

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 445 Session of
2007

INTRODUCED BY CASORIO, BENNINGTON, BUXTON, CALTAGIRONE,
CAPPELLI, DeLUCA, DePASQUALE, FABRIZIO, FRANKEL, FREEMAN,
GEORGE, GERGELY, GOODMAN, GRUCELA, KOTIK, MUNDY, O'NEILL,
PALLONE, PARKER, PRESTON, RAYMOND, READSHAW, TANGRETTI,
WALKO, J. WHITE, YOUNGBLOOD, W. KELLER, DALEY AND McGEEHAN,
FEBRUARY 26, 2007

REFERRED TO COMMITTEE ON AGRICULTURE AND RURAL AFFAIRS,
FEBRUARY 26, 2007

AN ACT

1 Amending the act of December 7, 1982 (P.L.784, No.225),
2 entitled, as amended, "An act relating to dogs, regulating
3 the keeping of dogs; providing for the licensing of dogs and
4 kennels; providing for the protection of dogs and the
5 detention and destruction of dogs in certain cases;
6 regulating the sale and transportation of dogs; declaring
7 dogs to be personal property and the subject of theft;
8 providing for the abandonment of animals; providing for the
9 assessment of damages done to animals; providing for payment
10 of damages by the Commonwealth in certain cases and the
11 liability of the owner or keeper of dogs for such damages;
12 imposing powers and duties on certain State and local
13 officers and employees; providing penalties; and creating a
14 Dog Law Restricted Account," further providing for
15 definitions, for issuance of dog licenses, for applications
16 for dog licenses, for kennels, for requirements for kennels,
17 for out-of-State dealer license, for bills of sale, for
18 revocation, suspension or refusal of kennel licenses, for
19 transportation of dogs, for health certificates for
20 importation, for inspections of premises and dogs, for
21 additional duties of department, for seizure and detention of
22 dogs, for confinement of dogs and for interference with
23 police officer or State dog warden; providing for authority
24 to seize dogs in distress; further providing for dog bites,
25 for registration, for certain requirements, for control of
26 dangerous dogs, for public safety and penalties, for
27 enforcement, for rules and regulations and for violations;
28 and making editorial changes.

29 The General Assembly of the Commonwealth of Pennsylvania

1 hereby enacts as follows:

2 Section 1. The definitions of "dealer," "domestic animal,"
3 "kennel," "nonprofit kennel," "police officer," "private kennel"
4 and "proper enclosure of a dangerous dog" in section 102 of the
5 act of December 7, 1982 (P.L.784, No.225), known as the Dog Law,
6 amended December 11, 1996 (P.L.943, No.151), are amended and the
7 section is amended by adding definitions to read:

8 Section 102. Definitions.

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

12 * * *

13 "Confiscate." To appropriate property to the use of the
14 government or to adjudge property to be forfeited to the public,
15 without compensation to the owner of the property.

16 * * *

17 "Dealer." [Any person who owns or operates a dealer kennel
18 in this Commonwealth or who] A person that buys, receives,
19 sells, exchanges, negotiates, barter or solicits the sale,
20 resale, exchange or transfer of [a dog] 26 or more dogs in a
21 calendar year in this Commonwealth for the purpose of
22 transferring ownership or possession to a third party.

23 * * *

24 "Domestic animal." Any dog, cat, equine animal or bovine
25 animal, sheep, goat, pig, poultry, bird, fowl, confined hares,
26 rabbits and mink, or any wild or semiwild animal maintained in
27 captivity.

28 "Establishment." The premises on, in or through which a dog
29 is kept, bred, harbored, boarded, sheltered, maintained, sold,
30 given away, exchanged or in any way transferred. The term shall

1 include all of the following:

2 (1) The home, homestead, place of business or operation
3 of an individual or person, including a dealer, which
4 includes all of the land, property, housing facilities or any
5 combination of land, property or housing facilities of the
6 individual or person.

7 (2) All of the individuals or persons residing in or on
8 the establishment.

9 (3) An individual, person, organization, business or
10 operation which utilizes offsite or temporary homes to keep,
11 maintain, breed, train, harbor, board, shelter, sell, give
12 away, adopt, exchange or in any way transfer dogs.

13 * * *

14 "Kennel." Any establishment [wherein] in which dogs are kept
15 as pets or for the purpose of breeding, hunting, training,
16 renting, research or vivisection, buying, boarding, sale,
17 rescue, show or any other similar purpose and is so constructed
18 that dogs cannot stray therefrom.

19 "Law enforcement officer." The term shall have the same
20 meaning given to it in Pa.R.Crim.P. No. 103 (relating to
21 definitions). The term shall include a dog warden.

22 * * *

23 "Nonprofit kennel." [Any] A kennel properly registered under
24 the laws of the United States and this Commonwealth as a
25 nonprofit entity and operated by [an animal rescue league,] a
26 humane society or association for the prevention of cruelty to
27 animals or a nonprofit animal control kennel under sections 901
28 and 1002. The term shall include kennels operated by approved
29 medical and veterinary schools and nonprofit institutions
30 conducting medical and scientific research, which shall be

1 required to register, but shall not be required to pay any of
2 the following license fees, and which may use their own
3 identification tags for dogs within their kennels without being
4 required to attach tags hereinafter prescribed while dogs are
5 within such kennels, if approved by the secretary.

6 * * *

7 "Police officer." [Any person employed or elected by this
8 Commonwealth, or by any municipality and whose duty it is to
9 preserve peace or to make arrests or to enforce the law. The
10 term includes constables and dog, game, fish and forest
11 wardens.] The term shall have the same meaning given to it in
12 Pa.R.Crim.P. No. 103 (relating to definitions).

13 "Private kennel." A kennel at, in, or adjoining a residence
14 where dogs are kept or bred by their owner, as pets or for the
15 purpose of hunting, tracking and exhibiting in dog shows, or
16 field and obedience trials.

