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The Honorable William C. Smith, Jr.
Chairman, Senate Judiciary Proceedings Committee
2 East, Miller Senate Office Building
Annapolis, MD 21401

RE: Senate Bill 815 - Civil Actions - Tortious Injury to or Death of Pet - Damages - Opposed

Dear Chairman Smith and Members of the Committee,

I am writing on behalf of the Maryland Association of Mutual Insurance Companies (MAMIC) in opposition to SB 815- Civil Actions -Tortious Injury to or Death of Pet - Compensatory Damages.

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 legislation is related to two other bills currently pending in the House Judiciary Committee – HB 1375 and HB 965. The subject matter is the same: the measure of damages available for the tortious injury to, or death of, a pet. The policy issue is also the same among these bills. While the death or injury of a pet can cause considerable anguish to its owner, it is not properly the subject for monetary damages, as set forth in all three of these bills.

Senate Bill 815 calls for a calculation of noneconomic damages and, in addition, pierces the cap under current law for actions committed with gross negligence, intent or malice.

The enactment of this legislation would be highly disruptive to the homeowners insurance market as it exists in Maryland today. It would likely result in restrictions on homeowners insurance coverage, and would certainly require considerable review by insurers, with the concomitant requirement of substantial information from applicants for coverage, all to address a potential risk that is quite small.

Finally, we note that this Committee has already considered similar legislation to use homeowners insurance as a tool to remedy injuries caused by animals – Senate Bill 52, which received an unfavorable report in this Committee during this session. We respectfully suggest that Senate Bill 815 would create similar problems, and is not an appropriate method of dealing with the factual underpinning of the bill.

We respectfully request an unfavorable report on SB 815.

Very truly yours,



Bryson F. Popham