

LIABILITY FOR INJURY TO SERVICE ANIMAL

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House Bill 5525 as introduced
Sponsor: Rep. Veronica A. Paiz
Committee: Judiciary
Complete to 5-21-24

Analysis available at
<http://www.legislature.mi.gov>

SUMMARY:

House Bill 5525 would amend the Revised Judicature Act to provide that a person is liable to the owner of a *service animal* for damages that result from an injury to the service animal, including the death of the service animal, that is caused by that person or by an animal owned by that person. A person would be liable under these provisions whether the conduct that caused the injury was intentional, reckless, or negligent.

Service animal would mean either of the following:

- A service animal as defined in federal regulations,¹ where it generally means a dog that is individually trained to do work or perform tasks for the benefit of a person with a disability that are directly related to that person's disability.
- A miniature horse that has been individually trained to do work or perform tasks as described in the federal regulations for service animals referenced above.

All of the following could be awarded as damages in an action brought under the bill:

- Noneconomic damages, such as:
 - Mental anguish.
 - Fright and shock.
 - Loss of companionship.
- Economic damages, such as:
 - The value of the service animal if the service animal is killed or is not able to do its work or perform its tasks.
 - The value of any equipment associated with the service animal that was damaged, including, if available, the replacement cost of new equipment.
 - The cost of care for the service animal, such as:
 - Transportation expenses.
 - Loss of the owner's earnings.
 - Travel and lodging expenses.
 - Veterinary expenses.
 - Expenses of necessary substances and products.
 - Hospitalization or boarding expenses.
 - The cost of retraining or rehabilitating the service animal.
 - The cost of replacing the service animal, if necessary, such as:
 - The cost of locating the replacement animal.
 - Travel and lodging expenses.

¹ <https://www.ecfr.gov/current/title-28/chapter-I/part-36/subpart-A/section-36.104>

Also see: <https://www.ada.gov/topics/service-animals/>

- Loss of the owner's earnings.
- Cost of the replacement animal.
- The expense of transporting the replacement animal.
- Training expenses.
- Punitive damages if the conduct of the liable person was intentional or reckless.
- Attorney fees and actual costs.

Thee bill would not affect the right to any other remedy available to the owner of the service animal under any other law.

Proposed MCL 600.2980

FISCAL IMPACT:

House Bill 5525 would have an indeterminate fiscal impact on local court funding units. Costs would be incurred depending on how provisions of the bill affect court caseloads and related administrative costs. It is difficult to project the actual fiscal impact to courts due to variables such as law enforcement practices, prosecutorial practices, judicial discretion, case types, and complexity of cases.

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■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations and does not constitute an official statement of legislative intent.