

Department of Legislative Services
Maryland General Assembly
2009 Session

FISCAL AND POLICY NOTE

House Bill 1208
Judiciary

(Delegate Smigiel, *et al.*)

Torts - Pets - Injury or Death

This bill alters the calculation of compensatory damages that may be awarded to an owner of a pet for the tortious death of, or injury to the animal. The bill repeals a statutory provision limiting the maximum compensatory damages awardable in these cases to \$7,500.

The bill applies prospectively to causes of action arising on or after the bill's October 1, 2009 effective date.

Fiscal Summary

State Effect: None. The bill is technical in nature and does not directly affect government finances.

Local Effect: None.

Small Business Effect: None.

Analysis

Bill Summary: The bill specifies that a person who tortiously causes an injury to or death of a pet while acting individually or through an animal under the person's direction or control is liable to an owner of the pet for compensatory damages. In the case of the death of a pet, compensatory damages are equal to the greater of: (1) the fair market value of the pet immediately before the tortious act or omission that caused the death; or (2) the reasonable and necessary cost of veterinary care resulting from the tortious act or omission. In the case of an injury to a pet, compensatory damages are the greater of:

(1) the difference between the fair market value of the pet immediately before the tortious act or omission that caused the injury and the fair market value of the pet resulting from the tortious act or omission; or (2) the reasonable and necessary cost of veterinary care resulting from the tortious act or omission.

Current Law: A person who tortiously causes an injury to or death of a pet while acting individually or through an animal under the person's direction or control is liable to the owner of the pet for compensatory damages, not to exceed \$7,500. In the case of the death of a pet, compensatory damages are equal to the fair market value of the pet before its death and the reasonable and necessary cost of veterinary care. For tortious injury to a pet, compensatory damages equal the reasonable and necessary cost of veterinary care. The provisions only apply to domesticated animals, not livestock.

Abuse or neglect of an animal is a misdemeanor, subject to maximum penalties of 90 days imprisonment and/or a \$1,000 fine. Aggravated cruelty to animals is a felony, with maximum penalties of three years imprisonment and/or a \$5,000 fine.

Additional Information

Prior Introductions: HB 1145 of 2004 as amended passed the House. A hearing was held by the Senate Judicial Proceedings Committee, but no further action was taken.

Cross File: None.

Information Source(s): Judiciary (Administrative Office of the Courts), Department of Legislative Services

Fiscal Note History: First Reader - March 16, 2009
mam/kdm

Analysis by: Amy A. Devadas

Direct Inquiries to:
(410) 946-5510
(301) 970-5510