



ARIZONA STATE SENATE
Fifty-Fifth Legislature, Second Regular Session

FACT SHEET FOR H.B. 2323

homeowner's insurance; dogs; nondiscrimination

Purpose

Prohibits a dog's breed from being considered or used for prescribed purposes relating to a homeowner's or renter's insurance policy (insurance policy).

Background

The owner of a dog which bites a person in a public place or lawfully on a private place is liable for damages suffered by the person bitten ([A.R.S. § 11-1025](#)). A person is lawfully in or on private property of a dog owner if the person is an invitee, guest or when a person is performing a duty imposed on the person by U.S. or state law ([A.R.S. § 11-1026](#)). Proof of provocation of attack by a person injured by a dog is an authorized defense to an action for damages and must be determined by whether a reasonable person would expect that the conduct or circumstances would likely provoke a dog ([A.R.S. § 11-1027](#)).

Insurance is a contract by which a person undertakes to indemnify another or to pay a specified amount on determinable contingencies ([A.R.S. § 20-103](#)).

Provisions

1. Prohibits a dog's breed from being considered or used for:
 - a) underwriting or actuarial processes for determining risk, liability, actual or potential losses or any other matter related to claims involving dogs under an insurance policy;
 - b) questionnaires, surveys or other means of gathering information regarding ownership, possession or the presence of a dog on the premises under an insurance policy;
 - c) findings of fact or conclusions of law by a legal decision maker regarding whether a dog is aggressive, vicious or has caused liability to occur as part of determining coverage, liability or damages related to an insurance policy.
2. Defines *aggressive* as a dog that has bitten a person or domestic animal without provocation or has a history of biting persons or domestic animals without provocation.
3. Defines *breed* as a dog's actual, perceived breed or mixture of breeds.
4. Defines *policy of insurance* as a homeowner's or renter's policy of insurance.
5. Defines *provocation* as tormenting, attacking or inciting a dog and includes the standard for determining provocation by whether a reasonable person would have expected that the conduct or circumstances would have provoked a dog.

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6. Defines *vicious* as a dog that:
 - a) has a propensity to attack, cause injury to or otherwise endanger the safety of persons without provocation; or
 - b) was found to have any of these traits after a hearing before a court of competent jurisdiction or before a hearing officer.

7. Becomes effective on the general effective date.

House Action

COM	1/31/22	W/D	
GE	2/16/22	DP	10-3-0-0
3 rd Read	3/17/22		42-16-2

Prepared by Senate Research
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LMM/IJ/sr