

AMERICAN BAR ASSOCIATION  
TORT TRIAL & INSURANCE PRACTICE SECTION  
ANIMAL LAW COMMITTEE  
*Prosecuting Reckless Owners and Muzzling Dangerous Dogs*  
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## **CAN MY DOG LIVE HERE, TOO? AN ANALYSIS OF DOG BREED DISCRIMINATION BY HOMEOWNERS INSURANCE COMPANIES**

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### Law Review Article

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## Can my dog live here too?

Dog Breed Discrimination &  
Homeowners' Insurance Companies



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## Saffy (Lab-Chow Mix)



## Lab + Chow Chow = Lab-Chow



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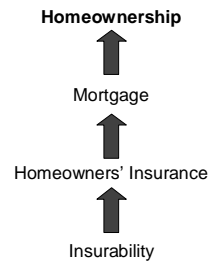
## Semona (Rottweiler)








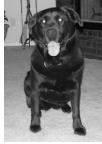
## Texas Farm Bureau to the Rescue



## Insurance as Gatekeeper to Homeownership



The Usual Suspects	
Doberman Pinscher 	Rottweiler 
Chow Chow 	Presa Canario 

The Usual Suspects	
German Shepherd 	Wolf Hybrid 
Mixes 	Who's next <div style="text-align: center; font-size: 2em;">?</div>

**Insurance Industry's Defense:  
Actuarial Justification**

- Insurance is a business
- Keep premiums low
- Large pay-outs for dog bites
- Certain breeds are disproportionately responsible for bites
  - CDC Fatality Studies
  - CDC Non-Fatality Studies
  - Other Studies
- Certain breeds cause more damage when they do bite

**Response**

- Dog bite statistics ≠ sufficient actuarial justification
- Amount of claims = small
- Dogs have social benefits
- Negative consequences:
  - Homeownership ↓
  - Abandonment ↑
  - Policy fraud ↑
- **Lack of actuarial justification combined with overriding public interest warrants legislative intervention.**

**Relative Dangerousness Ratio**

**Relative Dangerousness Ratio**

## Relative Dangerousness Ratio

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### CDC Fatality Studies

- Methods:
  - SCMTs
  - NEXIS
  - HSUS
- Results:
  - 7 deaths per year per 100M people
  - Males, children most likely to be victims
  - Breed responsible for most number of bites changed over time

### CDC Non-Fatality Study / NEISS-AIP

- Methods:
  - ED reports from NEISS-AIP hospitals
- Results:
  - 6,106 patients treated for dog bite injuries during 2001
  - Extrapolated to human population: 368,245 visits to EDs for dog bite injuries

### CDC Non-Fatality Study / Denver

- Methods:
  - Examined reports from the Denver Municipal Animal Shelter
  - Random phone survey to determine a control group
- Results:
  - 178 bites
  - Biting dogs were more likely to be German Shepherd or Chow Chow, male, intact, and reside in a home with children

### Problems with the Studies

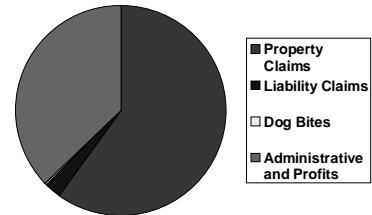
- Numerators
  - Must come to attention of authorities
  - Victim must accurately report breed
- Denominators
  - No dog census
  - AKC/municipal data incomplete
- Breed
  - Human construct
  - Misidentification ([Find the Pit Bull](#))
  - Media attention skews results/reporting
  - Counting mixed breeds

### Problems with the Studies

- Just Cause Bites
- Dog Fighters, Gang Members, Drug Dealers, and other Bad Owners

### High Cost of Dog Bites?

- Insurance companies (2005)
  - Claims fell from 20,800 (2002) to 15,000 (2005).
  - Dog bites account for \$351.4 million in claims.
  - This accounts for 15% of liability claims.
- Some perspective: For every \$100 in premiums ...



### State Regulation



Actuarial  
Justification

Public/Social  
Policy

### Alternatives

- Education
- Dog-by-dog analysis
- Enforcement of existing laws
  - Dangerous dogs
  - Dogs at-large
- Risk classification (insure, but at a higher premium)???

THE END

