

AMENDED IN ASSEMBLY MARCH 12, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 265

Introduced by Assembly Member Gatto

February 7, 2013

An act to add Section 831.7.5 to the Government Code, relating to local government liability.

LEGISLATIVE COUNSEL'S DIGEST

AB 265, as amended, Gatto. Local government liability: dog parks.

Existing law governs the tort liability and immunity of, and claims and actions against, a public entity, including a city, county, and city and county. Existing law makes the owner of any dog civilly liable for the damages suffered by any person who is bitten by the dog while in a public place or lawfully in a private place, as specified, regardless of the former viciousness of the dog or the owner's knowledge of such viciousness.

This bill would provide that a city, county, ~~or city and county, or special district~~ that owns or operates a dog park ~~with specified signage is immune from civil liability shall not be held liable for damages any injury or death~~ suffered by any person ~~or dog who is bitten by a dog or suffers any other dog-inflicted injury while in the dog park. or pet resulting solely from the actions of a dog in the dog park.~~

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 831.7.5 is added to the Government Code,
2 to read:

3 831.7.5. (a) ~~A Notwithstanding any other law, a city, county,~~
4 ~~or city and county, or special district that owns or operates a dog~~
5 ~~park with signage stating that dog owners use the dog park at their~~
6 ~~own risk shall be immune from civil liability for damages suffered~~
7 ~~by any person or dog who is bitten by a dog or suffers any other~~
8 ~~dog-inflicted injury while in the dog park. shall not be held liable~~
9 ~~for injury or death of a person or pet resulting solely from the~~
10 ~~actions of a dog in the dog park.~~

11 (b) ~~Nothing in this~~ This section shall not be construed to
12 otherwise affect the liability of a city, county, ~~or city and county,~~
13 ~~or special district including, but not limited to, liability for~~
14 ~~negligence resulting from the failure of the city, county, or city~~
15 ~~and county to maintain a dog park that it owns or operates. creating~~
16 ~~or maintaining a dangerous condition of public property as set~~
17 ~~forth in Section 835.~~