

Amendment No. 263

Senate Amendment to Senate Bill No. 298

(BDR 3-479)

Proposed by: Senate Committee on Judiciary**Amends:** Summary: No Title: No Preamble: No Joint Sponsorship: No Digest: Yes

ASSEMBLY ACTION				Initial and Date	SENATE ACTION				Initial and Date	
Adopted	☐	Lost	☐	_____		Adopted	☐	Lost	☐	_____
Concurred In	☐	Not	☐	_____		Concurred In	☐	Not	☐	_____
Receded	☐	Not	☐	_____		Receded	☐	Not	☐	_____

EXPLANATION: Matter in (1) ***blue bold italics*** is new language in the original bill; (2) ***green bold italic underlining*** is new language proposed in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) ~~orange double underlining~~ is deleted language in the original bill that is proposed to be retained in this amendment; and (6) ***green bold*** is newly added transitory language.

BFG/BAW



Date: 4/13/2007

S.B. No. 298—Enacts provisions relating to civil liability for causing the injury or death of certain pets. (BDR 3-479)



SENATE BILL NO. 298—SENATORS HARDY AND TOWNSEND

MARCH 15, 2007

Referred to Committee on Judiciary

SUMMARY—Enacts provisions relating to civil liability for causing the injury or death of certain pets. (BDR 3-479)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

~

EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to civil liability; enacting provisions relating to civil liability for causing the injury or death of certain pets; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under general legal principles, a pet is considered the personal property of its owner. If a person negligently, recklessly, willfully or intentionally injures or kills the pet of another person, the owner of the pet may recover the same damages that the owner could recover for damage to or destruction of the owner's personal property. Section 1 of this bill ~~provides~~ replaces this general legal principle with a statutory provision which provides that a person who intentionally, willfully, recklessly or negligently injures or kills the dog or cat of another person is liable for certain economic ~~and noneconomic damages,~~ damages and that the award of such damages must not exceed \$5,000. Under section 1, ~~the recovery of noneconomic damages must not exceed \$5,000 for each pet and,~~ punitive damages and noneconomic damages may not be awarded.

Section 2 of this bill provides that the owner of the dog or cat must bring an action within 2 years after the cause of action accrues.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 41 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in subsection ~~3~~, 4, if a person intentionally, willfully, recklessly or negligently injures or kills the pet of another person, the person is liable for the following:

(a) ~~The mental anguish, emotional distress, loss of companionship and other noneconomic damages suffered by each owner of the pet, but the recovery for such damages must not exceed \$5,000 for each pet.~~

~~(b) The cost of veterinary care incurred by the owner because of the injury or death of the pet.~~

~~(e)~~ (b) If the pet is injured, any reduction in the market value of the pet caused by the injury.

~~(d)~~ (c) If the pet is killed, the market value of the pet and reasonable burial expenses.

~~(e)~~ (d) Reasonable attorney's fees and costs incurred by the owner in bringing an action pursuant to this section.

2. Punitive damages and noneconomic damages may not be awarded in an action brought under this section.

3. In an action brought under this section, the award of damages must not exceed \$5,000 for each pet.

4. The provisions of this section do not authorize ~~the~~ an award of ~~noneconomic~~ damages pursuant to ~~paragraph (e) of~~ subsection 1 if:

(a) A nonprofit organization, society for the prevention of cruelty to animals established pursuant to NRS 574.010 or governmental entity, or an employee or agent thereof, ~~negligently kills or~~ injures or kills a pet while acting in furtherance of public health or animal welfare.

~~(b) The action is against a licensed veterinarian for professional negligence.~~

~~(c) The action is based on the killing of a dog that had been or was killing or causing damage to livestock.~~

~~4.4~~ 5. As used in this section:

(a) "Livestock" has the meaning ascribed to it in NRS 569.0085.

(b) "Owner" means a person who owns, possesses, harbors, keeps or has control or custody of a pet.

(c) "Pet" means any domesticated dog or cat normally maintained in or near the household of its owner.

Sec. 2. NRS 11.190 is hereby amended to read as follows:

11.190 Except as otherwise provided in NRS 125B.050 and 217.007, actions other than those for the recovery of real property, unless further limited by specific statute, may only be commenced as follows:

1. Within 6 years:

(a) An action upon a judgment or decree of any court of the United States, or of any state or territory within the United States, or the renewal thereof.

(b) An action upon a contract, obligation or liability founded upon an instrument in writing, except those mentioned in the preceding sections of this chapter.

2. Within 4 years:

(a) An action on an open account for goods, wares and merchandise sold and delivered.

(b) An action for any article charged on an account in a store.

(c) An action upon a contract, obligation or liability not founded upon an instrument in writing.

(d) An action against a person alleged to have committed a deceptive trade practice in violation of NRS 598.0903 to 598.0999, inclusive, but the cause of action shall be deemed to accrue when the aggrieved party discovers, or by the exercise of due diligence should have discovered, the facts constituting the deceptive trade practice.

3. Within 3 years:

(a) An action upon a liability created by statute, other than a penalty or forfeiture.

(b) An action for waste or trespass of real property, but when the waste or trespass is committed by means of underground works upon any mining claim, the cause of action shall be deemed to accrue upon the discovery by the aggrieved party of the facts constituting the waste or trespass.

(c) An action for taking, detaining or injuring personal property, including actions for specific recovery thereof, but in all cases where the subject of the action is a domestic animal usually included in the term "livestock," which has a recorded mark or brand upon it at the time of its loss, and which strays or is stolen from the true owner without his fault, the statute does not begin to run against an action for the recovery of the animal until the owner has actual knowledge of such facts as would put a reasonable person upon inquiry as to the possession thereof by the defendant.

(d) Except as otherwise provided in NRS 112.230 and 166.170, an action for relief on the ground of fraud or mistake, but the cause of action in such a case shall be deemed to accrue upon the discovery by the aggrieved party of the facts constituting the fraud or mistake.

(e) An action pursuant to NRS 40.750 for damages sustained by a financial institution because of its reliance on certain fraudulent conduct of a borrower, but the cause of action in such a case shall be deemed to accrue upon the discovery by the financial institution of the facts constituting the concealment or false statement.

4. Within 2 years:

(a) An action against a sheriff, coroner or constable upon liability incurred by acting in his official capacity and in virtue of his office, or by the omission of an official duty, including the nonpayment of money collected upon an execution.

(b) An action upon a statute for a penalty or forfeiture, where the action is given to a person or the State, or both, except when the statute imposing it prescribes a different limitation.

(c) An action for libel, slander, assault, battery, false imprisonment or seduction.

(d) An action against a sheriff or other officer for the escape of a prisoner arrested or imprisoned on civil process.

(e) Except as otherwise provided in NRS 11.215, an action to recover damages for injuries to a person or for the death of a person caused by the wrongful act or neglect of another. The provisions of this paragraph relating to an action to recover damages for injuries to a person apply only to causes of action which accrue after March 20, 1951.

(f) An action to recover damages under section 1 of this act.

5. Within 1 year:

(a) An action against an officer, or officer de facto to recover goods, wares, merchandise or other property seized by the officer in his official capacity, as tax collector, or to recover the price or value of goods, wares, merchandise or other personal property so seized, or for damages for the seizure, detention or sale of, or injury to, goods, wares, merchandise or other personal property seized, or for damages done to any person or property in making the seizure.

(b) An action against an officer, or officer de facto for money paid to the officer under protest, or seized by the officer in his official capacity, as a collector of taxes, and which, it is claimed, ought to be refunded.

Sec. 3. This act applies to a cause of action that accrues on or after October 1, 2007.