SENATE, No. 722

STATE OF NEW JERSEY

219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:
Senator DAWN MARIE ADDIEGO
District 8 (Atlantic, Burlington and Camden)
Senator TROY SINGLETON
District 7 (Burlington)

SYNOPSIS

Establishes civil action for damages for injury or death of certain animals in certain circumstances.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.

(Sponsorship Updated As Of: 2/10/2020)

AN ACT concerning civil actions for damages for injury or death of certain animals and supplementing Title 2A of the New Jersey Statutes.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. a. As used in this act "animal" includes any pet dog or pet cat normally maintained in or near the household of the owner. "Animal" includes any service animal or guide dog or a search and rescue dog.

b. Any person who has a right of ownership in an animal that is injured or killed as a result of an unlawful and intentional, or a negligent act of another may bring a civil action to recover damages sustained by that owner. Damages may include, but are not limited to, the monetary value of the animal, veterinary expenses incurred on behalf of the animal, any other expenses incurred by the owner in rectifying the effects of the cruelty, pain, and suffering of the animal, and, as set forth in subsection c. of this section, compensation for emotional distress suffered by the owner. If the killed or injured animal was a service animal or guide dog or a search and rescue dog, then the value of that animal may include the cost of any specialized training the animal received.

c. Noneconomic damages awarded pursuant to this section shall be limited to compensation for the loss of the reasonably expected society, companionship, love and affection of the animal. Noneconomic damages shall be limited to $5000.

2. Every action at law for an injury or death to an animal brought by the person having a right of ownership in that animal shall be commenced within two years of the date of the injury or death.

3. This act shall not apply to any governmental agency, or its employees, negligently causing the death of an animal while acting on behalf of public health or animal welfare. This act shall not be construed to authorize any award of noneconomic damages in an action for professional negligence against a licensed veterinarian.

4. This act shall take effect immediately.

STATEMENT

This bill establishes a civil action for damages that may be brought by any person who has a right of ownership in an animal that is injured or killed as a result of an unlawful and intentional, or a negligent act of another. "Animal" as used in the bill includes any

pet dog or pet cat normally maintained in or near the household of the owner and any service animal or guide dog or a search and rescue dog.

The bill provides that the damages sought may include: the monetary value of the animal, veterinary expenses incurred on behalf of the animal, any other expenses incurred by the owner in rectifying the effects of the cruelty, pain, and suffering of the animal, and compensation for emotional distress suffered by the owner. If the killed or injured animal was a service animal or guide dog or a search and rescue dog, then the value of that animal may include the cost of any specialized training the animal received.

The compensation for emotional distress, that is, the noneconomic damages, is limited to compensation for the loss of the reasonably expected society, companionship, love and affection of the animal. The bill provides that these noneconomic damages are capped at $5000.

This bill also provides that the civil action for damages does not apply to any governmental agency, or its employees, negligently causing the death of an animal while acting on behalf of public health or animal welfare. It also states that it should not be construed to authorize any award of noneconomic damages in an action for professional negligence against a licensed veterinarian.