

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 628 Session of  
2013

INTRODUCED BY DINNIMAN, ERICKSON, TARTAGLIONE, RAFFERTY AND  
BREWSTER, MARCH 6, 2013

REFERRED TO JUDICIARY, MARCH 6, 2013

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the  
2 Pennsylvania Consolidated Statutes, in rights of action,  
3 providing for liability for intentional or negligent killing  
4 of pet by another.

5 The General Assembly of the Commonwealth of Pennsylvania  
6 hereby enacts as follows:

7 Section 1. Title 42 of the Pennsylvania Consolidated  
8 Statutes is amended by adding a section to read:

9 § 8320.1. Liability for intentional or negligent killing of a  
10 pet by another.

11 (a) Unlawful or intentional acts.--In addition to the  
12 damages authorized in subsection (c), if a person's pet is  
13 killed or sustains injuries that result in death caused by the  
14 unlawful or intentional act of another or the animal of another,  
15 the trier of fact may find the individual causing the death or  
16 the owner of the animal causing the death liable for up to  
17 \$12,000 in noneconomic damages as compensation for the loss of  
18 the reasonably expected society, companionship, love and  
19 affection of the pet.

1     (b) Negligent acts.--In addition to the damages authorized  
2 in subsection (c), if a person's pet is killed or sustains  
3 injuries that result in death caused by the negligent act of  
4 another or the animal of another, the trier of fact may find the  
5 individual causing the death or the owner of the animal causing  
6 the death liable for up to \$5,000 in noneconomic damages as  
7 compensation for the loss of the reasonably expected society,  
8 companionship, love and affection of the pet, provided that the  
9 death or injury occurs on the property of the owner or caretaker  
10 whose pet was killed or injured or while under the control and  
11 supervision of the deceased pet's owner or caretaker.

12     (c) Specific damages for guide dogs.--If an intentional or  
13 negligent act described in this section results in the death or  
14 permanent injury to a person's guide dog, the value of the guide  
15 dog shall include, but not be limited to, the cost of the guide  
16 dog as well as the costs of any specialized training the guide  
17 dog received.

18     (d) Effect on other actions.--The limits for noneconomic  
19 damages specified in this section shall not apply or limit  
20 damages in any causes of action for intentional infliction of  
21 emotional distress or any other civil action other than the  
22 direct and sole loss of a pet as authorized by this section.

23     (e) Inapplicability.--This section shall not apply to:

24         (1) Any not-for-profit entity or governmental agency, or  
25 its employees, which negligently cause the death of a pet  
26 while acting on behalf of public health or animal welfare.

27         (2) Any killing of a dog that has been or was killing or  
28 pursuing with the apparent intent to harm livestock.

29     (f) Construction.--Nothing in this section shall be  
30 construed to authorize any award of noneconomic damages in an

1 action for professional negligence against any licensed  
2 veterinarian acting within the scope of his duties.

3 (g) Definition.--As used in this section, the term "pet"  
4 means any domesticated dog or cat normally maintained in or near  
5 the house of its owner.

6 Section 2. This act shall take effect in 60 days.