SENATE DOCKET, NO. 209 FILED ON: 1/14/2015

SENATE . . . . . No. 851

The Commonwealth of Massachusetts

PRESENTED BY:

John F. Keenan

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to the wrongful death or injury of animal companions.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
John F. Keenan	*Norfolk and Plymouth*
Kris MacDonald	*66 Grogan Ave, Quincy, MA 02169*

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SENATE . . . . . No. 851

By Mr. Keenan, a petition (accompanied by bill, Senate, No. 851) of John F. Keenan and Kris MacDonald for legislation relative to the wrongful death or injury of animal companions. The Judiciary.

The Commonwealth of Massachusetts

In the One Hundred and Eighty-Ninth General Court
(2015-2016)

An Act relative to the wrongful death or injury of animal companions.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Section 85A of chapter 272 of the General Laws, as appearing in the 2012 Official Edition, is hereby amended by striking out the first sentence.

SECTION 2. Said chapter 272, as so appearing, is hereby amended by inserting after section 85A the following section:-

Section 85A 1/2.

(a) As used in this section, the term "animal-companion" shall mean a dog, cat or any warm-blooded, domesticated non-human animal dependent on one or more human persons for food, shelter, veterinary care, or companionship. It does not include animals that are the subjects of legal, humane farming practices; legal, humane biomedical research practices; or activities regulated by the federal Animal Welfare Act.

(b) A person who by willful, wanton, reckless or negligent act or omission kills or causes or procures the death of an animal-companion shall be liable in damages for the fair monetary value of the deceased animal to his or her human companions, including damages for the loss of the reasonably expected society, companionship, comfort, protection and services of the deceased animal to his or her human companions; reasonable burial expenses of the deceased animal; court costs and attorney's fees; and other reasonable damages resulting from the willful, wanton, reckless or negligent act or omission. Non-economic damages shall have a cap value of $25,000.

(c) A person who by willful, wanton, reckless or negligent act or omission injures, or causes or procures to be injured, an animal-companion shall be liable in damages for the expenses of veterinary and other special medical care required; the loss of reasonably expected society, companionship, comfort, protection and services of the injured animal to his or her human companions; court costs and attorney's fees; and other reasonable damages resulting from the willful, wanton, reckless or negligent act or omission. Non-economic damages shall have a cap value of $25,000.

(e) Damages under this section for injuries sustained by an animal's human companion shall be recovered in an action of tort, commenced within two years from the date of injury or death or from the date when the human companion knew, or in the exercise of reasonable diligence should have known, of the factual basis for a cause of action, or within such time thereafter under section 4, 4B, 9 or 10 of chapter 260.

(f) Damages under this section for injuries sustained by an animal shall be recovered in an action of tort by a guardian ad litem or next friend, commenced within two years from the

date of injury or from the date when the guardian ad litem or next friend knew, or in the exercise of reasonable diligence should have known, of the factual basis for a cause of action, or within such time thereafter under section 4, 4B, or 9 of chapter 260.