17 "Proper enclosure of a dangerous dog." The secure
18 confinement of a dangerous dog either indoors or in a securely
19 enclosed and locked pen or structure, suitable to prevent the
20 entry of young children and domestic animals and designed to
21 prevent the [animal] dangerous dog from escaping. [Such] The pen
22 or structure shall have secure sides and a secure top and shall
23 also provide protection from the elements for the dog. If the
24 pen or structure has no bottom secured to the sides, the sides
25 must be embedded at least two feet into the ground.

26 * * *

27 "Rescue kennel." A kennel and an establishment in which dogs
28 are kept, harbored, boarded, sheltered or maintained for the
29 purpose of preventing their death or destruction or providing
30 humane living conditions with the goal of ultimately

1 transferring them to a permanent owner or keeper through sale,
2 gift, donation, adoption, exchange or any other means of
3 transfer.

4 * * *

5 "Seizure." The act of taking possession of property for a
6 violation of law or the taking or removal from the possession of
7 another. The term shall not include the taking of ownership of
8 property.

9 * * *

10 "Temporary home." A place, other than a licensed kennel or
11 veterinary office, where an individual, person, owner or keeper,
12 keeps, maintains, breeds, harbors, boards or shelters a dog on
13 behalf of another person, organization, business or operation
14 for the purpose of later selling, giving away, adopting,
15 exchanging or transferring the dog. The term shall include a
16 personal home, land, property, premises or housing facility or
17 any combination of personal home, land, property, premises or
18 housing facility.

19 * * *

20 Section 2. Section 200(b), (e) and (f) of the act, added
21 December 11, 1996 (P.L.943, No.151), are amended and the section
22 is amended by adding a subsection to read:

23 Section 200. Issuance of dog licenses; compensation; proof
24 required; deposit of funds; records; license
25 sales; rules and regulations; failure to comply;
26 unlawful acts; penalty.

27 * * *

28 (b) Compensation.--For services rendered in collecting and
29 paying over dog license fees, agents, for as long as they
30 continue to act in that capacity, may collect and retain a sum

1 [of] equal to the cost of a postage stamp plus \$1 for each dog
2 license sold, which amount shall be full compensation for
3 services rendered by them under this act. The compensation shall
4 be retained by the respective agents and shall cover, among
5 other things, the cost of processing and issuing dog licenses,
6 postage, mailing, returns and bonding of the agents. A district
7 justice authorized by the county treasurer to process
8 applications for dog license certificates and issue dog license
9 certificates and tags is not authorized to collect compensation
10 under this subsection. Agents under subsection (a)(3) and (5)
11 shall collect an additional 50¢ which shall be remitted to the
12 county treasurer, for the use of the county, in the same manner
13 as records are forwarded under subsection (e).

14 (b.1) Mailings.--Dog license mailings, renewals and other
15 notices related to State dog licenses shall not contain any
16 extraneous advertising, promotions or other materials not
17 previously approved in writing by the department. Department-
18 approved advertising, promotions or other materials may not add
19 to the cost of postage or be attached to or in any manner made a
20 part of the license application or renewal notice.

21 * * *

22 (e) Records.--Each agent shall keep on a printed form
23 supplied by the department a correct and complete record of all
24 dog licenses issued and funds that are received or delinquent.
25 The records shall be available at reasonable hours for
26 inspection by any employee of the department charged with the
27 enforcement of this act or any representative of the Department
28 of Auditor General or Office of Attorney General. Within five
29 days following the first day of each month, each agent shall
30 forward to the secretary and to the county treasurer of the

1 county in which the agent is situated, on forms supplied by the
2 department, a complete report of dog licenses issued, in correct
3 numerical sequence. All money collected from the sale of dog
4 licenses, less compensation if collected, and any other
5 information required by the secretary shall be forwarded to the
6 secretary with the report.

7 (f) License sales.--Each agent shall process applications
8 and issue dog license certificates on a year-round basis.

9 Nothing in this act shall permit an agent while acting in that
10 capacity to suspend license sales during any time. If checks are
11 returned for delinquent funds or the proper dog license fee is
12 not collected for any reason, the agent shall report the
13 delinquency to the department on a form supplied by the
14 department.

15 * * *

16 Section 3. Sections 201 and 206 of the act, amended December
17 11, 1996 (P.L.943, No.151), are amended to read:

18 Section 201. Applications for dog licenses; fees; penalties.

19 (a) General rule.--Except as provided in subsection (b), on
20 or before January 1 of each year, unless and until the
21 department promulgates regulations establishing a system of dog
22 license renewal on an annual basis throughout the calendar year,
23 the owner of any dog, three months of age or older, except as
24 hereinafter provided, shall apply to the county treasurer of his
25 respective county or an agent under section 200(a), on a form
26 prescribed by the department for [a] the appropriate license for
27 [such] the dog. The application and license certificate shall
28 state the breed, sex, age, color and markings of [such] the dog,
29 the name, address and telephone number of the owner and the year
30 of licensure. The application shall be accompanied by the

appropriate license fee [as follows:

(1) For each neutered male dog and for each spayed female dog for which the certificate of a licensed doctor of veterinary medicine or the affidavit of the owner is produced, the license fee shall be \$5.

(2) For all other male and female dogs, the license fee shall be \$7.

(3) For Pennsylvania residents 65 years of age or older and persons with disabilities:

(i) For each neutered male dog and for each spayed female dog for which the certificate of a licensed doctor of veterinary medicine or the affidavit of the owner is produced, the license fee shall be \$3.

(ii) For all other male and female dogs, the license fee shall be \$5.], which shall be set by regulation and shall include all of the following classes of licenses:

(1) Neutered male dog or spayed female dog, the fee for which shall be lower than that paid for all other male and female dogs. For this license classification the owner or keeper of the dog shall provide a certificate of a licensed doctor of veterinary medicine or the affidavit of the owner or keeper as evidence the dog is neutered or spayed.

(2) Except as provided in paragraph (1) or (3), all other male or female dogs.

