

"SCRUFFLES' LAW"

SYNOPSIS

Creates civil rights of action for recovery of economic & statutory damages & attorney's fees against person committing certain harm to domestic companion animal.

CURRENT VERSION OF TEXT

As introduced.

An Act concerning liability for harm to domestic companion animals and supplementing Titles 4 and 45 of the Revised Statutes.

Be It Enacted by the Senate and General Assembly of the State of New Jersey:

1. A person who owns a domestic companion animal that has been subjected to an act of negligence, recklessness, or cruelty resulting in the death of or injury to the animal may bring a civil action in a court of competent jurisdiction for economic damages, statutory damages, punitive damages, and for an award of attorney's fees against the person(s) committing the act. "Economic damages" may include, but need not be limited to, the economic value of the animal, replacement value of the animal, breeding potential of the animal, veterinary expenses incurred by the owner in treating the animal, reasonable burial or cremation expenses, reimbursement of animal training expenses, any unique or special value of the animal, such as if the animal is a guide or service animal, and lost wages incurred by the owner due to the loss of or injury to the animal. "Statutory Damages" shall be set at \$10,000.00 per action, and shall be awarded in the event the domestic companion animal owner prevails in the action. "Punitive damages" may be awarded at the discretion of the Court based on the nature and severity of the act and any proximately caused emotional distress proven by the animal owner. In the event the animal's owner is able to prove by preponderance of the evidence that a violation of the New Jersey Consumer Fraud Act occurred in connection with their underlying claims, all damages shall be trebled. "Attorneys fees" shall be defined as reasonable attorney's fees in an amount to be approved by the Court and shall be awarded by the Court subsequent to the submission of a Certification of Attorneys' Services by counsel for the owner of the animal who prevails in the action. Any such action may be brought only by the person who was the owner of the animal at the time the act of animal cruelty was committed and shall be commenced within one year of the date that the owner knew or should have known that their domestic companion animal was subjected to the underlying act.

For the purposes of this section, "domestic companion animal" means an animal commonly referred to as a pet that lives in the household, and that has been bought, bred, raised, or otherwise acquired in accordance with local ordinances and State and federal law for the primary purpose of providing companionship to the owner, rather than for business or agricultural purposes. "Domestic companion animal," for the purposes of this section, shall not include domestic livestock as defined in section 1 of P.L.1995, c.311 (C.4:22-16.1), animals used for biomedical research purposes, or animals used in activities regulated by the federal "Animal Welfare Act," 7 U.S.C. s.2131 et seq.

2. A person who owns a domestic companion animal that the person believes has been subjected to veterinary malpractice, resulting in the death of or injury to the animal, may bring a civil action in a court of competent jurisdiction for economic, statutory, and punitive damages as well as attorney's fees against the veterinarian allegedly committing the veterinary malpractice. Economic damages may include, but need not be limited to, the economic value of the animal, replacement value of the animal, breeding potential of the animal, veterinary expenses incurred by the owner in treating the animal, reasonable burial or cremation expenses, reimbursement of animal training expenses, any unique or special value of the animal, such as if the animal is a guide or service animal, and lost wages incurred by the owner due to the loss or disability of the animal. "Statutory Damages" shall be set at \$10,000.00 per action. In the event the animal's owner is able to prove by preponderance of the evidence that a violation of the New Jersey Consumer Fraud Act occurred in connection with their underlying claims, all damages shall be trebled. "Punitive damages" may be awarded at the discretion of the Court based on the nature and severity of the act and any proximately caused emotional distress proven by the animal owner. "Attorneys fees" shall be defined as reasonable attorney's fees in an amount to be approved by the Court and shall be awarded by the Court subsequent to the submission of a Certification of Attorneys' Services by counsel for the owner of the animal who prevails in the action. Any such action may be brought only by the person who was the owner of the animal at the time the alleged veterinary malpractice took place, and shall be commenced within two years after the cause of action for veterinary malpractice has accrued.

For the purposes of this section, "domestic companion animal" means an animal commonly referred to as a pet that lives in the household, and that has been bought, bred, raised, or otherwise acquired in accordance with local ordinances and State and federal law for the primary purpose of providing companionship to the owner, rather than for business or agricultural purposes. "Domestic companion animal," for the purposes of this section, shall not include domestic livestock as defined in section 1 of P.L.1995, c.311, (C.4:22-16.1), animals used for biomedical research purposes, or animals used in activities regulated by the federal "Animal Welfare Act," 7 U.S.C. s.2131 et seq.

3. This act shall take effect immediately.

STATEMENT

This bill, known as "Scruffles' Law," named after Scruffles, an English Bulldog which died after his owner, Danielle DiNapoli presented him for grooming at PetSmart in Flemington, NJ, would create statutory rights of action for economic and statutory damages, as well as for an award of counsel fees, against persons committing certain acts of harm to domestic companion animals.

Specifically, under the bill, a person who owns a domestic companion animal that has been subjected to an act of animal cruelty, resulting in the death of or injury to the animal, for which the person committing the act has been found guilty of, or civilly liable for, violating an animal cruelty law of the State, may bring a civil action for economic damages, non-discretionary statutory damages, discretionary punitive damages, and an award of counsel fees against the person committing the act of cruelty. Additionally, the owner of a domestic companion animal that the owner believes has been subjected to veterinary malpractice, resulting in the death of or

injury to the animal, may bring a civil action for economic damages, statutory damages, punitive damages, and an award of counsel fees against the veterinarian allegedly committing the veterinary malpractice. In the case of animal negligence, recklessness, or cruelty, the owner would have one year from the date they knew or should have known that their animal was the victim of the subject act to file suit. In the case of alleged veterinary malpractice, the owner would have two years after the cause of action for veterinary malpractice has accrued. In the event the animal's owner is able to prove by preponderance of the evidence that a violation of the New Jersey Consumer Fraud Act occurred in connection with the underlying claims of animal cruelty, all damages shall be trebled.

Under the bill, economic damages would include, but need not be limited to: the economic value of the animal, replacement value of the animal, breeding potential of the animal, veterinary expenses incurred by the owner in treating the animal, reasonable burial or cremation expenses, reimbursement of animal training expenses, any unique or special value of the animal, such as a guide or service animal, and lost wages incurred by the owner due to the loss or disability of the animal. Statutory damages are set at \$10,000.00 per action and are non-discretionary. "Punitive Damages" are "Punitive damages" may be awarded at the discretion of the Court based on the nature and severity of the act and any proximately caused emotional distress proven by the animal owner. "Attorneys fees" are reasonable attorney's fees which shall be awarded by the Court upon its approval of a certification of Attorney's services submitted by counsel for the prevailing party. "Domestic companion animal is defined as an animal commonly referred to as a pet that lives in the household, and that has been bought, bred, raised, or otherwise acquired in accordance with local ordinances and State and federal law for the primary purpose of providing companionship to the owner, rather than for business or agricultural purposes. "Domestic companion animal" would not include domestic livestock, animals used for biomedical research purposes, or animals used in activities regulated by the federal "Animal Welfare Act."