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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL  
No. 824

Session of  
1987

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INTRODUCED BY MORRIS, SIRIANNI, GODSHALL, SHOWERS, SEMMEL, BUSH,  
TRELLO, WASS, HAYES, BATTISTO, BOWSER, DURHAM, FOX, RUDY,  
MANMILLER, LaGROTTA, GLADECK, HASAY, BOWLEY, COY, ACOSTA,  
BRANDT, BALDWIN, BROUJOS, FARGO, PICCOLA, SAURMAN, MAINE,  
FOSTER, HONAMAN, STABACK, E. Z. TAYLOR, JOHNSON, MAYERNIK,  
SCHULER, TIGUE, HERSHEY, COLAFELLA, BARLEY, CHADWICK,  
CARLSON, HALUSKA, YANDRISEVITS, LLOYD AND LEH, MARCH 11, 1987

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SENATOR HELFRICK, AGRICULTURE AND RURAL AFFAIRS, IN SENATE,  
AS AMENDED, OCTOBER 27, 1987

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AN ACT

1 Providing for the control of transportation of poultry and for  
2 the disinfection of conveyances carrying poultry; requiring a  
3 license for transportation of live poultry or for dealing in  
4 poultry or poultry products; setting fees; authorizing  
5 certain powers of enforcement to the Department of  
6 Agriculture; and prescribing penalties.

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

9 Section 1. Short title.

10 This act shall be known and may be cited as the Poultry  
11 Transportation and Dealer Licensing Act.

12 Section 2. Legislative intent.

13 The General Assembly intends to prevent the introduction and  
14 spread of Avian Influenza H5N2 Virus into this Commonwealth and  
15 to halt the subsequent spread of this devastating disease into  
16 poultry flocks and markets of surrounding states and Canada.

1 Since the flu virus is spread by human contact and  
2 transportation equipment, the General Assembly maintains that  
3 strict standards of sanitation are crucial to the prevention of  
4 Avian Influenza epidemics. Additionally, the General Assembly  
5 finds the licensing of poultry haulers and dealers to be a  
6 method of determining the source and extent of infection.

7 Section 3. Definitions.

8 The following words and phrases when used in this act shall  
9 have the meanings given to them in this section unless the  
10 context clearly indicates otherwise:

11 "Conveyance." Any automobile, truck, tractor trailer, wagon  
12 or other vehicle used in the transportation of live poultry on  
13 public highways of this Commonwealth. The term shall not include  
14 any vehicle used by a producer exclusively on a farm or on  
15 contiguous farms operated as part of a single agricultural  
16 operation.

17 " Dealer" or "poultry dealer." Any person engaged in the  
18 business of buying, receiving, selling, exchanging, negotiating  
19 or soliciting the sale, resale, exchange or transfer of live  
20 poultry. The term does not include any poultry producer or any  
21 butcher or processor who receives live poultry for immediate  
22 slaughter.

23 "Department." The Department of Agriculture of the  
24 Commonwealth.

25 "Operator." The licensed driver of a ~~vehicle~~ CONVEYANCE. <—

26 "Person." A natural person, corporation, partnership or  
27 association.

28 "Poultry." Any chickens, ducks, geese, turkeys, pigeons,  
29 chukars, guineas, exotic fowl and game birds raised in  
30 captivity.

1 "Producer" or "poultry producer." Any person engaged in the  
2 business of growing or keeping poultry for market. This term  
3 shall not include a person who, by contract, employs another  
4 person to exclusively perform the actual breeding, growing or  
5 raising activities relating to the poultry, regardless of  
6 whether or not such employer has title in the poultry.

7 "Secretary." The Secretary of Agriculture of the  
8 Commonwealth.

9 Section 4. Standards of sanitation required.

10 The department shall:

11 (1) Within six months of the effective date of this act,  
12 promulgate and publish regulations for standards of  
13 recordkeeping, cleanliness and operation for all conveyances  
14 used in the transportation of poultry and for all crates,  
15 coops, cages or other accessories, whether or not constructed  
16 of permeable material, used on conveyances for poultry  
17 transportation.

18 (2) Conduct periodic inspections of conveyances and  
19 accessories used in hauling poultry and ascertain that  
20 sanitation requirements are being fulfilled.

21 Section 5. License required.

22 (a) Transportation of poultry.--~~On and after March 31, 1988~~ <—  
23 AFTER DECEMBER 31 OF THE YEAR IN WHICH THIS ACT TAKES EFFECT, it <—  
24 shall be unlawful for any person, whether or not contracted by  
25 another party, INCLUDING, BUT NOT LIMITED TO, THE OWNERS AND <—  
26 OPERATORS OF CONVEYANCES, to engage in the business of  
27 transportation of poultry into, within or from this  
28 Commonwealth, unless he shall hold a license issued by the  
29 department as provided in this act.

30 (b) Poultry business.--It shall be unlawful, ~~on or after~~ <—

1 ~~March 31, 1988~~ AFTER DECEMBER 31 OF THE YEAR IN WHICH THIS ACT <—  
2 TAKES EFFECT, for any poultry dealer to engage in business  
3 transactions within this Commonwealth, unless he shall hold a  
4 license issued by the department as provided in this act.