(3) Male or female dog owned by a Pennsylvania resident 65 years of age or older or a person with a disability, the fee for which shall be lower than that paid by residents under the age of 65 or without disabilities. The following shall apply:

(i) For each neutered male dog and for each spayed

1 female dog for which the certificate of a licensed doctor
2 of veterinary medicine or the affidavit of the owner is
3 produced, the fee shall be lower than that paid under
4 paragraph (1).

5 (ii) For all other male and female dogs, the fee
6 shall be lower than that charged under paragraph (2).

7 (4) Compensation, if collected under section 200(b),
8 shall also be paid by all applicants, regardless of age or
9 disability.

10 (b) Lifetime license.--

11 (1) The owner of any dog three months of age or older
12 which has been permanently identified may apply to the county
13 treasurer of his respective county or an agent under section
14 200(a), on a form prescribed by the department for a lifetime
15 license for such a dog. Except as otherwise provided in this
16 act, a dog which has been issued a lifetime license shall be
17 required to wear a license tag. The application and license
18 certificate shall state the breed, sex, age, color and
19 markings of such dog, the type and number of permanent
20 identification and the name, address and telephone number of
21 the owner. The application shall be accompanied by the
22 appropriate license fee [as follows:

23 (1) For each neutered male dog and for each spayed
24 female dog for which the certificate of a licensed doctor of
25 veterinary medicine or the affidavit of the owner is
26 produced, the lifetime license fee shall be \$30.

27 (2) For all other male and female dogs, the license fee
28 shall be \$50.

29 (3) For Pennsylvania residents 65 years of age or older
30 and persons with disabilities:

1 (i) For each neutered male dog and for each spayed
2 female dog for which the certificate of a licensed doctor
3 of veterinary medicine or the affidavit of the owner is
4 produced, the license fee shall be \$20.

5 (ii) For all other male and female dogs, the license
6 fee shall be \$30.

7 (4) Compensation, if collected under section 200(b),
8 shall also be paid by all applicants, regardless of age or
9 disability. A dog which has been issued a lifetime license
10 prior to the effective date of this act shall not be subject
11 to fees under this subsection.], which shall be set by
12 regulations and shall include the license categories under
13 subsection (a). Compensation, if collected under section
14 200(b), shall also be paid by all applicants, regardless of
15 age or disability.

16 (2) A dog which has been issued a lifetime license prior
17 to the effective date of this paragraph shall not be subject
18 to fees under this subsection.

19 (c) Penalty.--A person who violates this section commits a
20 summary offense and, upon conviction, shall be sentenced to pay
21 a fine of not less than [\$25] \$50 nor more than \$300 for each
22 unlicensed dog. Fraudulent statements, including those related
23 to the breed of the dog or failure to pay the appropriate fee,
24 including checks returned for insufficient funds, shall void the
25 license issued and shall result in the removal of the tag from
26 the dog. The department may also take appropriate legal action
27 including fines and civil penalties, the issuance of citations
28 or filing of other criminal charges.

29 Section 206. Kennels.

30 (a) Applications, kennel license classifications and fees.--

1 Any person who is a dealer or keeps or operates a [Class I,
2 Class II, Class III, Class IV or Class V Kennel, Boarding Kennel
3 Class I, Boarding Kennel Class II, Boarding Kennel Class III]
4 private kennel, pet shop kennel, research kennel, dealer kennel,
5 breeding kennel, boarding kennel, rescue kennel or nonprofit
6 kennel shall, on or before January 1 of each year, apply to the
7 department for a kennel license. Kennels shall be classified and
8 the fee for the license, which shall be set by regulation, shall
9 be determined by the number of dogs housed, kept, harbored,
10 boarded, sheltered, sold, given away or transferred in or by the
11 kennel. The application forms and kennel licenses shall be as
12 designated by the secretary. A separate license shall be
13 required for each type of kennel and every location at which a
14 kennel is kept or operated. A kennel license is required to keep
15 or operate any establishment that keeps, harbors, boards,
16 shelters, sells, gives away or in any way transfers a cumulative
17 total of 26 or more dogs of any age in any one calendar year.
18 All kennel licenses shall expire on December 31. When two or
19 more licensed kennels are operated by the same person at the
20 same location, each kennel shall be inspected and licensed for
21 each use.

22 Dealer License.

23 A dealer, whether residing in this Commonwealth or outside
24 this Commonwealth, who sells, exchanges, negotiates, barter,
25 gives away or solicits the sale, resale, exchange or transfer of
26 a dog in this Commonwealth for the purpose of transferring
27 ownership or possession to a third party shall obtain a dealer
28 license from the department, which shall be renewed on a
29 calendar-year basis.

30 Kennel Class I.

1 To keep or operate a private kennel, pet shop-kennel,
2 research kennel, rescue kennel, dealer kennel or breeding kennel
3 for a cumulative total of 50 dogs or less of any age during a
4 calendar year [- \$75 per year]. The owner of such a kennel shall
5 apply for and receive a Kennel Class I license, which shall be
6 renewed on a calendar-year basis.

7 Kennel Class II.

8 To keep or operate a private kennel, pet-shop kennel,
9 research kennel, rescue kennel, dealer kennel or breeding kennel
10 for a cumulative total of 51 to 100 dogs of any age during a
11 calendar year [- \$200 per year]. The owner of such a kennel
12 shall apply for and receive a Kennel Class II license, which
13 shall be renewed on a calendar-year basis.

14 Kennel Class III

15 To keep or operate a private kennel, pet shop-kennel,
16 research kennel, rescue kennel, dealer kennel or breeding kennel
17 for a cumulative total of 101 to 150 dogs of any age during a
18 calendar year [- \$300 per year]. The owner of such a kennel
19 shall apply for and receive a Kennel Class III license, which
20 shall be renewed on a calendar-year basis.

21 Kennel Class IV

22 To keep or operate a private kennel, pet shop-kennel,
23 research kennel, rescue kennel, dealer kennel or breeding kennel
24 for a cumulative total of 151 to 250 dogs of any age during a
25 calendar year [- \$400 per year]. The owner of such a kennel
26 shall apply for and receive a Kennel Class IV license, which
27 shall be renewed on a calendar-year basis.

