**South Carolina General Assembly**

119th Session, 2011-2012

**H. 3640**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Tallon, D.C. Moss, Patrick, Allison, Parker, Thayer, Hardwick, Norman, Atwater, Quinn, Cole, Forrester, Hixon, Murphy, Pinson and Simrill

Document Path: l:\council\bills\swb\6022cm11.docx

Companion/Similar bill(s): 485

Introduced in the House on February 9, 2011

Currently residing in the House Committee on **Judiciary**

Summary: Dog owner liability

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

2/9/2011 House Introduced and read first time ([House Journal‑page 11](file:///h:\hj%20archive\2011\02-09-11.docx))

2/9/2011 House Referred to Committee on **Agriculture, Natural Resources and Environmental Affairs** ([House Journal‑page 11](file:///h:\hj%20archive\2011\02-09-11.docx))

5/11/2011 House Recalled from Committee on **Agriculture, Natural Resources and Environmental Affairs** ([House Journal‑page 17](file:///h:\hj%20archive\2011\05-11-11.docx))

5/11/2011 House Referred to Committee on **Judiciary** ([House Journal‑page 17](file:///h:\hj%20archive\2011\05-11-11.docx))

**VERSIONS OF THIS BILL**

[2/9/2011](file:///p:\pprever\2011-12\3640_20110209.docx)

**A** **BILL**

TO AMEND SECTION 47‑3‑110, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE LIABILITY OF THE OWNER OR A PERSON HAVING A DOG IN HIS CARE WHEN THE DOG ATTACKS A PERSON, SO AS TO PROVIDE THAT THIS PROVISION DOES NOT APPLY TO CERTAIN TRAINED POLICE DOGS.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Section 47‑3‑110 of the 1976 Code is amended to read:

“Section 47‑3‑110. (A) Whenever any person is bitten or otherwise attacked by a dog while the person is in a public place or is lawfully in a private place, including the property of the owner of the dog or other person having the dog in his care or keeping, the owner of the dog or other person having the dog in his care or keeping is liable for the damages suffered by the person bitten or otherwise attacked. For the purposes of this section, a person bitten or otherwise attacked is lawfully in a private place, including the property of the owner of the dog or other person having the dog in his care or keeping, when the person bitten or otherwise attacked is on the property in the performance of any duty imposed upon him by the laws of this State, by the ordinances of any political subdivision of this State, by the laws of the United States of America, including, but not limited to, postal regulations, or when the person bitten or otherwise attacked is on the property upon the invitation, express or implied, of the owner of the property or of any lawful tenant or resident of the property. ~~If a person provokes a dog into attacking him then the owner of the dog is not liable.~~

(B) The provisions contained in subsection (A) do not apply to a trained police dog acting under the direct supervision of its law enforcement handler when the bite or attack was the result of a command by the handler during a law enforcement action.

(C) If a person provokes a dog into attacking him, then the owner of the dog is not liable.”

SECTION 2. This act takes effect upon approval by the Governor.

‑‑‑‑XX‑‑‑‑