



2025 WRITTEN TESTIMONY SB581/HB438

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

SB581/HB438 – FAVORABLE

The law regards a pet as *chattel* – a form of property. *Anne Arundel Cnty. v. Reeves*, 474 Md. 46, 62 (2021) (discussing CJ § 11-110). When a tortfeasor negligently damages another person’s property, the law considers that a tort. Under Maryland law, “property damage” can include interference in an owner’s use and enjoyment of their property, **and** the market cost for replacement of the property.

When any kind of property in Maryland **other than a pet** is tortiously damaged or destroyed, the wronged property owner can sue to recover the actual costs associated with repair or replacement of the property, *plus* damages for loss of use and enjoyment, without any statutory cap or limit. See MPJI-Cv 10:22 PROPERTY DAMAGES. In every case involving property damage, other than injury or death of a pet, “fair market value of the property is for the jury to determine” (*id.*), and the jury’s determination is not subject to a statutory “cap” on that amount.

In contrast, when a pet is tortiously injured or killed, CJ § 11-110 limits the amount an owner is entitled to recover to \$10,000, regardless of the “reasonable and necessary cost of veterinary care” or the jury’s determination of the “value of the pet before death.”

Respectfully, it makes no sense for the law to limit the compensatory damages recoverable for injury to, or death of, a pet, when the law does not limit the compensatory damages recoverable for tortious damage to, or destruction of, any other kind of property.

The Maryland Association for Justice respectfully urges that the one-size-fits-all cap in CJ § 11-110 is arbitrary and should be repealed.

In 2018, a Chesapeake Bay retriever named “Buddy” Sanders was negligently shot with a BB gun. See *Larry Sanders Written Testimony submitted on HB 992* (February 26, 2020). Buddy’s family spent more than \$15,000 on veterinary bills for emergency surgery. Nevertheless, Buddy died as a result of his injuries. *Id.* Despite the economic costs associated with Buddy’s injuries, his family’s recovery was limited by the cap. Repealing the cap will ensure that pet owners are able to recover “actual costs” and “fair market value” associated with damage to, or destruction of their property, just as owners of any other type of property.

If the cap in CJ § 11-110 is not repealed, then it must be increased to \$25,000. It is true that a cap of \$25,000 is arbitrary, but so is every statutory cap on recoverable damages. In order to keep pace with inflation and other economic realities, the cap must be periodically increased to adequately compensate property owners.

The Maryland Association for Justice urges a FAVORABLE Report on SB581/HB438

About Maryland Association for Justice

The Maryland Association for Justice (MAJ) represents over 1,250 trial attorneys throughout the state of Maryland. MAJ advocates for the preservation of the civil justice system, the protection of the rights of consumers and the education and professional development of its members.

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