28 Kennel Class V

29 To keep or operate a private kennel, pet shop-kennel,
30 research kennel, rescue kennel, dealer kennel or breeding kennel

1 for a cumulative total of 251 or more dogs of any age during a
2 calendar year [- \$500 per year]. The owner of such a kennel
3 shall apply for and receive a Kennel Class V license, which
4 shall be renewed on a calendar-year basis.

5 Boarding Kennel Class I

6 To keep or operate a boarding kennel having the capacity to
7 accommodate a total of 1 to 10 dogs at any time during a
8 calendar year [- \$100 per year]. The owner of such a kennel
9 shall apply for and receive a Boarding Kennel Class I license,
10 which shall be renewed on a calendar-year basis.

11 Boarding Kennel Class II

12 To keep or operate a boarding kennel having the capacity to
13 accommodate a total of 11 to 25 dogs at any time during a
14 calendar year [- \$150 per year]. The owner of such a kennel
15 shall apply for and receive a Boarding Kennel Class II license,
16 which shall be renewed on a calendar-year basis.

17 Boarding Kennel Class III

18 To keep or operate a boarding kennel having the capacity to
19 accommodate 26 or more dogs at any time during a calendar year
20 [- \$250 per year]. The owner of such a kennel shall apply for
21 and receive a Boarding Kennel Class III license, which shall be
22 renewed on a calendar-year basis.

23 [Nonprofit Kennel - \$25 per year.]

24 (b) Nonprofit kennels.--A nonprofit kennel shall apply for a
25 nonprofit kennel license. Such kennel may use its own
26 identification tags for dogs confined therein. The secretary may
27 approve, upon application, the removal of tags from licensed
28 dogs confined therein. The owner of such a kennel shall apply
29 for and receive a Nonprofit Kennel license, which shall be
30 renewed on a calendar-year basis at the cost established by

1 regulation.

2 (d) Issuance of tags.--The department shall issue the number
3 of tags equal to the number of dogs three months of age or
4 older, or a lesser number as determined by the kennel owner's
5 needs, approved by the secretary to be kept in a kennel
6 described under this section. All tags shall bear the name of
7 the county where they are issued, the kennel license number and
8 any other information required by the secretary through
9 regulations. The tags shall be utilized and displayed as set
10 forth in section 207(d) and (e).

11 (e) Kennel moved, closed or removed to another county.--If a
12 person that keeps or operates a kennel moves, closes or
13 permanently removes the kennel to another county, the person
14 shall file an application with the secretary [to transfer the
15 license to the county of removal] notifying the secretary of the
16 move, closure or transfer. Upon approval by the secretary, which
17 shall require an inspection and approval of the new facility,
18 the kennel license shall be allowed to remain in effect until
19 [it has expired pursuant to this section.] the end of the
20 calendar year at which time it shall be renewed in accordance
21 with this act. If a kennel is closing, the secretary must
22 conduct a post-closure inspection.

23 (f) Adequacy of fees.--On or before July 1[, 1998] of each
24 year, the department shall submit a report to the chairperson
25 and minority chairperson of the Agriculture and Rural Affairs
26 Committee of the Senate and the chairperson and minority
27 chairperson of the Agriculture and Rural Affairs Committee of
28 the House of Representatives comparing the expenses incurred by
29 the department for enforcing this act with regard to kennels and
30 the revenues received by the department in accordance with this

1 section.

2 Section 4. Section 207(a.1), (c) and (d) of the act, amended
3 December 11, 1996 (P.L.943, No.151), are amended and the section
4 is amended by adding subsections to read:

5 Section 207. Requirements for kennels.

6 (a.1) Prohibition to operate; injunction; fines.--It shall
7 be unlawful for kennels described under section 206 to operate
8 without first obtaining a kennel license from the department.
9 The secretary shall not approve any kennel license application
10 unless such kennel has been inspected and approved by a State
11 dog warden or employee of the department. [The secretary may
12 file a suit in equity in the Commonwealth Court to enjoin the
13 operation of any kennel that violates any of the provisions of
14 this act. In addition, the secretary may seek in such suit the
15 imposition of a fine for every day in violation of this act for
16 an amount not less than \$100 nor more than \$500 per day.]

17 (a.2) Civil penalties and remedies.--The following shall
18 apply to civil penalties and remedies:

19 (1) (i) In addition to proceeding under any other
20 remedy available at law or in equity for a violation of a
21 provision of this act or a rule or regulation adopted or
22 order issued under this act, the secretary may assess a
23 civil penalty against an unlicensed kennel of not less
24 than \$500 nor more than \$1,000 for each day it operates
25 in violation of this act. The penalty shall be premised
26 on the gravity and willfulness of the violation, the
27 potential harm to the health and safety of the animals
28 and the public, previous violations and the economic
29 benefit to the violator for failing to comply with this
30 act. The secretary may issue a warning in lieu of

1 assessing a penalty where the kennel owner or operator,
2 upon notice, takes immediate action to resolve the
3 violation and comes into compliance with all provisions
4 of this act or a rule or regulation adopted or order
5 issued under this act.

6 (ii) In addition to subparagraph (i), the secretary
7 may issue citations and assess a civil penalty for a
8 violation of a rule or regulation adopted or order issued
9 under this act, which shall be not less than \$100 nor
10 more than \$500 for each day of violation.

11 (2) In cases of inability to collect the civil penalty
12 or failure of a person to pay all or a portion of the
13 penalty, the secretary may refer the matter to the Office of
14 Attorney General, which shall institute an action in the
15 appropriate court to recover the penalty. Any penalty
16 assessed shall act as a lien on the property of the person
17 against whom the penalty has been assessed.

