

ASSEMBLY BILL NO. 165—ASSEMBLYMEN YEAGER;
JAUREGUI, PETERS AND SWANK

FEBRUARY 15, 2019

Referred to Committee on Natural Resources,
Agriculture, and Mining

SUMMARY—Revises provisions relating to civil liability for causing the injury or death of certain pets. (BDR 3-126)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to civil liability; revising provisions relating to civil liability for causing the injury or death of certain pets; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law establishes that a natural person who intentionally, willfully, recklessly or negligently injures or kills a dog or cat owned by another natural person is liable for certain economic damages but is not liable for any noneconomic or punitive damages. Existing law also limits the total amount of damages for which such a natural person is liable to \$5,000. (NRS 41.740)

Section 1 of this bill: (1) establishes that a person who intentionally, willfully, recklessly or negligently injures or kills a dog or cat owned by another person is liable for noneconomic damages suffered by each owner of the pet, including, without limitation, damages for mental anguish, emotional distress or loss of companionship; (2) removes the limit on the total amount of damages for which a person who intentionally, willfully, recklessly or negligently injures or kills a dog or cat owned by another person is liable; and (3) provides that any person, including, without limitation, a natural person or a nongovernmental legal entity, is liable for certain economic and noneconomic damages if the person intentionally, willfully, recklessly or negligently injures or kills a dog or cat owned by another person. However, **section 1** maintains the exemption of nonprofit organizations, certain societies for the prevention of cruelty to animals and governmental entities from liability for damages for intentionally, willfully, recklessly or negligently injuring or killing a dog or cat owned by another person. (NRS 41.740)



20 **Section 2** of this bill provides that the provisions of this bill apply only to a
21 cause of action that accrues on or after the effective date of this bill, which is
22 October 1, 2019.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 **Section 1.** NRS 41.740 is hereby amended to read as follows:

2 41.740 1. Except as otherwise provided in subsection ~~[4.]~~ **3**,
3 if a ~~[natural]~~ person intentionally, willfully, recklessly or negligently
4 injures or kills the pet of another ~~[natural]~~ person, the person is
5 liable for the following:

6 (a) The cost of veterinary care incurred by the owner because of
7 the injury or death of the pet.

8 (b) If the pet is injured, any reduction in the market value of the
9 pet caused by the injury.

10 (c) If the pet is killed, the market value of the pet and reasonable
11 burial expenses.

12 (d) *The mental anguish, emotional distress, loss of*
13 *companionship and any other noneconomic damages suffered by*
14 *each owner of the pet.*

15 (e) Reasonable attorney's fees and costs incurred by the owner
16 in bringing an action pursuant to this section.

17 2. Punitive damages ~~[and noneconomic damages]~~ may not be
18 awarded in an action brought under this section.

19 3. ~~[In an action brought under this section, the award of~~
20 ~~damages must not exceed \$5,000 for each pet.~~

21 ~~—4.]~~ The provisions of this section do not authorize an award of
22 damages pursuant to subsection 1 if:

23 (a) A nonprofit organization, society for the prevention of
24 cruelty to animals established pursuant to NRS 574.010 or
25 governmental entity, or an employee or agent thereof, injures or
26 kills a pet while acting in furtherance of public health or animal
27 welfare.

28 (b) The action is based on the killing of a dog that had been or
29 was killing or causing damage to livestock.

30 (c) The person reasonably believed that:

31 (1) The pet presented a risk to the person's safety or to the
32 safety of another person; and

33 (2) The action was necessary to protect himself or herself or
34 another person.

35 ~~[5.]~~ **4.** As used in this section:

36 (a) "Livestock" has the meaning ascribed to it in NRS 569.0085.

37 (b) "Owner" means a ~~[natural]~~ person who owns, possesses,
38 harbors, keeps or has control or custody of a pet.



1 (c) “Pet” means any domesticated dog or cat normally
2 maintained in or near the household of its owner.

3 **Sec. 2.** The amendatory provisions of this act apply only to a
4 cause of action that accrues on or after October 1, 2019.



