
HOUSE BILL 2945

State of Washington

60th Legislature

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By Representatives Linville, Kessler, Williams, Kirby, Springer, Pearson, O'Brien, Goodman, Lantz, Dunshee, Jarrett, Roach, Campbell, Morrell, Upthegrove, Hurst, and Ormsby

Read first time 01/18/08. Referred to Committee on Judiciary.

1 AN ACT Relating to the wrongful injury or death of a companion
2 animal; amending RCW 4.24.320; and adding a new section to chapter 4.24
3 RCW.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 4.24 RCW
6 to read as follows:

7 (1) An owner of a companion animal has a cause of action for the
8 wrongful injury or death of a companion animal against any person who
9 unlawfully and by willful, intentional, malicious, wanton, reckless, or
10 negligent act or omission kills, causes or procures the death of,
11 injures, or causes or procures to be injured, a companion animal. The
12 owner may recover all economic damages suffered as a result of the
13 injury or death, including, but not limited to, damages for the actual
14 value of the companion animal to the owner, veterinary expenses and
15 other special care expenses incurred on behalf of the companion animal,
16 including veterinary expenses incurred to restore the companion animal
17 to its prior condition, burial expenses of a deceased companion animal,
18 and other expenses incurred by the owner in rectifying the effects of,

1 or as a consequence of, the pain, suffering, or injuries to the
2 companion animal.

3 (2) The remedy provided by this section is in addition to, and does
4 not replace or supplant, any other remedy provided by law. Nothing in
5 this section is intended to alter or limit any remedies that may be
6 available in an action for intentional infliction of emotional distress
7 or malicious injury to a companion animal.

8 (3) An action to recover damages under this section shall be
9 commenced within three years from the date of injury or death or from
10 the date when the owner knew, or in the exercise of reasonable
11 diligence should have known, of the factual basis for a cause of
12 action.

13 (4) For the purposes of this section:

14 (a) "Actual value" means the intrinsic or peculiar value of the
15 companion animal to the owner, and is not limited to the market value
16 or replacement value of the companion animal. "Actual value" does not
17 include extraordinary or unusual sentimental value of the companion
18 animal to the owner.

19 (b) "Companion animal" means any nonhuman mammal, bird, reptile,
20 fish, or amphibian, that is lawfully owned or possessed and is under
21 the care, custody, or ownership of a person, but does not include any
22 animal raised solely for meat production, production of products from
23 the animal, or breeding purposes, nor does it include any wildlife as
24 defined by RCW 77.08.010, nor any animal regulated under federal law as
25 a research animal.

26 **Sec. 2.** RCW 4.24.320 and 2005 c 419 s 2 are each amended to read
27 as follows:

28 (1) Any person who suffers damage to livestock as a result of
29 actions described in RCW 16.52.205 ~~((~~or~~))~~, any owner of livestock who
30 suffers damage as a result of a willful, unauthorized act described in
31 RCW 9A.56.080 or 9A.56.083, or any owner of a companion animal who
32 suffers damage as a result of actions described in RCW 16.52.205, may
33 bring an action against the person or persons committing the act in a
34 court of competent jurisdiction for exemplary damages up to three times
35 the actual damages sustained, plus attorney's fees.

36 (2) As used in this section ~~((~~or~~))~~:

37 (a) "Livestock" means the animals specified in RCW 9A.56.080; and

1 (b) "Companion animal" has the meaning given in section 1 of this
2 act.

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