

AMENDED IN ASSEMBLY MARCH 12, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

**ASSEMBLY BILL**

**No. 265**

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**Introduced by Assembly Member Gatto**

February 7, 2013

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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.*

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