

HOUSE BILL 5

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EMERGENCY BILL

3lr3556

By: **Delegate Smigiel**

Introduced and read first time: August 10, 2012

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Civil Actions – Liability for Damages Caused by Dog Bite**

3 FOR the purpose of establishing that, in a civil action for damages caused by a dog
4 bite, the common law that applied on a certain date to a civil action for damages
5 caused by a dog bite shall be retained; stating the General Assembly’s intent to
6 abrogate the holding by the Court of Appeals in a certain case; providing for the
7 application of this Act; making this Act an emergency measure; and generally
8 relating to liability in a civil action for damages caused by a dog bite.

9 BY adding to

10 Article – Courts and Judicial Proceedings

11 Section 3–1901 to be under the new subtitle “Subtitle 19. Liability for Damages
12 Caused by Dog Bite”

13 Annotated Code of Maryland

14 (2006 Replacement Volume and 2011 Supplement)

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

17 **Article – Courts and Judicial Proceedings**

18 **SUBTITLE 19. LIABILITY FOR DAMAGES CAUSED BY DOG BITE.**

19 **3–1901.**

20 **IN A CIVIL ACTION FOR DAMAGES CAUSED BY A DOG BITE, THE COMMON**
21 **LAW THAT APPLIED ON JANUARY 1, 2012, TO A CIVIL ACTION FOR DAMAGES**
22 **CAUSED BY A DOG BITE SHALL BE RETAINED.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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1 SECTION 2. AND BE IT FURTHER ENACTED, That, subject to Section 3 of
2 this Act, it is the intent of the General Assembly that this Act abrogate the holding by
3 the Court of Appeals in Tracey v. Solesky, No. 53, September Term 2011.

4 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall be
5 construed to apply only prospectively and may not be applied or interpreted to have
6 any effect on or application to any cause of action arising before the effective date of
7 this Act.

8 SECTION 4. AND BE IT FURTHER ENACTED, That this Act is an emergency
9 measure, is necessary for the immediate preservation of the public health or safety,
10 has been passed by a ye and nay vote supported by three-fifths of all the members
11 elected to each of the two Houses of the General Assembly, and shall take effect from
12 the date it is enacted.