

STATE OF NEW YORK

8722

IN SENATE

May 10, 2018

Introduced by Sen. FELDER -- read twice and ordered printed, and when printed to be committed to the Committee on Judiciary

AN ACT to amend the general obligations law, in relation to establishing a cause of action in tort for the death of a companion animal

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

- 1 Section 1. Short title. This act shall be known and may be cited as
2 "Max's law".
- 3 § 2. The general obligations law is amended by adding a new section
4 11-108 to read as follows:
- 5 § 11-108. Wrongful death of a companion animal. 1. As used in this
6 section, the term "companion animal" shall have the same meaning as such
7 term is defined in subdivision five of section three hundred fifty of
8 the agriculture and markets law.
- 9 2. A person who, without the consent of the owner and not in the
10 defense of oneself or others, intentionally, recklessly or negligently,
11 by act or omission causes the death of a companion animal shall be
12 liable in damages for the fair monetary value of the deceased companion
13 animal to his or her owner, including damages for the loss of the
14 reasonably expected society, companionship, comfort, protection and
15 services of the deceased companion animal to his or her owner; court
16 costs and reasonable attorney's fees; and other reasonable damages
17 resulting from the intentional, reckless or negligent act or omission.
- 18 3. A person who with no justifiable purpose intentionally or reckless-
19 ly, by act or omission causes the death of a companion animal may be
20 liable for punitive damages.
- 21 4. Damages under this section for injuries sustained by a companion
22 animal's owner shall be recovered in an action in tort, commenced within
23 one year from the date of injury or death or from the date when the
24 owner knew, or in the exercise of reasonable diligence should have
25 known, of the factual basis for a cause of action, subject to further
26 extension on account of any suspension of the statute of limitations due
27 to infancy, death or other cause as provided by law.
- 28 § 3. This act shall take effect immediately and shall apply to causes
29 of action under section 11-108 of the general obligations law, as added
30 by section one of this act, which arise on or after such date.

EXPLANATION--Matter in italics (underscored) is new; matter in brackets
[-] is old law to be omitted.

LBD15852-01-8