

JAN 23 2009

A BILL FOR AN ACT

RELATING TO TORT ACTIONS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Section 663-8.9, Hawaii Revised Statutes, is
2 amended to read as follows:
3 "~~§~~663-8.9~~§~~ Serious emotional distress arising from
4 property damage; cause of action abolished; exception for
5 physical injury~~[-]~~, domestic animals. (a) No party shall be
6 liable for the negligent infliction of serious emotional
7 distress or disturbance if the distress or disturbance arises
8 solely out of damage to property or material objects~~[-]~~;
9 provided that "property" and "material objects" shall not
10 include domestic animals; provided further that damages
11 recoverable for the negligent infliction of serious emotional
12 distress or disturbance suffered by an owner of a domestic
13 animal arising solely out of injury to the domestic animal shall
14 be limited to not more than \$25,000.
15 (b) For purposes of this section, "domestic animal":
16 (1) Shall include animals that are customary and usual
17 pets such as dogs, cats, rabbits, birds, and other



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1 beasts which are maintained on the premises of a
 2 dwelling unit and kept by the resident of the dwelling
 3 unit solely for personal enjoyment and companionship,
 4 such as, without limitation, for a hobby, for legal
 5 sporting activities, and for the guarding of property;
 6 and

7 (2) Shall not include aviary game birds and game fish.

8 ~~[(b)]~~ (c) This section shall not apply if the serious
 9 emotional distress or disturbance results in physical injury to
 10 or mental illness of the person who experiences the emotional
 11 distress or disturbance."

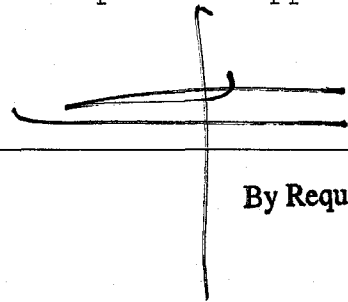
12 SECTION 2. This Act does not affect rights and duties that
 13 matured, penalties that were incurred, and proceedings that were
 14 begun, before its effective date.

15 SECTION 3. Statutory material to be repealed is bracketed
 16 and stricken. New statutory material is underscored.

17 SECTION 4. This Act shall take effect upon its approval.

18

INTRODUCED BY: _____



By Request



Report Title:

Tort Actions; Damages; Emotional Distress; Animals; Pet

Description:

Allows recovery for negligent infliction of serious emotional distress or disturbance by the owner of a pet for negligent injuries to the pet, not to exceed \$25,000.

