



Finger Lakes Runners Club  
P.O. Box 4984  
Ithaca, NY 14850

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April 12, 2019

To the Honorable Monica Martinez, James Tedisco, Joseph Addabbo Jr, Phil Boyle, Pete Harckham, Jen Metzger, and Zellnor Myrie:

The Finger Lakes Runners Club and members of the running community urge the New York State Assembly to enact Senate Bill 122, a bill to amend the law on liability for dog attacks. Senate Bill 122 will modernize New York law, bring it into conformity with the majority of jurisdictions in the United States, and better protect New York's many runners and outdoor enthusiasts.

The Finger Lakes Runners Club (FLRC) is an all-volunteer, 501(c)(3) non-profit organization focused on promoting physical fitness and health through running. Many of our 600-plus members, and many other runners served by the club, have had altercations with dogs while running. It's all too common for runners to be threatened by or accosted by a dog while on a public road passing the property of the dog's owner. Also unfortunately common are interactions with dogs while running on public trails where dog owners are walking their dogs off-leash, often in violation of posted rules and regulations.

Most of the time, these interactions don't result in physical injury, although some runners are sufficiently intimidated by the threat of being attacked that they curtail their activities. However, on occasion, a dog does attack and inflict injury. Recently, one of our long-time members and volunteers, Ron Cunningham, was attacked by a 60-pound Rottweiler mix while running on a public road and suffered serious harm. He has had difficulty obtaining redress against the dog's owner in court owing to New York's outdated and inflexible dog-attack law.

We were dismayed to learn that New York abides in part by the "one-bite rule" that shields dog owners from liability from the first attack committed by a dog—in other words, when they could claim that they didn't know the dog was dangerous. That's unacceptable in the modern world where dog owners should be liable for the actions of their animals unless there is reasonable justification for that behavior. Dog-attack victims like Ron Cunningham deserve reparation for their injuries, and New York should join the majority of jurisdictions in the United States that have rejected the one-bite rule.

FLRC believes Senate Bill 122 modernizes New York law by replacing the "a dangerous dog" wording that honors the one-bite rule with a more flexible and victim-friendly standard referring to a dog that has "caused injury to a person, companion animal, farm animal or domestic animal." Significantly, the bill will make the owner of a dog potentially "liable for all injuries and damages suffered by any person who is bitten by the dog while in a public place ... regardless of the former viciousness of the dog or that owner's knowledge of such viciousness." Simultaneously,

FLRC also approves of the protections for dog owners that Senate Bill 122 leaves in place, including limitations on liability for a dog that justifiably attacks someone to stop a crime, react to threats or abuse, or protect itself or its offspring.

Thank you for your consideration of support for Senate Bill 122!

During its regularly scheduled meeting of April 10th, 2019, the FLRC Board of Directors voted in favor of this letter being signed and sent, along with the signatures of other members of the running community who wish to support Senate Bill 122.

Sincerely,

Adam C. Engst  
VP of Track  
FLRC Board of Directors