

“One Free Bite” in Maryland FAQ

What is “One Free Bite”?

“One Free Bite” is a term long used in legal circles to explain the reality confronting the dog bite victim when attempting to hold the dog’s owner responsible. In order to receive compensation, the victim is burdened with proving that the dog owner *knew or should have known* of the dog's vicious propensity. The easiest way to do this is by a previous documented bite by the dog. In Maryland, pit bull owners are now held to a strict liability standard. Victims attacked by pit bulls no longer have to prove the dog's prior vicious propensity. This became law in 2012, after the highest court in Maryland ruled that pit bulls are “inherently dangerous.”

What qualifies as “One Free Bite”?

A dog bite, a severe dog bite or a dog mauling.

What happens if I am bitten?

An insurance provider's decision on whether to pay a dog bite claim is a business decision. If the claim is smaller than the cost of preparing a court case in an attempt to avoid liability, or they believe the victim can defeat the “One Free Bite” standard, the provider may opt to pay the claim to minimize their exposure and then exclude the offending dog from future coverage. If the claim is greater than the cost of going to court, (such as cases involving severe bites and maulings), the provider may opt to fight the case in court.

What is an exclusion?

The exclusion of a dog from a policy with one documented bite -- no matter the severity -- leaves the dog owner exposed to direct liability. While this may sound reasonable, it most often limits the victim's recovery of compensation. The dog owner may have limited assets or can declare bankruptcy and be discharged from further responsibility.

Homeowners vs. Renters

In Maryland, if you are a homeowner and dog owner who lives next door to a renter and dog owner, you may have no recovery of compensation after a dog bite. Homeowners in Maryland are required by the mortgage lender to have homeowners insurance -- the type of insurance that covers dog bite injuries. In contrast, renters are not required to carry insurance. This means that if a homeowner's dog bites a renter, that person can make a claim against the homeowner and his insurance company; homeowners have no similar recourse when injured by a renter's dog.

About Us

Tony and Irene Solesky are the parents of a 10 year old boy who suffered life-threatening injuries after being attacked by a renter's pit bull in April 2007. The Solesky family pursued their case in court, and after a 5-year legal battle, ultimately received compensation. In April 2012, the highest court in Maryland declared pit bulls “inherently dangerous” and attached a strict liability standard to all pit bull attacks. The Court extended this liability, in instances of tenants, to the tenant’s landlord. Barron and Andrea Mason are the parents of a 9 year old boy who was injured in an attack by the same dog that later mauled the Solesky’s son. The attack on their son was the “one free bite” required by law prior to the unprecedented decision in *Tracey v. Solesky*.

Funds raised in the Bowl-a-Thon will be donated to two organizations:

The Johns Hopkins Children’s Center for providing advanced trauma medical services for mauling victims
and credited with saving Dominic Solesky’s life, and

DogsBite.org for providing the only public education website about dangerous dog breeds
that is not owned or controlled by veterinarians, animal welfare or dog breeding groups.