

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 76

Session of
1987

INTRODUCED BY BOOK, MORRIS, McVERRY, LANGTRY, FARMER, SEMMEL,
LLOYD, BOYES, GRUPPO, FOX, BURD, MARKOSEK, DAVIES, CIVERA,
TRELLO, ITKIN, FARGO, CARLSON, GANNON, BELFANTI, OLASZ,
HECKLER AND REBER, JANUARY 28, 1987

AS REPORTED FROM COMMITTEE ON AGRICULTURE AND RURAL AFFAIRS,
HOUSE OF REPRESENTATIVES, AS AMENDED, APRIL 28, 1987

AN ACT

1 ~~Amending the act of December 7, 1982 (P.L.784, No.225), entitled~~ <—
2 ~~"An act relating to dogs, regulating the keeping of dogs;~~
3 ~~providing for the licensing of dogs and kennels; providing~~
4 ~~for the protection of dogs and the detention and destruction~~
5 ~~of dogs in certain cases; regulating the sale and~~
6 ~~transportation of dogs; declaring dogs to be personal~~
7 ~~property and the subject of theft; providing for the~~
8 ~~assessment of damages done to livestock, poultry and domestic~~
9 ~~game birds; providing for payment of damages by the~~
10 ~~Commonwealth in certain cases and the liability of the owner~~
11 ~~or keeper of dogs for such damages; imposing powers and~~
12 ~~duties on certain State and local officers and employees;~~
13 ~~providing penalties; and creating a Dog Law Restricted~~
14 ~~Account," providing a summary offense for misrepresentation~~
15 ~~of pedigree and health of dogs bred for sale.~~

16 ~~IMPOSING DUTIES ON PERSONS WHO SELL DOGS IN THE REGULAR COURSE~~ <—
17 ~~OF BUSINESS; PROVIDING A SUMMARY OFFENSE FOR~~
18 ~~MISREPRESENTATION OF PEDIGREE AND HEALTH OF DOGS BRED FOR~~
19 ~~SALE; AND PROVIDING FOR THE ENFORCEMENT OF THIS ACT BY THE~~
20 ~~ATTORNEY GENERAL.~~

21 The General Assembly of the Commonwealth of Pennsylvania
22 hereby enacts as follows:

23 ~~Section 1. The act of December 7, 1982 (P.L.784, No.225),~~ <—
24 ~~known as the Dog Law, is amended by adding a section to read:~~
25 ~~Section 803. Misrepresentation of pedigree; health.~~

~~A person commits a summary offense if he knowingly, in the course of business, makes a false or misleading statement misrepresenting the health or pedigree of a dog bred and sold for profit.~~

~~Section 2. This act shall take effect in 60 days.~~

SECTION 1. CERTIFICATION OF PURCHASED DOG'S HEALTH. <—

(A) GENERAL RULE.--A KENNEL, PET SHOP OPERATOR OR OTHER INDIVIDUAL WHO SELLS DOGS TO THE PUBLIC IN THE REGULAR COURSE OF BUSINESS SHALL PROVIDE A PURCHASER OF A DOG WITH A HEALTH CERTIFICATE FOR THE DOG AT THE TIME OF ITS SALE.

(B) CONTENTS OF HEALTH CERTIFICATE.--THE CERTIFICATE OF HEALTH SHALL SET FORTH THE FOLLOWING:

(1) THE DOG'S BREED.

(2) THE DOG'S AGE.

(3) THE DOG'S SEX.

(4) THE DOG'S COLOR.

(5) THE DOG'S DATE OF BIRTH.

(6) A LIST OF VACCINATIONS ADMINISTERED TO THE DOG, THE DATE OF VACCINATIONS AND THE NAME OF THE PERSON WHO ADMINISTERED THEM.

(7) THE DATE AND TYPE ANY PARASITICIDAL MEDICINE WAS ADMINISTERED TO THE DOG.

(C) RETURN OF DOG FOR ILLNESS.--IF WITHIN TEN DAYS OF ITS PURCHASE A DOG PURCHASED FROM A PERSON IN THE REGULAR COURSE OF THE SELLER'S BUSINESS DIES OF ANY ILLNESS OR CONDITION EXISTING ON THE DATE OF SALE OR MANIFESTS A CONTAGIOUS OR DISABLING ILLNESS EXISTING, BUT WHICH WAS NOT DISCERNIBLE AT THE TIME OF PURCHASE, THE PURCHASER MAY RETURN IT TO THE SELLER EITHER FOR A COMPLETE REFUND, INCLUDING SALES TAX, OR FOR A REPLACEMENT ANIMAL OF EQUAL VALUE, AS THE PURCHASER CHOOSES. A

1 VETERINARIAN'S CERTIFICATION OF ILLNESS ISSUED BY A LICENSED
2 VETERINARIAN SHALL BE NECESSARY TO RETURN A DOG UNDER THIS
3 SUBSECTION AND SHALL BE SUPPLIED AT THE PURCHASER'S EXPENSE. THE
4 VETERINARIAN'S CERTIFICATE SHALL SET FORTH THAT HE EXAMINED THE
5 DOG, THAT THE DOG HAS A CONTAGIOUS OR DISABLING ILLNESS WHICH
6 RENDERS IT UNFIT FOR PURCHASE AND THE PRECISE FINDINGS OF THE
7 EXAMINATION.

