

1 STATE OF OKLAHOMA

2 1st Session of the 52nd Legislature (2009)

3 HOUSE BILL 2209

By: Kiesel

4
5 AS INTRODUCED

6 An Act relating to animals; creating the Oklahoma Pet
7 Protection Act; providing short title; providing for
8 a cause of action against persons unlawfully
9 inflicting physical injury or death upon an animal;
10 providing for award of damages; listing certain
11 recoverable damages; providing for award of attorney
12 fees and costs; providing for award of punitive and
13 exemplary damages not less than a certain amount;
14 allowing court to issue restraining orders and other
15 injunctive relief; defining term; providing statute
16 of limitations; providing for codification; and
17 providing an effective date.

18 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

19 SECTION 1. NEW LAW A new section of law to be codified
20 in the Oklahoma Statutes as Section 551 of Title 4, unless there is
21 created a duplication in numbering, reads as follows:

22 This act shall be known and may be cited as the "Oklahoma Pet
23 Protection Act".

24 SECTION 2. NEW LAW A new section of law to be codified
in the Oklahoma Statutes as Section 552 of Title 4, unless there is
created a duplication in numbering, reads as follows:

1 A. Except as provided in Section 3 of this act, any person who,
2 with no lawful authority, intentionally, knowingly, recklessly or
3 negligently causes physical injury to, or the death of, an animal
4 shall be liable to the owner or guardian of the animal for the
5 damages sustained by the animal and the owner or guardian. The
6 owner or guardian of the animal may bring a civil action against the
7 person who caused the injury to, or death of, the animal to recover
8 damages.

9 B. For purposes of this section, damages include, but are not
10 limited to, the following:

11 1. The pecuniary value of the animal;

12 2. Veterinary expenses incurred on behalf of the animal as a
13 result of the injury or death of the animal;

14 3. Any other expenses incurred by the owner or guardian in
15 attempting to mollify the effects of, or as a consequence of, the
16 pain, suffering or injuries sustained by the animal;

17 4. Emotional distress and loss of companionship suffered by the
18 owner or guardian; and

19 5. Any other reasonable damages resulting from the physical
20 injury to, or death of, the animal.

21 C. The prevailing party shall be entitled to an award of
22 attorney fees and costs.

23 D. In addition to any damages awarded under subsection B of
24 this section, the owner or guardian shall also be entitled to

1 punitive or exemplary damages of not less than One Thousand Dollars
2 (\$1,000.00) for every intentional act as provided for in subsection
3 A of this section to which the animal was subjected.

4 E. The court may issue restraining orders and other injunctive
5 relief as the court deems reasonable and appropriate.

6 F. The remedies provided for in this section shall be in
7 addition to any other remedies allowed by law.

8 G. Commencement of a cause of action brought pursuant to this
9 section shall occur within three (3) years from the date on which
10 injuries to the animal were first identified by the owner or
11 guardian.

12 SECTION 3. NEW LAW A new section of law to be codified
13 in the Oklahoma Statutes as Section 553 of Title 4, unless there is
14 created a duplication in numbering, reads as follows:

15 A. In the event that an owner or guardian of an animal
16 unlawfully, intentionally, knowingly, recklessly or negligently
17 causes physical injury to, or the death of, an animal in the care of
18 the owner or guardian, then the state or appropriate political
19 subdivision may institute a civil action against the owner or
20 guardian.

21 B. In the event no owner or guardian exists, the state or
22 appropriate political subdivision may institute a civil suit against
23 the person who unlawfully, intentionally, knowingly, recklessly or
24 negligently causes physical injury to, or the death of, an animal.

1 C. For purposes of this section, "political subdivision" means
2 a county, city, or incorporated town within this state.

3 D. For purposes of this section, damages include, but are not
4 limited to, the following:

5 1. Veterinary expenses incurred on behalf of the animal as a
6 result of the injury or death of the animal;

7 2. Any other reasonable damages resulting from the physical
8 injury to, or death of, the animal; and

9 3. Any expenses associated with the care of the animal by the
10 state or appropriate political subdivision.

11 E. The court may issue restraining orders and other injunctive
12 relief as the court deems reasonable and appropriate.

13 F. The remedies provided for in this section shall be in
14 addition to any other remedies allowed by law.

15 G. Commencement of a cause of action brought pursuant to this
16 section shall occur within three (3) years from the date on which
17 injuries to the animal were first reported to, or discovered by, the
18 state or appropriate political subdivision.

19 SECTION 4. This act shall become effective November 1, 2009.

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