SPONSOR: Sen. Lopez & Rep. Bennett
Sens. Bonini, Hansen, Lawson, Lockman, Paradee, Pettyjohn, Richardson, Sturgeon, Wilson; Reps. Briggs King, D. Short, Spiegelman

DELAWARE STATE SENATE
151st GENERAL ASSEMBLY

SENATE SUBSTITUTE NO. 1
FOR
SENATE BILL NO. 258
AS AMENDED BY
HOUSE AMENDMENT NO. 1

AN ACT TO AMEND TITLE 10 OF THE DELAWARE CODE RELATING TO CIVIL ACTIONS FOR TORTIOUS INJURIES, INCLUDING DEATH, TO LAWFULLY OWNED PETS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend Chapter 39, Title 10 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 3928. Civil actions for tortious injuries, including death, to lawfully owned pets.

(a) Definitions. For purposes of this section:

(1) "Compensatory damages" means all of the following:

a. In the case of the death of a pet, the fair market value of the pet before death and the reasonable and necessary cost of veterinary care.

b. In the case of an injury to a pet, the reasonable and necessary cost of veterinary care.

(2) "Pet" means all of the following:

a. "Pet" means a domesticated animal.

b. "Pet" does not include livestock, or an animal possessed or kept in violation of State, county, or municipal law.

(3) "Owner" means a person who purchases or is gifted a pet.

(b) A person who tortiously causes an injury to, or death of, a pet while acting directly or through an animal under that person's ownership, direction, or control is liable to the owner of the pet for compensatory damages.

(c) This subsection may not be construed as a limitation on punitive damages where otherwise appropriate under the law and in light of the facts related to a claim asserted under this section. If a pet is owned by multiple persons, the limitations outlined in this subsection apply.

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(d) All applicable limitations to liability, defenses, aggravating factors, and principles of law or equity relevant to the facts and circumstances of a particular action or set of actions that would otherwise apply to actions for tortious damage to property, with the exception of prior limitations related to recovery of damages based on the fair market value of property, shall apply to an action brought under this section.

(e) A person may bring an action for compensatory damages pursuant to this section in any Court of competent jurisdiction.

Section 2. This Act shall be referred to as the Izzy the Cat Act.

Section 3. This Act expires 3 years after its enactment into law, unless otherwise provided by a subsequent act of the General Assembly.