JAN 22 2007

# A BILL FOR AN ACT

RELATING TO TORT ACTIONS.

#### BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

- 1 SECTION 1. It is estimated that fifty-six per cent of
- 2 Hawaii households have pets. For millions of Americans, pets
- 3 are companions and beloved members of the family and when
- 4 tragedy strikes these beloved animals, their human companions
- 5 grieve as they would for any other member of the family. For
- 6 many people, the only familial relationship they have is with
- 7 their pets.
- 8 Yet, under tort law, animals are viewed as personal
- 9 property, no different than a lamp or table. If someone
- 10 negligently or intentionally injures a person's pet, the person
- 11 is only entitled to recover economic damages. The
- 12 characterization of a pet as property fails to describe the true
- 13 value a companion animal provides to a person and fails to
- 14 acknowledge that a companion animal is a sentient and emotive
- 15 being. The special relationship that a person has with a
- 16 companion animal deserves special recognition.

# S.B. NO. **|30|**

1	The purpo	se of this measure is to acknowledge the emotional
2	bond between people and their pets and elevate a companion	
3	animal's status under the tort law beyond mere property.	
4	SECTION 2. Section 663-8.9, Hawaii Revised Statutes, is	
5	amended to read as follows:	
6	"[+]§663-8.9[+] Serious emotional distress arising from	
7	property damage; cause of action abolished; [exception]	
8	exceptions for physical injury[+] and damage to a companion	
9	animal; exception to liability. (a) No party shall be liable	
10	for the negligent infliction of serious emotional distress or	
11	disturbance if the distress or disturbance arises solely out of	
12	damage to property or material objects.	
13	(b) This	section shall not apply if the serious emotional
14	distress or disturbance [results]:	
15	(1)	Results in physical injury to or mental illness
16		of the person who experiences the emotional
17		distress or disturbance[-] or
18	(2)	Arises out of damage to a companion animal;
19		provided that damages recoverable for serious
20		emotional distress or disturbance arising out of
21		damage to a companion animal shall be limited to
22		a maximum award of \$ .

1	As used in this subsection, "companion animal"		
2	means a domesticated animal kept in or near a		
3	household for the primary purpose of		
4	companionship for a member of the household, or a		
5	service animal as that term is defined in section		
6	515-3.		
7	(c) A person duly licensed in the State to engage in the		
8	practice of veterinary medicine pursuant to chapter 471 shall		
9	not be liable for damages under subsection (b) resulting from		
10	the person's acts or omissions, except for such damages as may		
11	result from the person's gross negligence or wanton acts or		
12	omissions."		
13	SECTION 3. Statutory material to be repealed is bracketed		
14	and stricken. New statutory material is underscored.		
15	SECTION 4. This Act shall take effect upon its approval.		
16	INTRODUCED BY: Median By Request		

### Report Title:

Tort Actions; Damage to Companion Animal

## Description:

Provides limited noneconomic damages for negligent infliction of serious emotional distress or disturbance arising out of damage to a companion animal; defines companion animal.