5 Section 6. Filing procedures.

6 ~~Every poultry dealer and every owner or operator of a~~ <—  
7 ~~conveyance desiring to transport poultry within this~~  
8 ~~Commonwealth~~ EVERY PERSON REQUIRED TO HOLD A LICENSE AS PROVIDED <—  
9 FOR IN SECTION 5 shall annually, on or before December 31, file  
10 an application for a license with the department. The  
11 application shall be on a form furnished by the department and  
12 shall contain any information as the department may require.

13 Section 7. Payment of fees.

14 Unless the department refuses the application on one or more  
15 grounds as provided in this act, it shall issue to an applicant,  
16 upon the payment of proper fees, a license entitling the  
17 applicant to conduct transportation of poultry or to act as a  
18 dealer in poultry until December 31 of the year next following.  
19 The fee for ~~this~~ EACH license shall be \$25 for ~~each dealer's~~ <—  
20 ~~license issued and \$25 for each vehicle used for purposes of~~  
21 ~~transporting poultry.~~ A DEALER LICENSE AND \$25 FOR EVERY OTHER <—  
22 PERSON REQUIRED TO HOLD A LICENSE AS PROVIDED FOR IN THIS ACT.

23 Section 8. Keeping of records.

24 (a) Poultry transportation.--Every owner or operator of a  
25 conveyance used to haul poultry shall keep a record for at least  
26 one year of all premises where receipt or delivery of poultry  
27 was made; the quantity, type and species of poultry received or  
28 delivered; the date received or delivered; and any other  
29 information which the department by regulation shall require.

30 (b) Poultry dealers.--Every dealer of poultry shall keep a

1 record for at least one year of all transactions conducted,  
2 including name and address of each buyer and seller; the  
3 quantity and description of goods purchased or sold; the date of  
4 each transaction; the nature or condition of goods transacted;  
5 and any other information which the department by regulation  
6 shall require.

7 Section 9. Revocation or suspension of license.

8 The department may refuse to grant a license or may suspend  
9 or revoke a license already granted under this act if it is  
10 satisfied that the applicant or licensee has:

11 (1) Failed to maintain adequate records of poultry  
12 haulage or transactions or other information required under  
13 this act or regulations issued pursuant thereto.

14 (2) Failed to meet the minimum standards of sanitation  
15 for conveyances and accessories used for transporting poultry  
16 in accordance with regulations adopted by the department.

17 (3) Made any false statement or statements or kept any  
18 false records relative to the destination, dates of visit,  
19 quantity and condition of birds received or delivered, or any  
20 other information required under this act or regulations of  
21 the department.

22 (4) Made any false statement in the application for or  
23 attempt to procure any license permitted to be issued under  
24 this act.

25 Section 10. Hearings and appeals.

26 (a) Hearings.--Before the department shall refuse, suspend  
27 or revoke any license, it shall conduct a hearing on the matter  
28 and shall notify the applicant or licensee, in writing, within  
29 five days of its determination.

30 (b) Procedure.--Hearings under this act and appeals from

1 decisions of the department shall be conducted in the manner  
2 provided in Title 2 of the Pennsylvania Consolidated Statutes  
3 (relating to administrative law and procedure) and by the Rules  
4 of Appellate Procedure.

5 Section 11. Penalties.

6 Any owner or operator of a vehicle or any poultry dealer who  
7 violates the provisions of section 5 or interferes with an agent  
8 of the department in the enforcement of this act:

9 (1) For a first offense, commits a summary offense and  
10 shall, upon conviction, be sentenced to pay a fine of not  
11 less than \$100 nor more than \$300 and costs of prosecution. <—  
12 ~~and, in default of payment of such fine and costs, be~~ <—  
13 ~~sentenced to imprisonment for a period not exceeding 60 days.~~

14 (2) For a subsequent offense, commits a misdemeanor of  
15 the third degree and shall, upon conviction, be sentenced to  
16 pay a fine of not less than \$500 nor more than \$2,500 or to  
17 imprisonment not exceeding one year or both.

18 Section 12. Injunctions.

19 The Attorney General, at the request of the department, may,  
20 in the name of the Commonwealth, institute proceedings in equity  
21 in the Commonwealth Court for the purpose of enjoining the  
22 conduct of business in this Commonwealth contrary to the  
23 provisions of this act.

24 Section 13. Rules and regulations.

25 The department shall, in the manner provided by law,  
26 promulgate and enforce the rules and regulations deemed  
27 necessary to carry out this act.

28 Section 14. Poultry Inspection Account.

29 All moneys received from license fees and fines collected  
30 under this act shall be immediately paid by the department into

1 the State Treasury and credited to a restricted receipts  
2 account, to be known as the Poultry Inspection Account, to be  
3 used for payment of costs to issue licenses and provide for  
4 inspections pursuant to section 4. All moneys in this account  
5 are hereby appropriated to the department on a continuing basis  
6 for this purpose.

7 Section 15. Effective date.

8 This act shall take effect in 60 days.