

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 AMENDED ON THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES,
JUNE 1, 1987

AN ACT

1 Imposing duties on persons who sell dogs in the regular course
2 of business; providing a summary offense for
3 misrepresentation of pedigree and health of dogs bred for
4 sale; and providing for the enforcement of this act by the
5 Attorney General.

6 The General Assembly of the Commonwealth of Pennsylvania
7 hereby enacts as follows:

8 Section 1. Certification of purchased dog's health.

9 (a) General rule.--A kennel, pet shop operator or other
10 individual who sells dogs to the public in the regular course of
11 business shall provide a purchaser of a dog with a health
12 certificate for the dog at the time of its sale.

13 (b) Contents of health certificate.--The certificate of
14 health shall set forth the following:

- 15 (1) The dog's breed.
16 (2) The dog's age.
17 (3) The dog's sex.
18 (4) The dog's color.

1 (5) The dog's date of birth.

2 (6) A list of vaccinations administered to the dog, the
3 date of vaccinations and the name of the person who
4 administered them.

5 (7) The date and type any parasitocidal medicine was
6 administered to the dog.

7 (c) Return of dog for illness.--If within ten days of its
8 purchase a dog purchased from a person in the regular course of
9 the seller's business dies of any illness or condition existing
10 on the date of sale or manifests a contagious or disabling
11 illness existing, but which was not discernible at the time of
12 purchase, the purchaser may return it to the seller either for a
13 complete refund, including sales tax, or for a replacement
14 animal of equal value, as the purchaser chooses. A
15 veterinarian's certification of illness issued by a licensed
16 veterinarian shall be necessary to return a dog under this
17 subsection and shall be supplied at the purchaser's expense. The
18 veterinarian's certificate shall set forth that he examined the
19 dog, that the dog has a contagious or disabling illness which
20 renders it unfit for purchase and the precise findings of the
21 examination.

22 (d) Return of dog for poor health.--If within 30 days of
23 purchase a dog purchased from a person in the regular course of
24 the seller's business is determined, through physical
25 examination by a veterinarian, to be in poor health due to
26 congenital malformation or dysfunction, the purchaser may return
27 it to the seller either for a complete refund, including sales
28 tax, or for a replacement animal of equal value, as the
29 purchaser chooses. A veterinarian's certification of poor health
30 due to congenital malformation or dysfunction shall be necessary

1 to return a dog under this subsection. The certification shall
2 be issued by a licensed veterinarian at the purchaser's expense,
3 shall set forth the congenital malformation or dysfunction and
4 shall state that, due to the congenital malformation or
5 dysfunction, the dog is unfit for the purpose for which it was
6 purchased.

7 (e) Limitation on returns.--Subsections (c) and (d) shall
8 not apply where a seller, in certifying the health of a dog in
9 accordance with subsection (a), discloses at the time of sale
10 the health problem for which the buyer later seeks to return the
11 dog and adjusts the purchase price at the time of sale to
12 reflect the dog's health problem.

13 Section 2. Certification of purchased dog's registration.

14 If a kennel or pet shop operator OR OTHER PERSON who sells <—
15 dogs to the public in the regular course of business advertises
16 that a dog is registered or registrable, he shall provide the
17 purchaser of the dog with the following ~~not later than 30 days~~ <—
18 ~~after the date~~ AT THE TIME of sale: <—

19 ~~(1) Documents necessary to transfer the registered~~ <—
20 ~~ownership of the dog.~~

21 ~~(2)~~ (1) The breeder's name and address if the purchaser
22 so requires.

23 ~~(3)~~ (2) The name and registration number of the dam and <—
24 sire of the purchased dog's litter.

25 ~~(4) Other information that may be required by the~~ <—
26 ~~registrar to register a transfer of ownership.~~

27 ALL DOCUMENTATION NECESSARY TO TRANSFER THE REGISTERED OWNERSHIP <—
28 OF THE DOG, INCLUDING THE DOG REGISTRATION APPLICATION AND ANY
29 SUPPLEMENTAL OWNERSHIP TRANSFER PAPERS, AS WELL AS OTHER
30 INFORMATION REQUIRED BY THE REGISTRAR, SHALL BE PROVIDED BY THE

1 SELLER TO THE OWNER WITHIN 120 DAYS OF THE DATE OF SALE.

2 ~~Section 3. False statements.~~ <—

3 ~~A person commits a summary offense if he knowingly and in the~~
4 ~~regular course of business makes a false or misleading statement~~
5 ~~relating to the health or registration of a dog he is attempting~~
6 ~~to sell and causes another to purchase the dog in reliance of~~
7 ~~that statement.~~

8 SECTION 3. PENALTIES. <—

9 A VIOLATION OF ANY PROVISION OF THIS ACT SHALL BE DEEMED TO
10 BE A VIOLATION OF THE ACT OF DECEMBER 17, 1968 (P.L.1224,
11 NO.387), KNOWN AS THE UNFAIR TRADE PRACTICES AND CONSUMER
12 PROTECTION LAW.

13 Section 4. Enforcement.

14 The Attorney General shall enforce this act and shall
15 promulgate rules and regulations that the Attorney General deems
16 necessary for that enforcement. All fines and penalties which
17 are collected for violations of this act are hereby appropriated
18 to the Attorney General to cover the costs of enforcing the
19 provisions of this act.

20 Section 5. Applicability.

21 This act shall not apply to nonprofit kennels as that term is
22 defined under the act of December 7, 1982 (P.L.784, No.225),
23 known as the Dog Law.

24 Section 6. Effective date.

25 This act shall take effect in 60 days.