

SENATE BILL 286

D3, C4, E2

4lr1098

By: **Senator Zirkin**

Introduced and read first time: January 17, 2014

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Animals – Civil Liability and Insurance Coverage for Dogs and Court Costs**
3 **for Animal-Related Crimes**

4 FOR the purpose of establishing that an owner, a keeper, or a harbinger of a dog is
5 liable for damages for personal injury or death caused by the dog under certain
6 circumstances; establishing that certain common law is retained as to certain
7 persons; prohibiting an insurer, with respect to homeowner's or renter's
8 insurance, from refusing to underwrite a risk or denying, canceling, or refusing
9 to renew coverage solely because an applicant or insured owns, keeps, or
10 harbors a specific breed of dog; prohibiting an insurer from excluding coverage
11 under a policy of homeowner's or renter's insurance for a specific breed of dog
12 owned, kept, or harbored by an applicant or insured; requiring a circuit court
13 and the District Court to impose on a defendant a certain additional cost in
14 certain cases; requiring all money collected from the additional costs to be paid
15 to the Comptroller of the State; requiring the Comptroller to annually pay a
16 certain amount to each county; requiring each county to use certain money for a
17 certain purpose; providing for the construction and application of certain
18 provisions of this Act; stating the intent of the General Assembly; defining a
19 certain term; and generally relating to animals.

20 BY adding to

21 Article – Courts and Judicial Proceedings
22 Section 3–1901 to be under the new subtitle “Subtitle 19. Liability for Personal
23 Injury or Death Caused by Dog”; and 7–410
24 Annotated Code of Maryland
25 (2013 Replacement Volume and 2013 Supplement)

26 BY adding to

27 Article – Insurance
28 Section 27–501(s)
29 Annotated Code of Maryland

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (2011 Replacement Volume and 2013 Supplement)

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

4 **Article – Courts and Judicial Proceedings**

5 **SUBTITLE 19. LIABILITY FOR PERSONAL INJURY OR DEATH CAUSED BY DOG.**

6 **3–1901.**

7 (A) AN OWNER, A KEEPER, OR A HARBORER OF A DOG IS LIABLE FOR
8 PERSONAL INJURY OR DEATH CAUSED BY THE DOG, REGARDLESS OF:

9 (1) THE BREED OR HERITAGE OF THE DOG; AND

10 (2) WHETHER THE DOG HAS SHOWN ANY VICIOUS OR DANGEROUS
11 PROPENSITIES OR THE OWNER KNEW OR SHOULD HAVE KNOWN OF THE DOG'S
12 VICIOUS OR DANGEROUS PROPENSITIES.

13 (B) IN AN ACTION AGAINST A PERSON OTHER THAN AN OWNER, A
14 KEEPER, OR A HARBORER OF A DOG FOR DAMAGES FOR PERSONAL INJURY OR
15 DEATH CAUSED BY THE DOG, THE COMMON LAW OF LIABILITY RELATING TO
16 ATTACKS BY DOGS AGAINST HUMANS THAT EXISTED ON APRIL 1, 2012, IS
17 RETAINED AS TO THE PERSON WITHOUT REGARD TO THE BREED OR HERITAGE
18 OF THE DOG.

19 (C) THIS SECTION DOES NOT AFFECT:

20 (1) ANY OTHER COMMON LAW OR STATUTORY CAUSE OF ACTION;
21 OR

22 (2) ANY OTHER COMMON LAW OR STATUTORY DEFENSE OR
23 IMMUNITY, INCLUDING CONTRIBUTORY NEGLIGENCE.

24 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland
25 read as follows:

26 **Article – Insurance**

27 27–501.

