

Legislation would let insured pet owners keep dogs off leash

By Howard Fischer, Capitol Media Services | Posted: Thursday, January 26, 2012 7:00 am

State lawmakers are weighing whether to let those who have insurance to pay for injuries their dogs may cause ignore county leash laws and homeowner association rules.

Legislation crafted by Sen. Lori Klein, R-Anthem, would say that county ordinances which now require dogs in public parks and on public lands to be on a leash do not apply if the owner has at least \$50,000 worth of liability coverage. Klein said there is no reason that owners of responsible, well-behaved dogs should not be allowed to let them run free.

But Klein is specifically annoyed by leash law rules of homeowner associations. And she said her legislation, SB 1065, would preclude HOAs from citing homeowners under rules that forbid a dog from sitting, unleashed, in an unfenced front yard.

The idea, though, ran into opposition at a Wednesday hearing of the Senate Committee on Government Reform, from law enforcement and animal control officers. Even Sen. Frank Antenori, R-Tucson, questioned the wisdom of her plan.

And Klein, who already watered down her measure so it did not apply to city parks, could be forced to make even more changes in her plan if she hopes to make it law.

Klein said leash laws -- and HOA regulations in particular -- are sometimes overly aggressively enforced.

"I've had several of my constituents come to me about the fact that little old grandmother with her little Chihuahua is out with the dog, the dog gets off leash and she's fined," Klein said. She said 25 percent of fines levied by HOAs are for off-leash dogs.

"Most of it is very silly," Klein said.

She figures that having liability insurance against injuries and damages caused by animals shows an owner is responsible enough to have a pet off leash.

"If the dog is under control, he should be allowed to play (in the park) like a dog," she said.

But Phoenix Police Lt. Mark Cousins told committee members that insurance is not the answer.

"Public safety is always best served by prevention as opposed to compensation," he said. Cousins said leash laws protect not only the general public but the animals themselves.

"Even good dogs that are under control can become uncontrolled under certain circumstances," he said. "I

would assume even your well-controlled dogs, if my 4-year-old hit him with a toy or something, which is possible, they could become uncontrolled."

Rodrigo Silva, director of Maricopa County Animal Care and Control, said Klein's proposed exemption from leash laws is flawed.

"It opens the door for bad owners to acquire an insurance (policy) and then be allowed to have their dogs at large, even if they are not under control," he told lawmakers.

Klein asked if Silva would be less opposed to her plan if the measure were crafted to say that leashes are unnecessary only if an animal is trained and under control. Silva said that is not the answer, questioning whether there could be a legally enforceable definition of "trained and under control."

"And even under control dogs, given the right environment, may get out of control," he added.

Even if that could be resolved, Silva said the legislation creates new hurdles for animal control officers, as nothing in the proposal actually requires the dog owner to carry around the insurance policy. He said that could force his officers, when dealing with an off-leash dog, to have to follow an owner back home to find the paperwork.