

AMENDED IN SENATE JUNE 10, 2013

AMENDED IN ASSEMBLY APRIL 29, 2013

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, *but not limited to*, a city, county, ~~and city and county~~, *district, and any other political subdivision*. 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, city and county, or special district~~ *public entity, as defined*, that owns or operates a dog park shall not be held liable for any injury or death suffered by any person 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) ~~Notwithstanding any other law, a city, county,~~
4 ~~city and county, or special district~~ *A public entity* that owns or
5 operates a dog park shall not be held liable for injury or death of
6 a person or pet resulting solely from the actions of a dog in the
7 dog park.

8 (b) This section shall not be construed to ~~otherwise~~ affect the
9 liability of a ~~city, county, city and county, or special district for~~
10 ~~negligence~~ *public entity that may otherwise exist exists* under the
11 law.

12 (c) *“Public entity” has the same meaning as Section 811.2, and*
13 *includes, but is not limited to, cities, counties, cities and counties,*
14 *and special districts.*

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