

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

## HOUSE BILL

No. 266 Session of  
1991

INTRODUCED BY KASUNIC, TRELLO, BARLEY, DALEY, STEIGHNER, DeLUCA,  
HERSHEY, MIHALICH, GEIST, HERMAN, STURLA, PISTELLA,  
KRUSZEWSKI, HANNA AND MICHLOVIC, FEBRUARY 5, 1991

AS AMENDED ON THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES,  
MARCH 17, 1992

## 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," further providing for the destruction of certain  
15 dogs; imposing civil liability; and making a repeal.

16 The General Assembly of the Commonwealth of Pennsylvania  
17 hereby enacts as follows:

18 Section 1. The heading of section 501 of the act of December  
19 7, 1982 (P.L.784, No.225), known as the Dog Law, is amended and  
20 the section is amended by adding a subsection to read:

21 Section 501. Killing dogs; complaints in trespass before  
22 district justice; vicious dogs; civil liability;  
23 fines; bonds.

1       \* \* \*

2       ~~(c) Civil liability. The owner of any dog that inflicts~~ <—  
3 ~~severe injury or death to any human being due to a vicious~~  
4 ~~attack shall be civilly liable for all damages arising out of~~  
5 ~~such vicious attack.~~

6       (E) CIVIL LIABILITY.--THE OWNER OF ANY DANGEROUS DOG AS <—  
7 PREVIOUSLY DETERMINED PURSUANT TO ARTICLE V-A, THAT INFLECTS  
8 SEVERE INJURY, AS DEFINED IN SECTION 501-A, OR DEATH TO ANY  
9 HUMAN BEING DUE TO AN ATTACK, AS DEFINED IN SECTION 501-A, SHALL  
10 BE CIVILLY LIABLE FOR ALL DAMAGES ARISING OUT OF SUCH ATTACK.

11       Section 2. Sections 502-A(a) and 505-A(b) ~~and (c)~~ of the <—  
12 act, added May 31, 1990 (P.L.213, No.46), are amended to read:  
13 Section 502-A. Registration.

14       (a) Determination.--Any person who has been attacked by a  
15 dog, or anyone on behalf of such person, a person whose domestic  
16 animal has been killed or injured without provocation, the State  
17 dog warden or the local police officer may make a complaint  
18 before a district justice, charging the owner or keeper of such  
19 a dog with harboring a dangerous dog. The district justice may  
20 impose penalties set forth under section 505-A(a) through (d). A  
21 penalty under section 505-A(b), however, may not be imposed  
22 unless the dog has been determined in a previous case to be a  
23 dangerous dog. The determination of a dog as a dangerous dog  
24 shall be made by the district justice upon evidence of a dog's  
25 history or propensity to attack without provocation based upon  
26 an incident in which the dog has done one or more of the  
27 following:

28           (1) Inflicted severe injury on a human being without  
29 provocation on public or private property.

30           (2) Killed or inflicted severe injury on a domestic

1 animal without provocation while off the owner's property.

2 (3) Attacked a human being without provocation.

3 (4) Been used in the commission of a crime.

4 \* \* \*

5 Section 505-A. Public safety and penalties.

6 \* \* \*

7 (b) Attacks [upon persons or animals] by dangerous dog.--If  
8 a dangerous dog, through the intentional, reckless or negligent  
9 conduct of the dog's owner, attacks a person or another domestic  
10 animal, the dog's owner is guilty of a misdemeanor of the second  
11 degree. In addition, the dangerous dog shall be immediately  
12 confiscated, placed in quarantine for the proper length of time  
13 and thereafter destroyed in an expeditious and humane manner,  
14 with costs of quarantine and destruction to be borne by the  
15 dog's owner.

16 ~~(c) [Attacks causing severe injury or death] Aggressive~~ <—  
17 ~~attacks on person which cause severe injury. The owner of any~~  
18 ~~dog that[, through the intentional, reckless or negligent~~  
19 ~~conduct of the dog's owner,] aggressively attacks and causes~~  
20 ~~severe injury or death of any human shall be guilty of a~~  
21 ~~misdemeanor of the first degree. In addition, the dog shall be~~  
22 ~~immediately confiscated by a State dog warden or a police~~  
23 ~~officer, placed in quarantine for the proper length of time and~~  
24 ~~thereafter destroyed in an expeditious and humane manner, with~~  
25 ~~costs of quarantine and destruction to be borne by the dog's~~  
26 ~~owner.~~

27 \* \* \*

28 Section 3. This act shall take effect immediately.