

JAN 22 2007

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# 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.



1           The purpose 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 \$ .





**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.