18 (3) In addition to proceeding under any other remedy
19 available at law or in equity for a violation of a provision
20 of this act or a rule or regulation adopted or order issued
21 under this act, the secretary may issue orders as are
22 necessary to aid in the enforcement of the provisions of this
23 act, including an order which shall require the owner or
24 operator of an unlicensed kennel to cease and desist from
25 operation of a kennel until such time as the owner or
26 operator has come into compliance with all the provisions of
27 this act and any rule or regulation adopted under this act.
28 In addition, the order may impose civil penalties as are
29 allowed for under this act. The order may provide a
30 reasonable time period for the owner or operator to come into

1 compliance and shall provide the opportunity for a hearing.
2 If the owner or operator of an unlicensed kennel does not
3 comply with the order or come into compliance with the
4 licensure provisions of this act, the owner or operator of
5 the unlicensed kennel shall forfeit all dogs found in the
6 kennel. Upon forfeiture, the dogs shall be placed in a
7 licensed kennel or humane society kennel or shelter. The
8 costs of kenneling or euthanizing or both shall be paid by
9 the person against whom the order was issued.

10 (4) In cases where the circumstances require it or the
11 safety or health of the dogs or the public is endangered, a
12 mandatory preliminary injunction, special injunction or
13 temporary restraining order may be issued upon the terms
14 prescribed by the court of common pleas. The secretary,
15 Attorney General, General Counsel or the district attorney
16 shall not be required to post a bond in proceedings under
17 this paragraph, and the court shall issue a prohibitory or
18 mandatory preliminary injunction if it finds that the
19 defendant is engaging in unlawful conduct as defined by this
20 act or is engaged in conduct which is causing immediate harm
21 to the dogs or the public. In addition to an injunction, the
22 court may assess, in proceedings under this paragraph, civil
23 penalties as provided under this section.

24 * * *

25 (c) Records to be maintained.--Every keeper of a kennel
26 shall keep, for two years, a record of each dog at any time kept
27 in the kennel. Such record shall show:

28 (1) The breed, color, markings, sex and age of each dog.

29 (2) The date on which each dog entered the kennel.

30 (3) From where it came.

- 1 (4) To whom it belongs.
- 2 (5) For what purpose each dog is kept in the kennel.
- 3 (6) The date on which each dog leaves the kennel.
- 4 (7) How and to whom it is dispensed.
- 5 (8) The name, address and telephone number of the
- 6 licensed doctor of veterinary medicine used by the kennel.

7 (9) Any other records, including those related to

8 sanitation, food, water, bedding, shelter, space,

9 temperature, ventilation, lighting, health or location, that

10 the department sets by regulation.

11 Such record shall be legible and shall be open to inspection and

12 may be copied by any employee of the department, State dog

13 warden or police officer as defined by this act.

14 (d) Additional requirements.--Every holder of a kennel

15 license shall attach one tag to a collar or harness of each dog

16 three months old or older kept by that person, whenever the dog

17 is not within the kennel except as provided for in section

18 202[.] or in the case of a dealer or a rescue kennel utilizing

19 temporary homes. Dogs housed in temporary homes shall have and

20 display the dealer's or rescue kennel's tag as provided in this

21 section.

22 (e) Display of kennel license.--The following shall apply:

23 (1) A person operating a kennel required to be licensed

24 under this act shall display, in a place conspicuous to the

25 general public and approved by the department, a current and

26 valid kennel license certificate issued by the department.

27 The kennel license certificate shall show all of the

28 following:

29 (i) The year for which it was issued.

30 (ii) The kennel class and type.

1 (iii) The number of dogs allowed to be housed in
2 that class of kennel.

3 (2) Temporary homes associated with a licensed dealer or
4 rescue kennel shall display a copy of the dealer's or the
5 rescue kennel's kennel license.

6 (3) If the secretary revokes, suspends or denies a
7 kennel license, the department shall issue a notice of
8 revocation, suspension or denial. The notice shall be posted
9 in a place conspicuous to the general public and approved by
10 the department for a period of time as provided in this
11 subsection. In the case of a revocation or denial of a kennel
12 license, the kennel shall display the notice of revocation or
13 denial until the time as the kennel has ceased to operate or
14 as the department determines and sets forth in the order. In
15 the case of a suspension, the notice of suspension shall be
16 posted until the time period of the suspension has run and
17 the department has reissued a valid kennel license.

18 (4) If the secretary finds a kennel operating without a
19 license, the kennel, upon notice of violation or order, shall
20 display a notice of violation issued by the department. The
21 notice shall be posted in a place conspicuous to the general
22 public and approved by the department until the time as the
23 kennel has ceased to operate or as the department determines
24 and sets forth in the order or until the time as the kennel
25 has come into compliance and the secretary has issued a valid
26 kennel license.

27 (5) Failure to display a current and valid kennel
28 license certificate or a notice of revocation, suspension or
29 denial as provided in this subsection constitutes a violation
30 of this act and may result in the issuance of a citation or

1 civil penalties or both.

2 (f) Bonding requirements.--The following shall apply to
3 bonding requirements:

4 (1) Except for registered humane societies and societies
5 for the prevention of cruelty to animals, every kennel listed
6 under section 206 shall be required to post a surety bond
7 approved by the department prior to the department issuing a
8 kennel license.

9 (2) The amount of the surety bond shall be based on the
10 maximum number of dogs allowed under the kennel license
11 classification or the maximum number of dogs to be kept in
12 the kennel if the number is known and shall be equal to the
13 estimated cost of transportation, care and feeding, pursuant
14 to seizure and impoundment, of the total number of dogs for a
15 period of 31 days. The surety bond shall be payable to the
16 Commonwealth of Pennsylvania, Department of Agriculture,
17 Bureau of Dog Law Enforcement.

18 (3) The surety bond shall be recorded and filed with the
19 secretary and in the office of the recorder of deeds of the
20 county in which the kennel is located. Every surety bond
21 shall have as a surety a duly authorized surety company or
22 two sufficient individual sureties, approved by the
23 secretary. The surety bond shall be conditioned upon the
24 faithful performance of payment for transportation, care and
25 feeding of the dogs if they are seized and impounded.

26 (4) Failure to obtain a surety bond prior to operating a
27 kennel shall be a violation of this act.

