

HOUSE BILL 1208

D3

9lr1480

By: **Delegates Smigiel, Ali, Bartlett, Dumais, Frank, Hecht, Kaiser, Lee, Montgomery, Schuler, and Vallario**
Introduced and read first time: February 13, 2009
Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Torts – Pets – Injury or Death**

3 FOR the purpose of altering the measure of compensatory damages for tortious death
4 of, or injury to, a pet that may be awarded to an owner of the pet; making
5 clarifying changes; providing for the application of this Act; and generally
6 relating to compensatory damages for tortious death of, or injury to, a pet.

7 BY repealing and reenacting, with amendments,
8 Article – Courts and Judicial Proceedings
9 Section 11–110
10 Annotated Code of Maryland
11 (2006 Replacement Volume and 2008 Supplement)

12 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
13 MARYLAND, That the Laws of Maryland read as follows:

14 **Article – Courts and Judicial Proceedings**

15 11–110.

16 (a) (1) In this section the following words have the meanings indicated.

17 (2) “Compensatory damages” means:

18 (i) In the case of the death of a pet, the **GREATER OF:**

19 **1. THE** fair market value of the pet **IMMEDIATELY**
20 before [death and] **THE TORTIOUS ACT OR OMISSION THAT CAUSED THE DEATH;**
21 **OR**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter deleted from existing law.



1 **2.** [the] **THE** reasonable and necessary cost of
2 veterinary care[; and] **RESULTING FROM THE TORTIOUS ACT OR OMISSION; OR**

3 (ii) In the case of an injury to a pet, the **GREATER OF:**

4 **1.** **THE DIFFERENCE BETWEEN THE FAIR MARKET**
5 **VALUE OF THE PET IMMEDIATELY BEFORE THE TORTIOUS ACT OR OMISSION**
6 **THAT CAUSED THE INJURY AND THE FAIR MARKET VALUE OF THE PET**
7 **RESULTING FROM THE TORTIOUS ACT OR OMISSION; OR**

8 **2.** **THE** reasonable and necessary cost of veterinary care
9 **RESULTING FROM THE TORTIOUS ACT OR OMISSION.**

10 (3) (i) “Pet” means a domesticated animal.

11 (ii) “Pet” does not include livestock.

12 (b) [(1)] A person who tortiously causes an injury to or death of a pet while
13 acting individually or through an animal under the person’s direction or control is
14 liable to [the] **AN** owner of the pet for compensatory damages.

15 [(2) The damages awarded under paragraph (1) of this subsection may
16 not exceed \$7,500.]

17 **SECTION 2. AND BE IT FURTHER ENACTED,** That this Act shall be
18 construed to apply only prospectively and may not be applied or interpreted to have
19 any effect on or application to any cause of action arising before the effective date of
20 this Act.

21 **SECTION 3. AND BE IT FURTHER ENACTED,** That this Act shall take effect
22 October 1, 2009.