

1 HB91  
2 180698-4  
3 By Representative Williams (JD)  
4 RFD: Judiciary  
5 First Read: 07-FEB-17  
6 PFD: 02/06/2017

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8 SYNOPSIS: Under existing law, there is no specific  
9 civil cause of action for an owner whose companion  
10 or service animal has been killed or seriously  
11 injured while under the care of another.

12 This bill would create a civil cause of  
13 action of wrongful injury or death of a companion  
14 animal or service animal that may be brought by the  
15 owner of the animal against a caretaker of the  
16 animal who, through an act of negligence or  
17 reckless or wilful misconduct, causes the serious  
18 injury or death of the animal.

19 This bill would provide for the recovery of  
20 compensatory and punitive damages for the wrongful  
21 injury or death of a companion animal or service  
22 animal.

23 This bill would also limit the time to bring  
24 an action to two years after the injury or death of  
25 the animal occurs.

26  
27 A BILL

1 TO BE ENTITLED

2 AN ACT

3  
4 Relating to companion animals and service animals;  
5 to create a civil cause of action of wrongful injury or death  
6 of a companion animal or service animal when a caretaker of  
7 the animal, through an act of negligence or reckless or wilful  
8 misconduct, causes the serious injury or death of the animal;  
9 to provide for the recovery of compensatory and punitive  
10 damages for the wrongful injury or death of a companion animal  
11 or service animal; and to limit the time to bring an action to  
12 two years after the injury or death of the animal occurs.

13 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

14 Section 1. This act shall be known and may be cited  
15 as Oscar's Law.

16 Section 2. (a) For the purposes of this section, the  
17 following terms shall have the following meanings:

18 (1) CARETAKER. A person who, on a temporary basis,  
19 houses or cares for a companion animal or service animal owned  
20 by another individual.

21 (2) COMPANION ANIMAL. A domesticated or domestic  
22 bred animal normally maintained by the owner or owner's agent  
23 and kept for pleasure or companionship, or whose physical,  
24 emotional, behavioral, or social needs are met by humans.

25 (3) SERVICE ANIMAL. Any animal that is specially  
26 trained to do work or perform tasks for the benefit of an

1 individual with a disability or that acts as an emotional  
2 support animal.

3 (b) The caretaker of a companion animal or service  
4 animal may be held liable for the wrongful injury or death of  
5 the animal if the caretaker or caretaker's agent, through an  
6 act of negligence or reckless or willful misconduct, causes  
7 serious injury or death to the animal.

8 (c) The owner of a companion animal or service  
9 animal may recover the following in a wrongful injury or death  
10 of a companion animal or service animal action:

11 (1) Compensatory damages, including, but not limited  
12 to, the fair market value of the companion animal or service  
13 animal, veterinary or other medical costs, reasonable burial  
14 costs, emotional distress, pain and suffering, loss of  
15 companionship, loss of service, loss of comfort, court costs,  
16 and attorneys' fees.

17 (2) For wilful misconduct, punitive damages not to  
18 exceed seventy-five thousand dollars (\$75,000).

19 (d) Treble damages may be awarded for the wrongful  
20 injury or death of a service animal.

21 (e) A wrongful injury or death of a companion animal  
22 or service animal action must be commenced not more than two  
23 years after the later of:

24 (1) The date of the injury or death of the companion  
25 animal or service animal.

1                   (2) The date when the owner knew or should have  
2 known of the injury or death of the companion animal or  
3 service animal.

4                   Section 3. This act shall become effective on the  
5 first day of the third month following its passage and  
6 approval by the Governor, or its otherwise becoming law.