

Part 7

Damages Regarding Injury to or Theft of Assistance Animal

78B-3-701 Definitions.

As used in this part:

- (1) "Disability" has the same meaning as defined in Section 62A-5b-102.
- (2) "Search and rescue dog" means a dog:
 - (a) with documented training to locate persons who are:
 - (i) lost, missing, or injured; or
 - (ii) trapped under debris as the result of a natural or man-made event; and
 - (b) affiliated with an established search and rescue dog organization.
- (3) "Service animal" means:
 - (a) a service animal, as defined in Section 62A-5b-102; or
 - (b) a search and rescue dog.

Amended by Chapter 110, 2009 General Session

78B-3-702 Damages recoverable for harm to or theft of service animal.

- (1) A person with a disability who uses a service animal, or the owner of a service animal has a cause of action for economic and noneconomic damages against:
 - (a) any person who steals or, without provocation, attacks the service animal; and
 - (b) the owner or keeper of any animal that without provocation attacks a service animal due to the owner's or keeper's negligent failure to exercise sufficient control over the animal to prevent the attack.
- (2) The action authorized by this section maybe brought by a person with a disability who uses the service animal, or the owner of the service animal.
- (3) The measure of economic damages in an action brought under Subsection (1) regarding a service animal that is not returned or is killed or injured due to an unprovoked attack so that the service animal is unable to function again as a service animal includes:
 - (a) the replacement value of an equally trained service animal, without any differentiation for the age or experience of the animal; and
 - (b) costs and expenses incurred by the person with a disability or the owner, including:
 - (i) costs of temporary replacement assistance services, whether provided by another service animal or by a person;
 - (ii) reasonable costs incurred in efforts to recover a stolen service animal; and
 - (iii) court and attorney costs incurred in bringing an action under this section.
- (4) If the unprovoked attack on a service animal results in injuries from which the animal recovers so it is able to again function as a service animal for the person with a disability, or if the theft of the service animal results in the recovery of the service animal and the animal is again able to function as a service animal for the person with a disability, the measure of economic damages is the costs and expenses incurred by the person with a disability or the owner as a result of the theft of or injury to the service animal, and includes:
 - (a) veterinary medical expenses;
 - (b) costs of temporary replacement assistance services, whether provided by another service animal or a person;
 - (c) costs incurred in recovering the service animal, such as a reward; and
 - (d) court and attorney costs incurred in bringing an action under this section.

Renumbered and Amended by Chapter 3, 2008 General Session

78B-3-703 Limitation on cause of action.

A cause of action does not exist under this section if the person with a disability who uses the service animal or the person having custody or supervision of the service animal was committing a civil or criminal trespass at the time of the:

- (1) theft of, or the chasing or harassment of the service animal by a person who owns or exercises control over the property upon which the trespass is committed; or
- (2) attack upon, or the chasing or harassment of a service animal by an animal that is currently kept or maintained on the property where the trespass is committed.

Renumbered and Amended by Chapter 3, 2008 General Session