

HB0002/792615/1

BY: House Judiciary Committee

AMENDMENTS TO HOUSE BILL 2
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “and Vallario” and substitute “Vallario, Kramer, and Smigiel”.

AMENDMENT NO. 2

On page 1, in line 3, after “dog” insert “running at large”; in line 4, strike “the dog” and substitute “a dog bite”; in line 8, strike “certain terms” and substitute “a certain term”; and in line 9, after the semicolon insert “providing for the termination of this Act”.

AMENDMENT NO. 3

On pages 1 and 2, strike beginning with “MEANS” in line 22 on page 1 down through “INCLUDES” in line 2 on page 2 and substitute “INCLUDES”.

On page 2, in line 4, strike “(3)” and substitute “(2)”.

AMENDMENT NO. 4

On page 2, in lines 5 and 7, in each instance, after “SHELTER” insert “, UNIT OF STATE OR LOCAL GOVERNMENT THAT CONDUCTS ANIMAL CONTROL, DOG WALKER, KEEPER OR HARBORER OF A DOG”; and in line 7, after “SHELTERED,” insert “CONTROLLED, WALKED, KEPT, HARBORED,”.

AMENDMENT NO. 5

On page 2, in line 9, after “(1)” insert “(I) THIS PARAGRAPH APPLIES ONLY TO A PERSONAL INJURY OR DEATH CAUSED BY A BITE FROM A DOG RUNNING AT LARGE.”

(Over)

(II) THIS PARAGRAPH DOES NOT APPLY TO A GUIDE DOG DESCRIBED UNDER ARTICLE 24, § 11-502 OF THE CODE.

(III)".

AMENDMENT NO. 6

On page 2, strike beginning with "UNLESS" in line 17 down through the second "THE" in line 18 and substitute "**THE**".

AMENDMENT NO. 7

On page 2, in line 19, strike "INTENTIONALLY".

AMENDMENT NO. 8

On page 2, strike beginning with "UNLESS" in line 20 down through the second "THE" in line 21 and substitute "**THE**".

AMENDMENT NO. 9

On page 2, in line 22, strike "CRIMINAL TRESPASS OR OTHER".

AMENDMENT NO. 10

On page 2, in line 23, after "DOG" insert "**OR AGAINST THE OWNER OF THE DOG**".

AMENDMENT NO. 11

On page 2, in line 23, strike "OR"; and after line 23, insert:

"(III) THE INJURED OR DECEASED INDIVIDUAL WAS TRESPASSING OR ATTEMPTING TO TRESPASS ON THE REAL PROPERTY OF THE OWNER OF THE DOG;";

and in line 24, strike "(III)" and substitute "**(IV)**".

AMENDMENT NO. 12

On page 2, strike beginning with the colon in line 25 down through “**THE**” in line 30 and substitute “**THE**”; in line 33, strike “**THE REASONABLE**” and substitute “:

1. REASONABLE”;

and in the same line, after “**FORCE**” insert “**; OR**

2. TRAINING OR A TRAINING EXERCISE IN SUPPORT OF THE DOG’S DUTIES IN MILITARY OR POLICE WORK;

(V) THE INJURED OR DECEASED INDIVIDUAL WAS CONTRIBUTORILY NEGLIGENT;

(VI) THE INJURED OR DECEASED INDIVIDUAL ASSUMED THE RISK OF THE DOG CAUSING THE INDIVIDUAL’S PERSONAL INJURY OR DEATH;

(VII) THE OWNER OF THE DOG HAS ANY OTHER COMMON LAW OR STATUTORY DEFENSE OR IMMUNITY THAT EXISTED AS OF APRIL 1, 2012, AND THAT WOULD BE AVAILABLE IN ANY OTHER PERSONAL INJURY ACTION OR WRONGFUL DEATH ACTION AGAINST THE OWNER OF A DOG; OR

(VIII) THE DOG IS IN THE TEMPORARY CUSTODY OR CONTROL OF A VETERINARY HOSPITAL, COMMERCIAL KENNEL, ANIMAL SHELTER, UNIT OF STATE OR LOCAL GOVERNMENT THAT CONDUCTS ANIMAL CONTROL, DOG WALKER, KEEPER OR HARBORER OF THE DOG, OR PET SHOP”.

AMENDMENT NO. 13

On page 3, in line 5, after “LANDLORD,” insert “CONDOMINIUM ASSOCIATION, HOUSING COOPERATIVE, OR HOMEOWNERS ASSOCIATION”.

AMENDMENT NO.14

On page 3, after line 10, insert:

“(3) IN AN ACTION AGAINST A PERSON WHO IS NOT AN OWNER OF A DOG FOR DAMAGES FOR PERSONAL INJURY OR DEATH CAUSED BY A DOG, THE COMMON LAW OF LIABILITY RELATING TO ATTACKS BY DOGS AGAINST HUMANS THAT EXISTED ON APRIL 1, 2012, IS RETAINED AS TO THE PERSON WITHOUT REGARD TO THE BREED OR HERITAGE OF THE DOG.”.

AMENDMENT NO. 15

On page 3, in line 13, strike “OR”; and in line 15, after “IMMUNITY” insert “**;** OR

(3) ANY LAW THAT GOVERNS PROVOCATION, CRIMINAL INTENT, ASSUMPTION OF RISK, OR CONTRIBUTORY NEGLIGENCE”.

AMENDMENT NO. 16

On page 3, in line 27, after the period insert “It shall remain effective through September 30, 2013, and, at the end of September 30, 2013, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.”.