

Who Is Liable If a Dog Bites Someone on Private Property in Washington State?

Understanding Washington's Dog Bite Laws and Property Liability

[Dog attacks](#) can happen in an instant, often in familiar places like a neighbor's yard, a friend's home, or while visiting a customer's property. When an injury occurs on private property, victims sometimes assume they cannot recover compensation because the incident happened on someone else's land. In Washington, however, that is not necessarily true.

Under Washington law, dog owners may be held responsible for injuries caused by their animals, even when a bite or attack takes place on private property. When this occurs, the focus is not so much on where the attack happened, but whether the injured person was there lawfully (such as an invited guest).

If the victim of the attack had express or implied permission to be there, the dog's owner may potentially be held liable for the attack. Only in limited circumstances, such as when a person is unlawfully trespassing, may the owner avoid responsibility.

Determining liability following an attack requires a careful legal analysis based on the applicable laws and unique facts of each case. At [The Scott Law Firm, PLLC](#), attorney Colin Scott helps people throughout Vancouver and Southwest Washington understand how these laws work and what options may be available after a serious dog bite or attack.

Washington's Strict Liability Rule for Dog Owners

Washington has one of the strongest dog bite laws in the country. Under [RCW 16.08.040](#), a dog owner may be held strictly liable for injuries caused by their dog, regardless of the animal's previous behavior.

The statute provides that:

"The owner of any dog which shall bite any person while such person is in or on a public place or lawfully in or on a private place... shall be liable for such damages as may be suffered by the person bitten, regardless of the former viciousness of such dog or the owner's knowledge of such viciousness." RCW 16.080.040.

In practical terms, this law means the victim of an attack does not necessarily need to prove the owner was negligent or that the dog had a history of aggression. The owner's responsibility exists simply because their dog caused harm to someone who was legally on the premises.

What Does "Lawfully on Private Property" Mean?

RCW 16.080.040 distinguishes between those who are lawfully on the property and those who are not. Examples of when a person may be considered lawfully in or on a private place include:

- **Express permission from the property owner or occupant** — such as a social guest, friend, or invited neighbor.
- **Implied permission due to the nature of their work or societal expectation** — such as a [postal carrier](#), delivery driver, or utility worker performing duties.

If any of these situations applies and can be proven, the dog's owner may be held liable for injuries caused by their dog, even if the attack occurs within a fenced yard, driveway, or porch.

The statute is designed to protect people who have a legitimate reason to be on private property. In most cases, liability will not turn on whether the property is public or private, but rather whether the injured person had permission or some legally recognized authority for being there.

Trespassing and When Liability May Not Apply

The most common exception to Washington's strict liability rule involves trespassing. If someone enters another person's property without permission, invitation, or legal authority, then RCW 16.080.040 does not apply. Examples of trespassing may include:

- Entering someone else's fenced property without consent.
- Ignoring a posted "No Trespassing" or "Private Property" sign.
- Remaining on private land after being told to leave.

In these situations, the owner's liability may be limited or eliminated altogether, since the person bitten was not lawfully on the property. There can sometimes be gray areas, such as when a child wanders onto a neighbor's property. In such cases, determining whether the victim lawfully or unlawfully on the premises may require careful legal analysis.

Common Scenarios Involving Dog Bites on Private Property

Dog attacks on private property often happen in everyday situations. Some of the most common examples include:

Social Guests or Visitors

A friend or relative invited into a home is lawfully on the property. If the host's dog attacks, the owner may be held strictly liable under Washington dog bite statute. RCW 16.080.040.

Delivery Drivers and Postal Carriers

Mail carriers, Amazon drivers, and food delivery workers are performing official duties when entering walkways, porches, or driveways. Thus, they may have implied permission to briefly enter the property for purposes of carrying out their work duties, in which case the dog's owner may be held responsible for any resulting injuries.

Contractors and Utility Workers

Electricians, plumbers, landscapers, and maintenance professionals who have been hired or scheduled to perform services are also likely going to be viewed as lawfully on private property belonging to someone else, so long as they had permission to be there and were carrying out the work duties requested of them.