28 (S) WITH RESPECT TO HOMEOWNER'S OR RENTER'S INSURANCE, AN
29 INSURER MAY NOT:

1 **(1) REFUSE TO UNDERWRITE A RISK OR DENY, CANCEL, OR**
2 **REFUSE TO RENEW COVERAGE FOR AN APPLICANT OR INSURED SOLELY**
3 **BECAUSE THE APPLICANT OR INSURED OWNS, KEEPS, OR HARBORS A SPECIFIC**
4 **BREED OF DOG; OR**

5 **(2) EXCLUDE COVERAGE UNDER A POLICY FOR A SPECIFIC BREED**
6 **OF DOG OWNED, HARBORED, OR KEPT BY AN APPLICANT OR INSURED.**

7 SECTION 3. AND BE IT FURTHER ENACTED, That the Laws of Maryland
8 read as follows:

9 **Article – Courts and Judicial Proceedings**

10 **7-410.**

11 **(A) IN THIS SECTION, “ANIMAL-RELATED CRIME” MEANS AN ACT**
12 **COMMITTED BY A PERSON IN THE STATE THAT IS A CRIME UNDER § 10-604, §**
13 **10-605, § 10-606, § 10-607, § 10-608, § 10-612, § 10-618, OR § 10-629 OF THE**
14 **CRIMINAL LAW ARTICLE.**

15 **(B) IN ADDITION TO ANY OTHER COSTS REQUIRED BY LAW, A CIRCUIT**
16 **COURT SHALL IMPOSE ON A DEFENDANT AN ADDITIONAL COST OF \$45 IN A CASE**
17 **IF THE DEFENDANT:**

18 **(1) IS CONVICTED OF AN ANIMAL-RELATED CRIME;**

19 **(2) IS SENTENCED TO PROBATION BEFORE JUDGMENT FOR AN**
20 **ANIMAL-RELATED CRIME; OR**

21 **(3) PLEADS NOLO CONTENDERE TO AN ANIMAL-RELATED CRIME.**

22 **(C) IN ADDITION TO ANY OTHER COSTS REQUIRED BY LAW, THE**
23 **DISTRICT COURT SHALL IMPOSE ON A DEFENDANT AN ADDITIONAL COST OF**
24 **\$35 IN A CASE IF THE DEFENDANT:**

25 **(1) IS CONVICTED OF AN ANIMAL-RELATED CRIME;**

26 **(2) IS SENTENCED TO PROBATION BEFORE JUDGMENT FOR AN**
27 **ANIMAL-RELATED CRIME; OR**

28 **(3) PLEADS NOLO CONTENDERE TO AN ANIMAL-RELATED CRIME.**

1 **(D) (1) ALL MONEY COLLECTED UNDER THIS SECTION SHALL BE PAID**
2 **TO THE COMPTROLLER OF THE STATE.**

3 **(2) THE COMPTROLLER SHALL ANNUALLY PAY TO EACH COUNTY**
4 **THE AMOUNT OF THE ADDITIONAL COSTS COLLECTED UNDER THIS SECTION BY**
5 **THE CIRCUIT COURT OR THE DISTRICT COURT IN THAT COUNTY.**

6 **(3) EACH COUNTY SHALL USE THE PROCEEDS FROM THE**
7 **ADDITIONAL COSTS TO FUND THE COUNTY ANIMAL SHELTER.**

8 SECTION 4. AND BE IT FURTHER ENACTED, That, subject to Section 5 of
9 this Act, it is the intent of the General Assembly that Section 1 of this Act abrogate
10 the holding of the Court of Appeals in Tracey v. Solesky, 427 Md. 627 (2012).

11 SECTION 5. AND BE IT FURTHER ENACTED, That Section 1 of this Act shall
12 be construed to apply only prospectively and may not be applied or interpreted to have
13 any effect on or application to any cause of action arising before the effective date of
14 this Act.

15 SECTION 6. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall
16 apply to all policies of homeowner's or renter's insurance issued, delivered, or renewed
17 in the State on or after June 1, 2014.

18 SECTION 7. AND BE IT FURTHER ENACTED, That Section 3 of this Act shall
19 take effect October 1, 2014.

20 SECTION 8. AND BE IT FURTHER ENACTED, That, except as provided in
21 Section 7 of this Act, this Act shall take effect June 1, 2014.