

1 _____ BILL NO. _____

2 INTRODUCED BY _____
3 (Primary Sponsor)

4 A BILL FOR AN ACT ENTITLED: "AN ACT SPECIFYING THE DAMAGES THAT MAY BE SOUGHT IN A CIVIL
5 ACTION FOR DEPRIVATION OF THE SERVICES OF CERTAIN TRAINED ANIMALS; AND PROVIDING AN
6 APPLICABILITY DATE."

7
8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

9
10 **NEW SECTION. Section 1. Purpose -- exceptions.** (1) The purposes of [sections 1 through 3] are:
11 (a) to recognize that there are services performed by some animals that are beyond companionship;
12 (b) to recognize that some of those services have an economic value; and
13 (c) to allow an owner or handler who has been injured by the wrongful deprivation of a service of a
14 certain animal to recover damages for that deprivation if the deprivation is caused by the action of another person.

15 (2) [Sections 1 through 3] do not apply to:
16 (a) a licensed or recognized humane society, animal shelter, or animal pound;
17 (b) an animal control agency or authority;
18 (c) an action taken in accordance with a court order; or
19 (d) an act subject to Title 81, chapter 30, part 1.

20
21 **NEW SECTION. Section 2. Definitions.** As used in [sections 1 through 3], the following definitions
22 apply:

23 (1) "Deprive" means to:
24 (a) withhold a trained animal from its owner or handler permanently or for such a period of time that a
25 major portion of the value or enjoyment of the trained animal is lost to the owner or handler;
26 (b) withhold a trained animal from its owner or handler and restore the animal to its owner or handler only
27 upon payment of reward or other compensation;
28 (c) dispose of a trained animal in a manner that makes recovery of the trained animal by its owner or
29 handler unlikely;
30 (d) injure a trained animal in a way that prevents the trained animal from performing the task for which

1 it is used by its owner or handler; or

2 (e) interfere with the training of an animal that is intended to become a trained animal in a way that
3 disrupts the ability of the animal to perform its intended training or other work.

4 (2) "Handler" means a person, other than an owner of a trained animal, who is responsible for the:

5 (a) management or day-to-day use of a trained animal; or

6 (b) training or development of an animal intended to function as a trained animal.

7 (3) "Search and rescue animal" means an animal that is trained or certified to locate a lost individual.

8 (4) "Service animal" means an animal that is trained to perform a task for an individual with a disability,

9 including one or more of the following tasks:

10 (a) guiding an individual who is blind or visually impaired;

11 (b) alerting an individual who is deaf or hard of hearing;

12 (c) pulling a wheelchair;

13 (d) assisting an individual with mobility or balance;

14 (e) alerting and protecting an individual who is having a seizure;

15 (f) retrieving an object; or

16 (g) performing another similar task.

17 (5) "Trained animal" means a search and rescue animal, a service animal, or a working animal.

18 (6) "Working animal" means an animal that is trained to provide a service to its owner or handler that

19 results in an economic gain or potential for an economic gain to its owner or handler, including a pack animal or

20 an animal used in:

21 (a) a rodeo;

22 (b) an animal show, including an agility competition, sanctioned by a national, state, or local organization;

23 or

24 (c) detection of a narcotic, explosive, or hazardous substance.

25

26 **NEW SECTION. Section 3. Unlawful act -- damages for economic loss of certain animals.** (1) A

27 person may not knowingly, purposefully, or negligently, as those terms are defined in 45-2-101, deprive an owner

28 or handler of a trained animal.

29 (2) An owner or handler injured by a violation of subsection (1) may bring a civil action in the county in

30 which the injury occurred against the person causing the injury to recover any of the following as damages:

- 1 (a) the fair market value of the trained animal;
- 2 (b) a veterinary, medical, or boarding expense for the trained animal;
- 3 (c) a replacement, training, or retraining expense for the trained animal;
- 4 (d) a retraining expense for the owner or handler;
- 5 (e) a medical expense resulting from the bodily injury of the owner or handler; or
- 6 (f) lost wages or other income incurred by the owner or handler during a period when the owner or
- 7 handler is without the services of the trained animal.
- 8 (3) An owner and a handler may not recover the same damages for the same deprivation of the same
- 9 trained animal.
- 10 (4) A person awarded damages pursuant to this section must also be awarded the person's costs in
- 11 bringing suit and any reasonable attorney fees incurred.

12

13 **NEW SECTION. Section 4. Codification instruction.** [Sections 1 through 3] are intended to be codified

14 as an integral part of Title 27, chapter 1, part 2, and the provisions of Title 27, chapter 1, part 2, apply to [sections

15 1 through 3].

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17 **NEW SECTION. Section 5. Applicability.** [This act] applies to an act that deprives an owner or handler

18 of a trained animal, as those terms are defined in [section 2], occurring on or after October 1, 2007.

19 - END -