

STAND. COM. REP. NO.

3044

Honolulu, Hawaii

MAR 23 2006

RE: H.B. No. 2896

Honorable Robert Bunda  
President of the Senate  
Twenty-Third State Legislature  
Regular Session of 2006  
State of Hawaii

Sir:

Your Committee on Judiciary and Hawaiian Affairs, to which was referred H.B. No. 2896 entitled:

"A BILL FOR AN ACT RELATING TO EMOTIONAL DISTRESS,"

begs leave to report as follows:

The purpose of this measure is to clarify that liability for negligent infliction of emotional distress or disturbance will not arise from damage to real property or inanimate material objects.

Your Committee received testimony in support of this measure from the Hawaiian Humane Society and five individuals.

Your Committee finds that under the current law, pets are considered property and that no remedy exists to compensate pet owners emotional distress suffered as a result of any injury or death of their pet due to the negligence of others. Similarly, the current law provides no deterrent for negligent behavior towards people's pets. Given that, in Hawaii, more than fifty-six percent of households have pets, this is a significant issue. This measure will clarify that the exclusion of property damage as the basis for an emotional distress claim only applies to real property and inanimate material objects, thus permitting this action for harm to pets.

As affirmed by the record of votes of the members of your Committee on Judiciary and Hawaiian Affairs that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2896, and recommends that it pass Second Reading and be placed on the calendar for Third Reading.

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Respectfully submitted on  
behalf of the members of the  
Committee on Judiciary and  
Hawaiian Affairs,



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COLLEEN HANABUSA, Chair



