

# SENATE BILL No. 640

September 19, 2001, Introduced by Senator BULLARD and referred to the Committee on Judiciary.

A bill to amend 1939 PA 73, entitled

"An act providing for the recovery of damages by persons bitten by dogs; and creating a liability of the owners of such dogs,"

by amending section 1 (MCL 287.351), as amended by 1988 PA 142.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1       Sec. 1. (1) If a dog bites a person, without provocation  
2 while the person is on public property, or lawfully on private  
3 property, including the property of the owner of the dog, the  
4 owner of the dog ~~shall be~~ IS liable for any damages suffered by  
5 the person bitten, regardless of the former viciousness of the  
6 dog or the owner's knowledge of such viciousness.

7       (2) A person is lawfully on the private property of the  
8 owner of the dog within the meaning of this act if ~~the~~ EITHER  
9 OF THE FOLLOWING APPLIES:

1 (A) THE person is on the DOG owner's property in the  
2 performance of any duty imposed upon ~~him or her~~ THE PERSON by  
3 the laws of this state or by the laws or postal regulations of  
4 the United States. ~~, or if the~~

5 (B) THE person is on the DOG owner's property as an invitee  
6 or licensee of the person lawfully in possession of the property  
7 unless ~~said person has gained lawful entry upon the premises~~  
8 THE PERSON ON THE DOG OWNER'S PROPERTY LAWFULLY ENTERED THE  
9 PROPERTY for the purpose of an unlawful or criminal act.

10 (3) AS USED IN THIS ACT, "PROVOCATION" MEANS THE PERFORMANCE  
11 OF A WILLFUL ACT OR OMISSION THAT AN ORDINARY AND REASONABLE  
12 PERSON WOULD CONCLUDE IS LIKELY TO PRECIPITATE A BITE BY AN ORDI-  
13 NARY DOG.