

DOG BITES 101 IN ARKANSAS

“Recovery can be sought from not only the animal’s owner, but sometimes from other responsible individuals as well”



Wesley A. Cottrell

Each year, thousands of Americans suffer animal bites. Most often the culprits are domesticated dogs. In many cases, the victims have a legal right to recover for their damages. Recovery can be sought from not only the animal's owner, but sometimes from other responsible individuals, as well.

What to do if you are bitten by a dog

The very first thing to do, if you are bitten by a dog, is seek medical treatment right away. For purely health reasons, if you are not treated quickly, the bite may become infected, which can lead to ever worse problems.

Owner Liability for Dog Bites

Typically, the first person to look at in determining liability is the owner of the animal. Some states impose what is known as "strict liability" upon animal owners. Under this theory, the owner is legally responsible regardless of whether he or she did anything wrong in failing to protect someone from their dog. In other states, liability is only imposed on the owner if he or she knew the dog had "dangerous propensities."



What makes a dog dangerous?

There are particular breeds of dogs whose ancestry is known for aggression. At one time, these traits might have been accepted because of the breed's usefulness as hunters or herders. On the other hand, some undesirable traits come from bad breeding practices, such as breeding fighting dogs or guard dogs. Unfortunately, there are also those owners who chain up their dogs and neglect them, which can also lead to aggression.



The dog bite rules in Arkansas and Missouri

In Arkansas, unlike most states, there is no specific law pertaining to liability for dog bites. However, Arkansas has common law liability that can be enforced. If an individual in Arkansas is injured by a dog attack, he or she can recover money damages from the owner if negligence is proven.



In Missouri, there is a dog bite statute, passed in 2009, which imposes strict liability on dog owners for dog bites, regardless of whether the dog bit anyone in the past. Missouri law also allows dog bite victims to recover in cases of negligence and negligence per se.

Who else can be liable?

Animal owners are certainly not the only individuals who can be held responsible for dog bites. Following are a few common examples of others who may potentially be responsible, as well:

- **Animal Keepers:** Anyone who is responsible for the care or custody of an animal, including kennels, an animal shelter, or an animal sitter.
- **Parents of Minors:** Even if a person under 18 years of age owns the animal at issue, in many states an injured person can bring a legal claim against the minor's parents. This is true even if the parents had no direct involvement with the animal.
- **Property Owners:** A property owner can be liable for injuries caused by an animal that the property owner allowed onto his or her property.
Landlords: If an apartment landlord knew (or should have known) that a tenant owned a dangerous animal, the landlord may also be liable for animal bite injuries

Potential Defenses in Dog Bite Cases

It helps to understand the types of defenses, someone responsible for the dog may try to raise. As with nearly all other legal claims, there are certain arguments that can be made to avoid liability. For example, one defense is that the animal owner adequately warned others that the animal was dangerous and took measures to keep the animal away from people, but the victim ignored those warnings. In that situation, it is possible that the victim was "contributorily

negligent” and that led to his or her injuries. It could also be determined that the victim “assumed the risk” of injury by ignoring the warnings. A less common defense is, that the injured party actually provoked the animal, such as making threatening gestures toward the animal. This situation could possibly refute the owner’s liability.

What Damages Can You Recover?

Dog bite cases are part of the category of legal claims known as personal injury claims. The typically damages that can be recovered in personal injury cases are medical expenses, lost wages, property damage and pain and suffering. The amount of damages you are entitled to always depends on the seriousness of your injuries and the amount of your out-of-pocket losses.



If you have questions regarding dog bite claims, or any other personal injury concerns, call the Cottrell Law Office at (800) 364-8305.

About the Author



Wesley A. Cottrell

Wesley A. Cottrell has been successfully practicing law for over 29 years. Born in Springdale, Arkansas and raised in Baxter Springs, Kansas, Wes is licensed to practice law in Arkansas, Kansas, Missouri, and Oklahoma.

Wes earned his B.A. from Pittsburg State University in 1981 and his J.D. from the Washburn University School of Law in Topeka, Kansas in 1985. He was admitted to practice law in Kansas in 1986, in Missouri in 1987, in Arkansas in 1989, and Oklahoma in 1993.

He is licensed to practice law in the United States District Court for the District of Kansas, eastern Arkansas, western Arkansas, and western Missouri. He was Deputy Prosecuting Attorney in Crawford County, Kansas from 1987-1989.

Wes lives in Rogers, Arkansas with his wife, Shelly, and their two daughters, Kennedy and Gabby. He is active in his community, and is regularly asked to teach courses to other attorney on personal injury and workers' compensation litigation.

Memberships and Associations:

National Organization of Social Security Representatives
Benton County Bar Association
Arkansas Bar Association
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Kansas Bar Association
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