

SB 292 Beidle Testimony.pdf

Uploaded by: Beidle, Pamela

Position: FAV

PAMELA G. BEIDLE
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Finance Committee

Vice Chair
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THE SENATE OF MARYLAND
ANNAPOLIS, MARYLAND 21401

February 2, 2021

SB 292
Civil Actions - Tortious Injury to or Death of Pet - Compensatory Damages
(Buddy's Law)

Chairman Smith, Vice Chair Waldstreicher and Members of the Judicial Proceedings Committee:

Thank you for this opportunity to share SB 292, **Civil Actions – Tortious Injury to or Death of Pet – Compensatory Damages** also known as *Buddy's Law* with you. This bill raises the amount of compensatory damages for the tortuous injury of a domestic pet from \$10,000 to \$25,000.

It compensates pet owners only for economic damages due to tortuous injury to the pet and provides for the fair market value of the pet before death and the reasonable and necessary veterinary care. Not every case will go as high as \$25,000 but you will see in the testimony from Mr. Larry Sanders that his vet bill exceeded \$25,000 when his family pet Buddy was shot, got an infection and passed.

SB 292 raises the amount of compensation available to pet owners who can 1) prove that the injuries to the pet were caused by another person or another animal within someone's control and 2) that the injuries sustained as a result of the other person's actions resulted in vet bills or a complete loss of life.

I respectfully request a favorable report on SB 292.

ALS MSBA SB 292 Written Testimony .pdf

Uploaded by: Guerra, Fernando

Position: FAV

MARYLAND STATE BAR ASSOCIATION

ANIMAL LAW SECTION

January 29, 2021

Senator William C. Smith, Jr., Chair
Senator Pamela G. Beidle
Senate Judicial Proceedings Committee
Miller Senate Office Building, 2 East Wing
11 Bladen St., Annapolis, MD 21401 – 1991

RE: Written Testimony of the Animal Law Section of the Maryland State Bar Association in support of SB 292

Dear Senator Smith, Senator Beidle, and Committee Members:

The Animal Law Section of the Maryland State Bar Association supports the passing of SB 292 (“Buddy’s Law”) which increases the maximum amount of compensatory damages that may be awarded to an owner of a pet from a person who tortuously causes an injury to or death of the pet under certain circumstances from a maximum of \$10,000.00 to \$25,000.00.

The valuation of pets is particularly challenging, as the individual characteristics of each animal may dictate an increased or decreased value in the eyes of the finder of fact.¹ However, CJ §11-110 aims to remove this ambiguity and defines compensatory damages based on the fair market value of the pet before death and/or reasonable and necessary cost of veterinary care. In spite of this system of valuation, CJ §11-110 additionally sets a cap on recovery at \$10,000.00.

Instances such as Buddy’s unquestionably demonstrate that a \$10,000.00 cap is fundamentally unjust. In a real-world example, Laurence Sanders and his family incurred veterinary bills in excess of \$15,000.00 after their dog Buddy was shot by a BB gun and passed away in June of 2018.² These damages do not even take into account the fair market value of Buddy, nor the emotional toll that losing a pet in such a violent manner had on Mr. Sanders and his family.

Much in the same way that any of us would expect to recover a fair amount for tortuous damage done to any inanimate property, such as a vehicle or home, a plaintiff seeking damages for injury or death to their pet should be permitted to recover the full extent of the damages which they have suffered. Passing SB 292 and increasing the maximum available recovery from \$10,000.00 to \$25,000.00, would address the injustice suffered by people who find themselves in the awful position Mr. Sanders has had to face.

¹ In *Brooks v. Jenkins*, the Court of Special Appeals of Maryland discussed the origin of the Maryland CJ §11-110, which was introduced to remedy an anomalous result of a civil suit wherein a mixed-breed dog was valued at \$250.00, in spite of having cost the plaintiff almost \$2,000.00 in veterinary bills to treat.

² https://mgaleg.maryland.gov/cmte_testimony/2020/jpr/4682_03122020_113249-651.pdf

Thank you for the time and consideration that you have dedicated to this written testimony, and the Animal Law Section of The Maryland State Bar Association is hopeful that you will vote in favor of SB 292.