8 (D) RETURN OF DOG FOR POOR HEALTH.--IF WITHIN 30 DAYS OF
9 PURCHASE A DOG PURCHASED FROM A PERSON IN THE REGULAR COURSE OF
10 THE SELLER'S BUSINESS IS DETERMINED, THROUGH PHYSICAL
11 EXAMINATION BY A VETERINARIAN, TO BE IN POOR HEALTH DUE TO
12 CONGENITAL MALFORMATION OR DYSFUNCTION, THE PURCHASER MAY RETURN
13 IT TO THE SELLER EITHER FOR A COMPLETE REFUND, INCLUDING SALES
14 TAX, OR FOR A REPLACEMENT ANIMAL OF EQUAL VALUE, AS THE
15 PURCHASER CHOOSES. A VETERINARIAN'S CERTIFICATION OF POOR HEALTH
16 DUE TO CONGENITAL MALFORMATION OR DYSFUNCTION SHALL BE NECESSARY
17 TO RETURN A DOG UNDER THIS SUBSECTION. THE CERTIFICATION SHALL
18 BE ISSUED BY A LICENSED VETERINARIAN AT THE PURCHASER'S EXPENSE,
19 SHALL SET FORTH THE CONGENITAL MALFORMATION OR DYSFUNCTION AND
20 SHALL STATE THAT, DUE TO THE CONGENITAL MALFORMATION OR
21 DYSFUNCTION, THE DOG IS UNFIT FOR THE PURPOSE FOR WHICH IT WAS
22 PURCHASED.

23 (E) LIMITATION ON RETURNS.--SUBSECTIONS (C) AND (D) SHALL
24 NOT APPLY WHERE A SELLER, IN CERTIFYING THE HEALTH OF A DOG IN
25 ACCORDANCE WITH SUBSECTION (A), DISCLOSES AT THE TIME OF SALE
26 THE HEALTH PROBLEM FOR WHICH THE BUYER LATER SEEKS TO RETURN THE
27 DOG AND ADJUSTS THE PURCHASE PRICE AT THE TIME OF SALE TO
28 REFLECT THE DOG'S HEALTH PROBLEM.

29 SECTION 2. CERTIFICATION OF PURCHASED DOG'S REGISTRATION.

30 IF A KENNEL OR PET SHOP OPERATOR WHO SELLS DOGS TO THE PUBLIC

1 IN THE REGULAR COURSE OF BUSINESS ADVERTISES THAT A DOG IS
2 REGISTERED OR REGISTRABLE, HE SHALL PROVIDE THE PURCHASER OF THE
3 DOG WITH THE FOLLOWING NOT LATER THAN 30 DAYS AFTER THE DATE OF
4 SALE:

5 (1) DOCUMENTS NECESSARY TO TRANSFER THE REGISTERED
6 OWNERSHIP OF THE DOG.

7 (2) THE BREEDER'S NAME AND ADDRESS IF THE PURCHASER SO
8 REQUIRES.

9 (3) THE NAME AND REGISTRATION NUMBER OF THE DAM AND SIRE
10 OF THE PURCHASED DOG'S LITTER.

11 (4) OTHER INFORMATION THAT MAY BE REQUIRED BY THE
12 REGISTRAR TO REGISTER A TRANSFER OF OWNERSHIP.

13 SECTION 3. FALSE STATEMENTS.

14 A PERSON COMMITS A SUMMARY OFFENSE IF HE KNOWINGLY AND IN THE
15 REGULAR COURSE OF BUSINESS MAKES A FALSE OR MISLEADING STATEMENT
16 RELATING TO THE HEALTH OR REGISTRATION OF A DOG HE IS ATTEMPTING
17 TO SELL AND CAUSES ANOTHER TO PURCHASE THE DOG IN RELIANCE OF
18 THAT STATEMENT.

19 SECTION 4. ENFORCEMENT.

20 THE ATTORNEY GENERAL SHALL ENFORCE THIS ACT AND SHALL
21 PROMULGATE RULES AND REGULATIONS THAT THE ATTORNEY GENERAL DEEMS
22 NECESSARY FOR THAT ENFORCEMENT.

23 SECTION 5. APPLICABILITY.

24 THIS ACT SHALL NOT APPLY TO NONPROFIT KENNELS AS THAT TERM IS
25 DEFINED UNDER THE ACT OF DECEMBER 7, 1982 (P.L.784, NO.225),
26 KNOWN AS THE DOG LAW.

27 SECTION 6. EFFECTIVE DATE.

28 THIS ACT SHALL TAKE EFFECT IN 60 DAYS.