28 (5) The holder of a kennel license shall maintain a
29 surety bond in the proper amount and shall update his or her
30 surety bond upon changing kennel classification or upon

1 annual licensure renewal if applicable. Failure to maintain a
2 surety bond in the proper amount shall be a violation of this
3 act, and the secretary may revoke, suspend or deny a kennel
4 license for the violation and the kennel owner shall be made
5 to post a bond in the proper amount prior to initiating any
6 appeal or any other legal action related to seizure of any
7 dog from the kennel.

8 (6) If dogs held at an unlicensed kennel are seized and
9 impounded under this act, the unlicensed kennel owner shall
10 post a bond meeting the requirements of this section, prior
11 to initiating any appeal or any other legal action.

12 Section 5. Section 209 of the act, amended December 11, 1996
13 (P.L.943, No.151), is amended to read:

14 Section 209. Out-of-state dealer license; application; fee;
15 prohibitions.

16 (a) Out-of-state dealers.--All out-of-state dealers shall on
17 or before January 1 of each year, apply to the secretary for an
18 out-of-state dealer license. The fee for such license shall be
19 [\$300] set by regulation, plus appropriate kennel license fees
20 required under section 206. All fees collected under this
21 section shall be remitted to the State Treasury for credit to
22 the Dog Law Restricted Account. All licenses under this section
23 shall expire upon December 31 of the year for which the license
24 was issued. The forms for the application and license shall be
25 approved by the secretary [through regulations].

26 (b) Unlawful acts.--It shall be unlawful for out-of-state
27 dealers to [transport dogs] sell, exchange, negotiate, barter,
28 give away or solicit the sale, resale, exchange or transfer of a
29 dog or transport a dog into or within the Commonwealth or to
30 operate or maintain a dealer kennel or to deal in any manner

1 with dogs without first obtaining an out-of-state dealer license
2 from the department. It shall be unlawful for a kennel licensed
3 under this act to accept, receive, buy, barter or exchange dogs
4 with an unlicensed out-of-state dealer. A conviction for a
5 violation of this section shall result in a fine of not less
6 than \$100 nor more than \$1,000 for each violation. Each
7 transaction for each dog shall constitute a separate violation.

8 Section 6. Section 210 of the act is amended to read:

9 Section 210. Bills of sale.

10 All owners or operators of kennels described in section 206,
11 and all out-of-state dealers shall be required to have in their
12 possession a bill of sale for each dog purchased or transported,
13 except for dogs delivered to the kennel licensee for purposes of
14 boarding or for dogs whelped at the kennel. Any bill of sale
15 which is fraudulent or indicates the theft of any dog, shall be
16 prima facie evidence for the immediate revocation of license and
17 imposition of fines and penalties by the secretary. The bill of
18 sale shall contain information required by the secretary through
19 regulations. Except for dogs delivered to and released from a
20 boarding kennel, a bill of sale shall accompany each dog sold,
21 exchanged, bartered, given away or in any way transferred by a
22 kennel described in section 206 or an out-of-state dealer. The
23 bill of sale shall include the current and valid kennel license
24 number of the kennel or out-of-state dealer that sold,
25 exchanged, bartered, gave away or transferred the dog and any
26 other information required by the secretary. A conviction for a
27 violation of this section shall result in a penalty of not less
28 than \$100 nor more than \$500 per conviction.

29 Section 7. Section 211 of the act, amended December 11, 1996
30 (P.L.943, No.151), is amended to read:

1 Section 211. Revocation, suspension or refusal of kennel
2 licenses.

3 (a) General powers of secretary.--The secretary shall revoke
4 a kennel license or out-of-state dealer license if a licensee is
5 convicted of a violation of 18 Pa.C.S. § 5511 (relating to
6 cruelty to animals). The secretary shall not issue a kennel
7 license or out-of-state dealer license to a person that has been
8 convicted of a violation of 18 Pa.C.S. § 5511 within the last
9 ten years. The secretary may revoke or suspend a kennel license
10 or out-of-state dealer license or refuse to issue a kennel
11 license or out-of-state dealer license for any one or more of
12 the following reasons:

13 (1) the person holding or applying for a license has
14 made a material misstatement or misrepresentation in the
15 license application;

16 (2) the person holding or applying for a license has
17 made a material misstatement or misrepresentation to the
18 department or its personnel regarding a matter relevant to
19 the license;

20 (3) the person holding or applying for a license has
21 been convicted of any violation of this act[;] or regulations
22 promulgated under this act;

23 (4) the person holding or applying for a license has
24 failed to comply with any regulation promulgated under this
25 act; [or]

26 (5) the person holding or applying for a license has
27 been convicted of any law relating to cruelty to animals[.]
28 and the conviction is more than ten years old, if the
29 secretary finds that the crime was so heinous that the person
30 could not be rehabilitated or there is evidence the person

1 has not been rehabilitated and granting a license would
2 jeopardize the health, safety and welfare of the dogs;

3 (6) the person holding or applying for a license has
4 been convicted of a felony; or

5 (7) the person holding or applying for a license has:

6 (i) been convicted of a violation of section 9.3 of
7 the act of December 17, 1968 (P.L.1224, No.387), known as
8 the "Unfair Trade Practices and Consumer Protection Law,"
9 which rises to the level of a misdemeanor or requires the
10 person to cease and desist from operating a kennel or
11 owning, selling or caring for dogs, or both; or

12 (ii) entered into an agreement with the Office of
13 Attorney General which requires the person to cease and
14 desist from operating a kennel or owning, selling or
15 caring for dogs, or both.

16 (b) Notice of action.--

17 (1) The secretary shall provide written notice of a
18 kennel license or an out-of-state dealer license revocation,
19 suspension or refusal to the person whose license is revoked,
20 suspended or refused. The notice shall set forth the general
21 factual and legal basis for the action and shall advise the
22 affected person that within ten days of receipt of the notice
23 he may file with the secretary a written request for an
24 administrative hearing. The hearing shall be conducted in
25 accordance with 2 Pa.C.S. (relating to administrative law and
26 procedure).

