

SB868InjuryorDeathtoPet.pdf

Uploaded by: Justin Ready

Position: FAV

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THE SENATE OF MARYLAND
ANNAPOLIS, MARYLAND 21401

February 29, 2024

SB 868 – Civil Actions – Injury to or Death of a Pet - Damages

Chair Smith, Vice Chair Waldstreicher, and members of the Judicial Proceedings Committee,

This bill seeks to repeal the cap on compensatory damages, which is currently \$10,000, for the tortious injury to or death of a pet.

Under current law, a person who causes an injury or death to someone's pet is liable to the owner of the pet for up to \$10,000 in damages. However, there have been cases where \$10,000 did not cover all compensatory damages.

SB 868 will ensure that pet owners will receive the proper amount of compensation when another individual injures or kills their pet.

I respectfully request a favorable report on Senate Bill 868.

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Uploaded by: Kimberly Fullerton

Position: FAV

MARYLAND STATE BAR ASSOCIATION ANIMAL LAW SECTION

February 27, 2024

RE: Maryland State Bar Association Animal Law Section – Support SB 868

Dear Senator Smith, Senator Ready, and Senate Judiciary Committee Members,

The Animal Law Section of the Maryland State Bar Association supports SB 868, a bill which would eliminate the cap on economic damages for the tortious an injury or death of a pet.

The unique value of a companion animal is a fact specific inquiry. Current legislation does not adequately compensate for the scope of damages resulting from tortious injury or death of a pet, allowing recovery for only the fair market value of the pet and the cost of veterinary treatment. The maximum recovery is capped at \$10,000.00. An award of damages should adequately consider the totality of the evidence and the actual financial burden of the injured party. Companion animals are the only type of property to have a statutorily capped recovery, so SB 868 will also correct an irregularity in Maryland law.

The need for this legislation is highlighted by the Court of Appeals of Maryland's recent ruling in *Anne Arundel Cnty. v. Reeves* (Md. App. 2021). In *Reeves*, the Court specifically stated that Md. CJ §11-110 did not permit recovery in excess of the statutory cap, and further stated that other forms of recovery, such as claims for non-economic damages, were not available to a Plaintiff seeking damages under said law. As a result, **only the legislature has the power to remedy the injustice of our current law.**

Thank you for the time and consideration that you have dedicated to this written testimony. The Maryland State Bar Association Animal Law Section is hopeful that you will vote in favor of SB 868.

Respectfully Submitted,

/s/

Kimberly Fullerton

Immediate Past Chair

Maryland State Bar Association Animal Law Section

My name is Susan Sturla.pdf

Uploaded by: Susan Sturla

Position: FAV

My name is Susan Sturla (and this is Halle). I am one of many who has been impacted by this cap...one of which needs to be repealed...Always Remember "Wrong is Wrong". This repeal will make offenders responsible for their wrongful actions and bring fairness to the innocent victim. By law, people who cause harm or death to a beloved pet must be held accountable and not limited to a cap. Anyone who owns a pet knows the value of their faithful companionship. They truly are "Mans Best Friend". Our furry children are NOT household items or property. They ARE a living, breathing creature made from God just like you and me.

I have experienced first hand being a victim of this cap. My tragedy began on January 1, 2021.

Sophia, my beautiful Pomeranian child" was on her ESA harness and leash taking a morning walk with my friend, Bob. It was 7am on New Years Day morning, a day we thought we would be celebrating the New Year. However, my entire world changed and to this day my heart still mourns for my best furry friend. From out of nowhere, a pitbull rushed out of the house next door and attacked Sophia on Bob's property. The pitbull was known to be unfriendly, as stated in the Humane Society report, to other dogs. The pitbull was not wearing a leash nor was there a human owner with the pitbull to control its actions. Maryland law requires a dog to be on a leash at all times in order to be controlled by its owner.

I heard Sophia yelping and Bob screaming so I ran out of Bob's house to see what was happening. Bob lives on a second- floor apartment house and on my way to them I fell down some stairs. I could not believe what was happening, but Sophia needed me. I'm her mom and I will always be there for her. (Including right now). She has been my best 12 years, 9 months and 9 days of my life. The pitbull had her pinned down and I did my very best to try to lift that dog off my Sophia as well as unlock the teeth out of Sophia's tummy.

I could not believe this was actually happening, but I just kept trying to save her. Good Samaritans came over to help me and I heard them say "just stab it she needs help." Then they left and I didn't get a chance to thank them. I did notice the male pitbull owner was outside at this time when all of this was going on and I could hear him say "oh my God, oh my God." The pitbull owner did nothing to control his dog in this vicious attack.

I told Bob to go get my keys so we could take Sophia to the vet ER on route 140. However, being New Year's morning, they were not open. I drove to Carroll County Hospital hoping they could help me with Sophia but she had died in my arms.

The hospital took me back to examine me. I was covered in blood. I was bruised and the right side of my body took some damage. I did not need any surgery, but my back required physical therapy. I had multiple bites and my left finger is still numb. Because the pitbull did not have any vet paper work and was euthanized, I had to receive 4 rounds of rabies shots.

The flashbacks and anxiety are at times unbearable, but I keep moving forward. Halle (my service dog) has been a God send to me. She has provided me with the care and affection that I need from my heartfelt loss.

Everyday Sophia is in my thoughts and in my heart. This unexpected, tragic experience should have never happened to us and I wish this trauma on no one.

MD SB868.pdf

Uploaded by: Loren Breen

Position: UNF



Committee Members,

Animal Policy Group (APG) represents the animal health community, providing a voice to over 90,000 veterinary professionals. I am writing in regard to [MD SB868](#). If this \$10,000 cap is removed, the cost of veterinary services will rise, and access to pet care will fall. This will disproportionately affect small businesses and persons with low incomes or lack of resources.

