

SECOND REGULAR SESSION

# HOUSE BILL NO. 2186

## 94TH GENERAL ASSEMBLY

---

INTRODUCED BY REPRESENTATIVES LOW (39) (Sponsor), AULL, OXFORD,  
GEORGE AND VOGT (Co-sponsors).

Read 1st time February 18, 2008 and copies ordered printed.

D. ADAM CRUMBLISS, Chief Clerk

3043L.01I

---

### AN ACT

To amend chapter 537, RSMo, by adding thereto one new section relating to the wrongful injury or death of a companion animal.

---

*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Chapter 537, RSMo, is amended by adding thereto one new section, to be  
2 known as section 537.102, to read as follows:

**537.102. 1. As used in this section, the term "companion animal" shall mean any  
2 cat or dog, and any other domesticated animal normally maintained in or near the  
3 household of the owner or person who cares for such domesticated animal.**

**4 2. A person who with no justifiable purpose intentionally, recklessly, or negligently,  
5 by act or omission, kills or causes the death of a companion animal shall be liable in  
6 damages for the fair monetary value of the deceased companion animal to his or her owner,  
7 including damages for the loss of the reasonably expected society, companionship, comfort,  
8 protection, and services of the deceased companion animal to his or her owner; reasonable  
9 burial expenses of the deceased companion animal; court costs and reasonable attorney's  
10 fees; and other reasonable damages resulting from the intentional, reckless, or negligent  
11 act or omission.**

**12 3. A person who with no justifiable purpose intentionally, recklessly, or negligently,  
13 by act or omission, causes injury to a companion animal shall be liable in damages for the  
14 current and anticipated future expenses of veterinary and other special medical care**

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

15 required; the loss of reasonably expected society, companionship, comfort, protection, and  
16 services of the injured companion animal to his or her owner; pain, suffering, emotional  
17 distress, and consequential damages sustained by the companion animal's owner; pain,  
18 suffering and loss of faculties sustained by the companion animal; court costs and  
19 reasonable attorney's fees; and other reasonable damages resulting from the intentional,  
20 reckless, or negligent act or omission.

21       4. A person who with no justifiable purpose intentionally, recklessly, or negligently,  
22 by act or omission, causes the injury or death of a companion animal shall be liable in  
23 punitive damages of not less than two thousand five hundred dollars.

24       5. Damages under this section for injuries sustained by a companion animal's  
25 owner shall be recovered in an action in tort, commenced within three years from the date  
26 of injury or death or from the date when the owner knew, or in the exercise of reasonable  
27 diligence should have known, of the factual basis for a cause of action, subject to further  
28 extension on account of any suspension of the statute of limitations due to infancy, death,  
29 or other cause as provided by law.

30       6. Damages under this section for injuries sustained by a companion animal shall  
31 be recovered in an action in tort brought by a guardian ad litem or next friend appointed  
32 by the court and commenced within three years from the date of injury or from the date  
33 when the guardian ad litem or next friend knew, or in the exercise of reasonable diligence  
34 should have known, of the factual basis for a cause of action, subject to further extension  
35 on account of any suspension of the statute of limitations due to infancy, death, or other  
36 cause as provided by law. Damages so recovered shall be payable into a trust for the care  
37 of the companion animal, which trust shall be enforceable for the life of the companion  
38 animal by a person appointed by the court. Any remainder of trust funds existing at the  
39 death of the companion animal shall be distributed to a nonprofit organization dedicated  
40 to the protection of companion animals.

41       7. Restraining orders and other injunctive relief for the wrongful injury or death  
42 of a companion animal may be issued by a court of competent jurisdiction as appropriate.

43       8. The remedies provided in this section are in addition to any other remedies  
44 allowed by law.

✓