27 (2) Written notice of revocation, suspension or refusal
28 shall be served by personal service or by registered or
29 certified mail, return receipt requested, to the person or to
30 a responsible employee of such person whose license is

1 revoked, suspended or refused. Revocation or suspension shall
2 commence upon service of the written notice.

3 (c) Seizure and constructive seizure.--

4 (1) Whenever the secretary revokes, suspends or refuses
5 a kennel license or an out-of-state dealer license, [the] all
6 of the following shall apply:

7 (i) The person whose license is refused shall have a
8 reasonable time period, not to exceed 15 days, in which
9 to come into compliance with this act and regulations
10 promulgated under this act or divest himself of the dogs
11 held in the kennel in a manner prescribed in writing by
12 the department. Failure to take action required under
13 this paragraph may result in the department, in addition
14 to any other penalties allowed under this act, imposing
15 penalties of not less than \$100 nor more than \$500 per
16 day for each violation. Each dog in excess of 25 dogs
17 shall count as one violation.

18 (ii) The person whose license is suspended shall
19 immediately cease and desist from boarding, buying,
20 exchanging, selling, giving away or in any way
21 transferring dogs for the period of time of the
22 suspension. The person shall be given a period of time,
23 not to exceed 15 days, in which to address and fix the
24 violations cited and come into compliance with this act
25 and regulations promulgated under this act or the
26 suspension shall become a revocation.

27 (iii) The person whose license is revoked shall
28 immediately cease and desist from boarding, buying,
29 exchanging, selling, giving away or in any way
30 transferring dogs, unless the department's order allows

1 the kennel owner to divest himself of the dogs. A
2 department order shall state the manner in which the dogs
3 may be transferred and set a time limit and recordkeeping
4 requirements for the transfer of ownership. Failure to
5 take the required action may result in the department, in
6 addition to any other penalties allowed under this act,
7 imposing penalties of not less than \$100 nor more than
8 \$500 per day for each violation. Each dog in excess of 25
9 dogs shall count as one violation.

10 (iv) At any time after an order or a notice of
11 violation has been issued, the department may seize and
12 impound any dog in the possession, custody or care of the
13 person whose license is revoked, suspended or refused if
14 there are reasonable grounds to believe that the dog's
15 health, safety or welfare is endangered. Reasonable costs
16 of transportation, care and feeding of a seized and
17 impounded dog shall be paid by the person from whom the
18 dog was seized and impounded. If a dog is seized, the
19 department shall set forth the reasons for the seizure or
20 impoundment and, if the seizure is appealed, shall
21 schedule a hearing on the matter as soon as reasonably
22 possible.

23 (2) (i) If the person whose kennel license or out-of-
24 state dealer license is revoked, suspended or refused and
25 whose dog has been seized and impounded provides the
26 secretary with satisfactory evidence or assurances that
27 the dog will receive adequate care and has paid all costs
28 of transportation, care and feeding related to the
29 seizure and impoundment of the dog, the secretary may
30 allow the person [may] to retrieve the seized and

1 impounded dog.

2 (ii) If the owner of a seized and impounded dog is
3 someone other than the person from whom the dog was
4 seized and impounded, the dog owner may retrieve his dog
5 from impoundment upon payment of all transportation, care
6 and feeding costs applicable to the dog. The person from
7 whom the dog was seized and impounded shall be
8 responsible to reimburse the dog owner for the
9 transportation, care and feeding costs.

10 (3) The secretary shall allow a dog to remain in the
11 physical possession, custody or care of the person whose
12 kennel license or out-of-state dealer license is revoked,
13 suspended or refused for the time periods established in this
14 section, set forth in the secretary's order or during the
15 time period of an appeal, upon any one or more of the
16 following findings:

17 (i) the secretary has no reasonable grounds to
18 believe that the health, safety or welfare of the dog is
19 endangered; or

20 (ii) the person whose license is revoked, suspended
21 or refused has provided satisfactory evidence or
22 assurances that the dog will receive adequate care.

23 (4) Ownership of a dog which has been seized and
24 impounded or which is under constructive seizure may be
25 forfeited upon the written request of its owner.

26 (5) The secretary may direct that ownership of a
27 particular dog which is seized and impounded pursuant to
28 paragraph (1) is to be forfeited. The department shall serve
29 the owner of the affected dog with written notice of
30 forfeiture. The notice shall indicate that ownership of the

1 dog in question may be forfeited to some entity other than
2 the department. Notice of forfeiture shall be served by
3 personal service or by registered or certified mail, return
4 receipt requested, to the owner of the affected dog or a
5 responsible person at the kennel from which the dog was
6 seized and impounded. The notice shall specify an effective
7 date of forfeiture which shall be not less than ten days from
8 service of the notice. The notice shall further inform the
9 dog owner of his right to request an administrative hearing
10 on the issue of forfeiture by delivering a written request to
11 the department prior to the date of forfeiture. A written
12 hearing request shall act as a supersedeas of the forfeiture
13 action. At the administrative hearing, the department shall
14 have the burden of proving that the affected dog owner did
15 not adequately care for the subject dog, or that no
16 satisfactory evidence or assurances have been given to the
17 department that the subject dog will be adequately cared for
18 if it is returned to the owner, or that the owner has
19 abandoned the subject dog. Abandonment shall be presumed if
20 an owner fails to make timely payment of reasonable costs of
21 transportation, care and feeding of the seized and impounded
22 dog after two written requests to do so have been served by
23 personal service or registered or certified mail, return
24 receipt requested, upon a responsible person at the kennel in
25 question or to the dog owner.

26 (c.1) Bond requirement.--The surety bond requirements
27 established in section 207(f) shall apply to the provisions of
28 this section.

29 (d) Reimbursement of transportation, care and feeding
30 costs.--A person described in subsection (c)(1) and (2) who has

1 paid transportation, care and feeding costs with respect to a
2 dog seized under this section may make application to the
3 department for reimbursement of the costs if all persons cited
4 or charged with violations of this act as the result of the
5 conditions at the kennel at issue are acquitted of all charges
6 or violations.

