SENATE BILL 815

By: Senator Lee
Introduced and read first time: February 7, 2022
Assigned to: Judicial Proceedings

A BILL ENTITLED

AN ACT concerning

Civil Actions – Tortious Injury to or Death of Pet – Damages

FOR the purpose of establishing that a person who tortiously causes an injury to or death of a pet may be liable to the owner of the pet for noneconomic damages; establishing an exception to the cap on compensatory and noneconomic damages for a tortfeasor who acted with gross negligence, intent, or malice or in violation of the Maryland Declaration of Rights; and generally relating to tortious injuries to or death of pets.

BY repealing and reenacting, with amendments,

Article – Courts and Judicial Proceedings
Section 11–110
Annotated Code of Maryland
(2020 Replacement Volume and 2021 Supplement)

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

Article – Courts and Judicial Proceedings

11–110.

(a) (1) In this section the following words have the meanings indicated.

(2) “Compensatory damages” means:

(i) In the case of the death of a pet, the fair market value of the pet before death and the reasonable and necessary cost of veterinary care; and

(ii) In the case of an injury to a pet, the reasonable and necessary cost of veterinary care.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter deleted from existing law.
(3) “NONECONOMIC DAMAGES” INCLUDES MENTAL ANGUISH, EMOTIONAL PAIN AND SUFFERING, LOSS OF COMPANIONSHIP, COMFORT, AND PROTECTION.

[(3)] (4) (i) “Pet” means a domesticated animal.

(ii) “Pet” does not include livestock.

(b) (1) A person who tortiously causes an injury to or death of a pet while acting individually or through an animal under the person’s ownership, direction, or control is liable to the owner of the pet for compensatory damages AND NONECONOMIC DAMAGES.

(2) (I) [The] EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, THE damages awarded under paragraph (1) of this subsection may not exceed $10,000.

(II) SUBPARAGRAPH (I) OF THIS PARAGRAPH DOES NOT APPLY IF THE TORTFEASOR ACTED WITH GROSS NEGLIGENCE, INTENT, OR MALICE OR IN VIOLATION OF THE MARYLAND DECLARATION OF RIGHTS.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to apply only prospectively and may not be applied or interpreted to have any effect on or application to any cause of action that arises before the effective date of this Act.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2022.