB 05-1945/1 Topic: Prohibiting insurance coverage discrimination on basis of dog breed