

HOUSE BILL 563

D3

4lr2151

By: **Delegates Kramer, Barkley, Fraser–Hidalgo, S. Robinson, Stocksdale, and Valderrama**

Introduced and read first time: January 29, 2014

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Civil Actions – Personal Injury or Death Caused by Dog**

3 FOR the purpose of providing that, in a certain civil action against a certain person for
4 damages caused by a dog, the common law that applied on a certain date shall
5 be retained under certain circumstances; providing for the construction and
6 application of this Act; stating the intent of the General Assembly to abrogate
7 under certain circumstances the holding by the Court of Appeals in a certain
8 case; defining certain terms; and generally relating to civil liability for certain
9 damages caused by a dog.

10 BY adding to

11 Article – Courts and Judicial Proceedings

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

14 Annotated Code of Maryland

15 (2013 Replacement Volume and 2013 Supplement)

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

18 **Article – Courts and Judicial Proceedings**

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

20 **3–1901.**

21 **(A) (1) IN THIS SECTION, “OWNER OF A DOG” MEANS A PERSON WHO**
22 **HAS A PROPERTY RIGHT IN A DOG OR KEEPS OR HARBORS A DOG.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **(2) “OWNER OF A DOG” INCLUDES A CUSTODIAL PARENT OR**
2 **GUARDIAN OF A MINOR WHO IS AN OWNER OF A DOG.**

3 **(3) “OWNER OF A DOG” DOES NOT INCLUDE A VETERINARY**
4 **HOSPITAL, COMMERCIAL KENNEL, OR PET SHOP, OR AN EMPLOYEE OF A**
5 **VETERINARY HOSPITAL, COMMERCIAL KENNEL, OR PET SHOP, AS TO A DOG**
6 **BEING TREATED, BOARDED, OR OFFERED FOR SALE.**

7 **(B) THIS SECTION DOES NOT APPLY TO AN OWNER OF A DOG THAT**
8 **CAUSES PERSONAL INJURY OR DEATH.**

9 **(C) IN A CIVIL ACTION AGAINST AN OWNER OF REAL PROPERTY OR**
10 **OTHER PERSON WHO HAS THE RIGHT TO CONTROL THE PRESENCE OF A DOG ON**
11 **THE REAL PROPERTY, INCLUDING A LANDLORD, FOR DAMAGES FOR PERSONAL**
12 **INJURY OR DEATH CAUSED BY A DOG, THE COMMON LAW THAT APPLIED ON**
13 **JANUARY 1, 2012, TO A CIVIL ACTION FOR DAMAGES CAUSED BY A DOG SHALL**
14 **BE RETAINED.**

15 **(D) THIS SECTION DOES NOT AFFECT:**

16 **(1) ANY OTHER COMMON LAW OR STATUTORY CAUSE OF ACTION;**
17 **OR**

18 **(2) ANY OTHER COMMON LAW OR STATUTORY DEFENSE OR**
19 **IMMUNITY.**

20 SECTION 2. AND BE IT FURTHER ENACTED, That, subject to Section 3 of
21 this Act, it is the intent of the General Assembly that this Act abrogate the holding of
22 the Court of Appeals in Tracey v. Solesky, 427 Md. 627 (2012).

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

27 SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect
28 June 1, 2014.