

Stricken language would be deleted from present law. Underlined language would be added to present law.

1 State of Arkansas  
2 81st General Assembly  
3 Regular Session, 1997

As Engrossed: H2/18/97

# A Bill

HOUSE BILL 1659

4  
5 By: Representative Wood

## For An Act To Be Entitled

9 "AN ACT PERTAINING TO THE WRONGFUL DEATH OR INJURY OF A  
10 PET; AND FOR OTHER PURPOSES."

### Subtitle

13 "AN ACT PERTAINING TO THE WRONGFUL DEATH  
14 OR INJURY OF A PET; AND FOR OTHER  
15 PURPOSES."

17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

19 SECTION 1. For purposes of this act:

20 (1) "Pet" means any domesticated animal normally maintained in or near  
21 the household of its owner.

23 SECTION 2. (a)(1) Whenever the death of a pet shall be caused by an  
24 intentional wrongful act, gross negligence, or omission, the person or legal  
25 entity which caused the wrongful death shall be liable to an action for  
26 damages.

27 (2) Whenever the injury of a pet shall be caused by an intentional  
28 wrongful act, gross negligence, or omission, the persons or legal entity which  
29 caused the injury shall be liable to an action for damages.

30 (b) The cause of action created in this act shall survive the death of  
31 the person, or merger or dissolution of the legal entity wrongfully causing  
32 the death or injury of the pet and may be brought, maintained, or revived  
33 against the personal representatives of the person or legal entity wrongfully  
34 causing the death or injury.

35 (c) Every action shall be brought by and in the name of the owner or  
36 owners of the deceased or injured pet.

1 (d)(1) Every action authorized by this section shall be commenced  
2 within three (3) years after the death or injury of the pet alleged to have  
3 been wrongfully killed or injured.

4 (2) If a nonsuit is suffered, the action shall be brought within one  
5 (1) year after the date of the nonsuit without regard to the date of the death  
6 or injury of the pet alleged to have been wrongfully killed or injured.

7 (e) The beneficiary of the action created in this act is the owner or  
8 owners of the deceased or injured pet.

9 (f) The jury, or the court in cases tried without a jury, may fix such  
10 damages as will be fair and just compensation for pecuniary injuries,  
11 including an owner's loss of companionship of a deceased pet and any mental  
12 anguish resulting from the death or injury to the owner or owners of the  
13 deceased or injured pet.

14 (2) When mental anguish is claimed as a measure of damages under this  
15 act, mental anguish will include grief normally associated with the loss or  
16 injury of a pet.

17 (g) The judge of the court in which the cause of action for wrongful  
18 death or injury is tried or is submitted for approval of a compromise  
19 settlement, by judgment or order and upon the evidence presented during trial  
20 or in connection with any submission for approval of a compromise settlement,  
21 shall fix the share of each beneficiary, and distribution shall be made  
22 accordingly. However, in any action for wrongful death or injury of a pet  
23 submitted to a jury, the jury shall make the apportionment at the request of  
24 any beneficiary or party.

25 (h) Nothing in this act shall be construed as prohibiting the killing  
26 of birds or other game for the purpose of human food.

27 *This act shall not apply to a person who causes the death or injury of a*  
28 *pet in the course of self-defense, defense of property or defense of others.*

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30 SECTION 3. All provisions of this act of a general and permanent nature  
31 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code  
32 Revision Commission shall incorporate the same in the Code.

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34 SECTION 4. If any provision of this act or the application thereof to  
35 any person or circumstance is held invalid, such invalidity shall not affect  
36 other provisions or applications of the act which can be given effect without

1 the invalid provision or application, and to this end the provisions of this  
2 act are declared to be severable.

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4 SECTION 5. All laws and parts of laws in conflict with this act are  
5 hereby repealed.

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*/s/Rep. Wood*

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