Tenants and Landlords

When a dog bite occurs at a rental property, it is very likely that liability still rests with the dog's owner, not the landlord. This is because Washington courts have made it clear that liability flows from ownership or direct control of the animal, not necessarily from property ownership.

As stated in [Frobig v. Gordon, 124 Wn.2d 732, 735 \(1994\)](#):

“The rule in Washington is that the owner, keeper, or harbinger of a dangerous or vicious animal is liable; the landlord of the owner, keeper, or harbinger is not.”

This means a landlord generally will not be held responsible for injuries caused by a tenant's dog, even if the attack happens on the rental property. The better option in such cases is to determine whether the tenant, as the dog's owner, has renter's insurance that provides coverage for the attack. Liability may also exist where the landowner has homeowner's insurance.

Insurance Coverage and Private Property Dog Bites

In many cases, compensation for a dog bite on private property is paid through homeowner's or renter's insurance. These policies often include personal liability coverage that applies to dog-related injuries.

However, policy details vary widely. Some insurers exclude specific breeds considered high risk, while others cap the amount of coverage available for animal-related incidents.

Even when coverage exists, victims may face resistance from insurance adjusters who attempt to reduce or deny claims. An attorney familiar with dog bite cases can help interpret insurance language and advocate for a fair recovery under the threat of filing suit—which adds significant leverage to your claim.

Defenses Dog Owners May Raise

Although strict liability may apply under RCW 16.080.040, dog owners can still assert certain defenses to avoid paying compensation. The most common defenses under Washington's dog bite statute include:

- **Trespassing:** The injured person was unlawfully on the property.
- **Provocation:** The dog was provoked to attack.

Because these defenses can limit or even deny recovery, it's important for victims to have documentation — such as witness statements or animal control reports — showing they were acting lawfully and did not provoke the animal.

Establishing Liability After a Dog Bite

Evidence plays a key role in proving liability. While each case is unique, documentation that may help support a claim includes:

- Photographs of injuries, property layout, and warning signs (or lack thereof).
- Witness statements verifying lawful presence or invitation.
- Animal control or police reports documenting the attack.
- Proof of employment duties if the victim was performing work-related tasks.
- Medical records showing the extent and cause of injuries.

Collecting and preserving this information early can strengthen a claim and help establish the dog owner's legal responsibility.

Damages Available Under Washington Law

Victims of dog bites in Washington may be entitled to recover compensation for both economic and non-economic losses.

Economic loss examples include:

- Bills for past medical treatment and rehabilitation.
- The cost of future medical needs.
- Past lost wages.
- Loss of future wages (e.g., due to ongoing care or disability).
- Property damage (such as torn clothing or equipment).

Non-economic losses are defined partially, although not comprehensively, by Washington statute ([RCW 48.140.010](#)) and include subjective, nonmonetary losses such as:

“Pain, suffering, inconvenience, mental anguish, disability or disfigurement incurred by the injured party, emotional distress, loss of society and companionship, loss of consortium, injury to reputation and humiliation, and destruction of the parent-child relationship.”

In severe cases, dog bite victims may experience permanent scarring, loss of function, or lasting psychological trauma. Compensation aims to address both the physical and emotional impact of the attack.

Why Legal Guidance Can Be Helpful

Navigating Washington's dog bite laws can be complicated, especially when multiple parties or insurance policies are involved. An attorney experienced in personal injury and dog bite claims

can help explain how these laws apply to the specific facts of a case and outline potential options for recovery.

Every situation is unique, and liability can depend on small but important details — such as where the attack occurred, whether permission was granted, how the dog was restrained, etc. Consulting with a lawyer familiar with Washington’s dog bite laws can help injured individuals make informed decisions about how to proceed.

Talk to a Vancouver Dog Bite Lawyer Today

If you or someone you love was bitten by a dog while visiting a friend, neighbor, or on private property, you may have the right to pursue financial compensation for your injuries.

At The Scott Law Firm, PLLC, attorney Colin Scott helps individuals throughout Vancouver and Southwest Washington understand their rights under Washington’s dog bite laws. Our firm can review your case, determine whether you were lawfully on the property, and explain your legal options for seeking recovery.

[Contact The Scott Law Firm today](#) for a free consultation. We can discuss your situation confidentially and help you understand the next steps.

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