

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