Respectfully Submitted,

/s/

Fernando E. Guerra,

Chair

Animal Law Section of The Maryland State Bar Association

CC: Richard A. Montgomery, III
Director of Legislative and Government Relations
Maryland State Bar Association

SB 292 Oppose Pets Final 02022021.pdf

Uploaded by: Egan, Nancy

Position: UNF

Testimony of American Property Casualty Insurance Association (APCIA)

Senate Judicial Proceedings Judiciary Committee

Senate Bill 292 Civil Actions - Tortious Injury to or Death of Pet - Compensatory Damages
(Buddy's Law)

February 2, 2021

Letter of Opposition

The American Property Casualty Insurance Association (APCIA) represents more than 1200 insurers and reinsurers that provide critically important insurance protection throughout the U.S. and world. In combination, our members write 60% of the U.S. property casualty market. APCIA members represent all sizes, structures, and regions—protecting families, communities, and businesses in the U.S. and across the globe. APCIA appreciates the opportunity to provide written comments in opposition to Senate Bill 292.

The bill increases, from \$10,000 to \$25,000, the maximum amount of compensatory damages that may be awarded to an owner of a pet from a person who tortiously causes an injury to or death of the pet. Current law limits the “compensatory damages” recoverable to (1) the reasonable and necessary cost of veterinary care for a pet that was injured, and (2) in a case involving the death of a pet, the fair market value of the pet before death and the reasonable and necessary cost of veterinary care. Recovery for the death of a companion animal has historically been limited to a loss of property claim with damages calculated by the fair market value of the animal. When this law was first enacted, the amount recoverable was limited to \$2,500. This law was just revised in 2017, raising that limit from \$7,500 to \$10,000. Now, a mere 4 years later, this bill would raise this amount by an additional 250%. As a result, the proposed increase seems more like an attempt to permit recovery for concepts such as emotional distress or punitive damages, which are not contemplated under the statute and should not be available in this context, in line with the overwhelming majority of states. There is no evidence that any further increase is warranted at this time, either due to inflation or some other demonstrable increase in the cost of veterinary care or the fair market value of pets.

For these reasons, the APCIA urges the Committee to provide an unfavorable report on Senate Bill 292.

SB 292_opposed_Bryson Popham on behalf of MAMIC.pd

Uploaded by: Popham, Bryson

Position: UNF

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January 29, 2021

The Honorable Pam Beidle
202 James Senate Office Building
Annapolis, MD 21401

RE: Senate Bill 292 - Civil Actions - Tortious Injury to or Death of Pet - Compensatory Damages (Buddy's Law) -
Opposed

Dear Senator Beidle and Members of the Senate Finance Committee,

I am writing on behalf of the Maryland Association of Mutual Insurance Companies (MAMIC) in opposition to SB 292- Civil Actions -Tortious Injury to or Death of Pet - Compensatory Damages (Buddy's Law).

MAMIC is comprised of 12 mutual insurance companies that are headquartered in Maryland and neighboring states. Approximately one-half of MAMIC members are domiciled in Maryland. They are key contributors and employers in their local communities. Together, MAMIC members offer a wide variety of insurance products and services and provide coverage for thousands of Maryland citizens. Although some mutual insurance companies may be large organizations, MAMIC members tend to be small and medium-sized businesses.

This bill applies to tort damages a person may suffer from injury to, or death of, a pet. Damages under this law are determined by the "fair market value" of the pet. The damages must be caused by the tortious conduct of an individual, and do not require the intent of the person causing the harm. The general measure of damages in a tort claim is to place the person suffering the harm in the same position they were in just before the tortious conduct occurred.

MAMIC's key objection to this bill is the significant increase in the amount of damages potentially recoverable for the injury to, or death of, a pet. If enacted, the bill may create a situation where a claim for the loss of a pet is presented to an insurer for an amount substantially in excess of the actual value of the pet. The value of a pet is inherently subjective, and thus difficult to precisely measure. Although veterinary expenses, which are currently covered under the law, are readily ascertainable, the same is not true for the value of a pet. No generally recognized market for pets exists, and given the wide variety of mixed breeds it would be impracticable to determine an accurate value. It is also worth noting that, especially during the current pandemic that we are experiencing, many pets are acquired from shelters, where provenance is impossible to verify.

If a claim for the death of a pet is the subject of litigation, the practical effect of this legislation would be to magnify the problem of accurately determining damages. Although MAMIC acknowledges the importance of pets to the well being of policyholders who own them, we respectfully suggest that the true value of pets lies in their attachment to their owners and the several ways that pets can benefit their human companions. As noted above, current law, which is unchanged in SB 292, establishes a standard of fair market value to determine the value of a pet. Increasing that standard from \$10,000 to \$25,000 would do nothing to reflect a pet's true value. Instead, it would simply encourage greater, and potentially frivolous litigation. This, in turn, would increase the cost of claims that an insurer must consider and the cost of such litigation would be incurred by all policyholders.

For these reasons, MAMIC respectfully requests an unfavorable report on SB 292.

Very truly yours,



Bryson F. Popham