

Department of Legislative Services
Maryland General Assembly
2017 Session

FISCAL AND POLICY NOTE
First Reader

Senate Bill 143

(Senator Zirkin)

Judicial Proceedings

Injury to or Death of Pet - Damages

This bill establishes that a person who tortiously causes an injury to or death of a pet while acting through an animal under the person's ownership is liable to the owner of the pet for compensatory damages. The bill repeals a statutory provision limiting the maximum compensatory damages awardable in cases relating to tortious injury to or death of a pet to \$7,500.

The bill applies prospectively to causes of action arising on or after the bill's October 1, 2017 effective date.

Fiscal Summary

State Effect: The bill is not expected to materially affect State finances, as discussed below.

Local Effect: None. The bill does not materially affect local finances.

Small Business Effect: None.

Analysis

Current Law: A person who tortiously causes an injury to or death of a pet while acting individually or through an animal under the person's direction or control is liable to the owner of the pet for compensatory damages, not to exceed \$7,500. In the case of the death of a pet, compensatory damages are equal to the fair market value of the pet before its death and the reasonable and necessary cost of veterinary care. For tortious injury to a pet,

compensatory damages equal the reasonable and necessary cost of veterinary care. The provisions only apply to domesticated animals, not livestock.

State Revenues: The State assesses a 2% tax on gross or renewal insurance premiums. While the bill repeals the cap on damages for tortious injury to or tortious death of a pet and expands application of existing statutory liability provisions, the bill is likely to apply to only a small subset of potential cases (*e.g.*, cases involving purebred show dogs or cases involving an unsupervised dog that escapes its owner's property and injures or kills another person's pet). Accordingly, any additional premium tax revenues that may accrue due to the bill are not expected to materially affect State finances.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Maryland Insurance Administration; Department of Legislative Services

Fiscal Note History: First Reader - January 24, 2017
mm/kdm

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