Veterinary liability premiums are below \$1,000 annually, and they are not eager to pay \$100,000-\$200,000 in liability premiums, like human doctors, due to the threat of rising dollar damage awards. Many veterinary clinics, groomers, boarders, trainers, etc. would not be able to survive the premiums, and any that could, risk losing everything from one lawsuit. Simply put, allowing these damage ceilings to be removed would be more detrimental to pets than the financial benefit seen by owners.

Please don't hesitate to reach out with any questions. Thank you for your time.

Best,

Loren Breen

Director of Policy, Research, and Government Relations

loren@animalpolicygroup.com

MD 2024 NAMIC letter SB868.pdf

Uploaded by: Matt Overturf

Position: UNF

Senate Judicial Proceedings Committee
SB 868: Civil Actions – Injury to or Death of Pet - Damages
UNFAVORABLE | February 27, 2024

Chair Smith and Members of the Committee:

On behalf of the National Association of Mutual Insurance Companies¹ (NAMIC) thank you for the opportunity to submit this statement to express our opposition to Senate Bill 868 and request an unfavorable report.

NAMIC consists of nearly 1,500 member companies, including seven of the top 10 property/casualty insurers in the United States. The association supports local and regional mutual insurance companies on main streets across America as well as many of the country's largest national insurers.

NAMIC is opposed to Senate Bill 868 because it repeals the existing limitations on compensatory damages in civil actions for the injury or death of a pet. Damages caps provide for a more stable insurance marketplace where damages and insurance costs can be modeled and predictable. Removal of the damage caps can create inconsistent and unfair judgements that become outlier verdicts and create higher cost drivers for the Maryland insurance market because of the difficulty to model for losses without limits.

Inconsistent, uncapped damages are detached from the realities of a potential loss and make it difficult for juries to assign damage amounts with little direction and an open-ended scope. Maintaining damages caps alleviate that burden and ultimately provide for better price stability of insurance rates for all involved.

For these reasons, NAMIC respectfully opposes Senate Bill 868 and requests an unfavorable report of the bill.

Sincerely,



Matt Overturf, NAMIC Regional Vice President
Ohio Valley/Mid-Atlantic Region

¹ NAMIC member companies write \$357 billion in annual premiums and represent 69 percent of homeowners, 56 percent of automobile, and 31 percent of the business insurance markets. Through its advocacy programs NAMIC promotes public policy solutions that benefit member companies and the policyholders they serve and fosters greater understanding and recognition of the unique alignment of interests between management and policyholders of mutual companies.

SB 868 Civil Actions Death of Pet Damages 022924

Uploaded by: Nancy Egan

Position: UNF



Testimony of
American Property Casualty Insurance Association (APCIA)
Senate Judicial Proceedings Committee
House Bill 868 Civil Actions – Injury to or Death of Pet – Damages
February 29, 2024

Unfavorable

The American Property Casualty Insurance Association (APCIA) is the primary national trade organization representing nearly 67.1 percent of the Maryland property casualty insurance market. APCIA appreciates the opportunity to provide written testimony in opposition to House Bill 868.

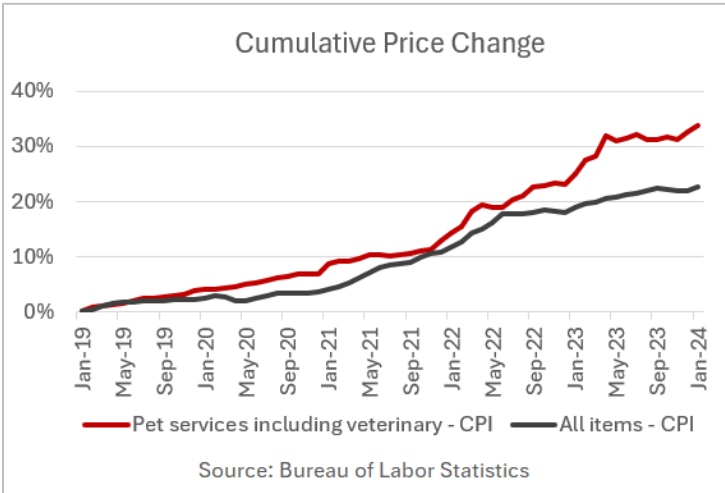
The bill removes the current cap of \$10,000 for the maximum amount of compensatory damages that may be awarded to an owner of a pet from a person who tortiously causes an injury to or death of the pet. Current law limits the “compensatory damages” recoverable to (1) the reasonable and necessary cost 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. 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 7 years later, this bill would remove the cap in its entirety.

The Insurance industry must caution that the unintended consequences of enacting such legislation, which introduces increased exposure from costly litigation and unlimited settlements, could include higher insurance costs or potentially less availability of coverage for Maryland consumers and businesses.

According to the Bureau of Labor Statistics, over the last five years, **inflation for pet services including veterinary has increased 33.7 percent.**

If the same inflation rate was applied to the existing compensatory damages cap, this would translate to an increase of \$3,370, or a new cap of \$13,370. Thus, at this time, APCIA believes a reasonable compensatory damages cap should not exceed \$15,000.

As such, **APCIA strongly opposes removing the limit on compensatory damages** and instead encourages the bill sponsor to consider a reasonable adjustment to account for inflation.



For all these reasons, APCIA respectfully requests an unfavorable report on House Bill 868.

Nancy J. Egan,

State Government Relations Counsel, DC, DE, MD, VA, WV

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