7 (e) Department as guarantor of payment of certain costs.--A
8 kennel at which a dog is impounded by the department under the
9 authority of this section shall be compensated from the Dog Law
10 Restricted Account in the amount of \$5 per dog for each day or
11 portion thereof that the dog is held at the kennel if:

12 (1) the kennel has attempted, without success, to obtain
13 payment for transportation, care and feeding costs from the
14 owner of the dog and the owner of the kennel from which the
15 dog was seized and impounded; and

16 (2) the kennel makes written application to the
17 department, setting forth the amount sought, details of a
18 good faith attempt at obtaining payment of the costs from the
19 dog owner and the kennel owner and the dates and number of
20 dogs justifying the amount sought.

21 (f) Prohibition.--A dog seized under this section shall
22 remain the property of the owner or person from whom it was
23 seized and may not be sold, exchanged, given away or in any way
24 transferred by the person holding or impounding the seized dog.
25 No dog seized under this section shall be sold or given freely
26 for the purpose of vivisection or research or be conveyed in any
27 manner for these purposes or be conveyed to a dealer.

28 Section 8. Section 213 of the act is amended to read:

29 Section 213. Transportation of dogs.

30 It shall be unlawful for any dog required to be licensed as

1 hereinbefore provided, to be transported for any purpose without
2 a current license tag firmly attached to a collar or harness
3 securely fastened to the dog except when a dog is being
4 transported for law enforcement or to a veterinary office
5 pursuant to an order of the secretary for humane purposes. All
6 vehicles being used to transport dogs are subject to inspection
7 and must meet requirements for such transportation through
8 regulations as promulgated by the secretary.

9 Section 9. Sections 214 and 218 of the act, amended December
10 11, 1996 (P.L.943, No.151), are amended to read:

11 Section 214. Health certificates for importation.

12 It shall be unlawful to transport any dog into this
13 Commonwealth except under the provisions in section 212 without
14 a certificate of health prepared by a licensed doctor of
15 veterinary medicine, which certificate, or copy of such, shall
16 accompany [such] the dog while in this Commonwealth. [Such] The
17 certificate shall state that the dog is at least seven weeks of
18 age and shows no signs or symptoms of infectious or communicable
19 disease; did not originate within an area under quarantine for
20 rabies; and, as ascertained by reasonable investigation, has not
21 been exposed to rabies within 100 days of importation. All dogs
22 must have been vaccinated for rabies in accordance with the act
23 of December 15, 1986 (P.L.1610, No.181), known as the "Rabies
24 Prevention and Control in Domestic Animals and Wildlife Act."
25 The name of the vaccine manufacturer, the date of
26 administration, and the rabies tag number must appear on health
27 certificates prepared by a licensed doctor of veterinary
28 medicine. In addition to any penalties which may be imposed
29 under this act or any other law, a fine of not less than \$500
30 and not more than \$1,000 per dog per day shall be imposed on the

1 owner or keeper or both for a conviction under this section.

2 Section 218. Inspections of premises and dogs.

3 State dog wardens and other employees of the department are
4 hereby authorized to inspect all licensed kennels [and dogs
5 within the Commonwealth] and all unlicensed establishments which
6 are operating as a kennel as defined by section 206. For
7 purposes of inspection, a State dog warden and other full-time
8 employees of the department shall be authorized to enter the
9 premises and any area of the premises in which dogs are located
10 or housed in order to inspect the conditions of the dogs and to
11 enforce the provisions of this act and regulations promulgated
12 by the department [pursuant to] under this act. State dog
13 wardens and other full-time employees of the department may
14 enter the premises of any property within the Commonwealth where
15 dogs are located to enforce the provisions of this act and
16 regulations promulgated by the department under this act. State
17 dog wardens and employees of the department shall inspect all
18 licensed kennels within the Commonwealth at least once per
19 calendar year to enforce the provisions of this act and
20 regulations promulgated by the department under this act. State
21 dog wardens and only regular, full-time employees of the
22 department shall be authorized to enter upon the premises of
23 approved medical, dental or veterinary schools, hospitals,
24 clinics or other medical or scientific institutions,
25 organizations or persons where research is being conducted or
26 where pharmaceuticals, drugs or biologicals are being produced.
27 Research facilities in the Commonwealth that are currently under
28 Federal Government inspection shall be exempt from State
29 inspection if they have undergone no less than one Federal
30 Government inspection within the past 12 months. Submission of

1 such evidence of Federal inspection by documentation to the
2 department may be established by regulation subject to
3 legislative review. It shall be unlawful for any person to
4 refuse admittance to such State dog wardens and employees of the
5 department for the purpose of making inspections and enforcing
6 the provisions of this act.

7 Section 10. Section 219 of the act, added December 11, 1996
8 (P.L.943, No. 151), is amended and the section is amended by
9 adding subsections to read:

10 Section 219. Additional duties of the department.

11 [(a) Enforcement of licensure requirement; development of
12 plan.--By no later than June 30, 1997, the department shall
13 develop and begin to implement a written plan to increase the
14 number of dog licenses issued in this Commonwealth. Such plan
15 shall be developed in consultation with the several counties and
16 municipalities which enforce the provisions of this act and in
17 consultation with the Dog Law Advisory Board and shall at least
18 include methodology for increasing the number of dog licenses
19 issued and assuring the annual renewal of such licenses. The
20 methodology may include the periodic use of public service
21 advertisements, newspaper advertisements, school and special
22 events-based educational programs conducted in conjunction with
23 counties and organizations concerned with the humane care and
24 treatment of dogs, and literature designed to increase awareness
25 of this act which may be provided to purchasers of dogs at the
26 point of sale.

27 (b) Analysis of plan; report.--By no later than June 30,
28 1998, the department shall submit to the chairperson and
29 minority chairperson of the Agriculture and Rural Affairs
30 Committee of the Senate and the chairperson and minority

1 chairperson of the Agriculture and Rural Affairs Committee of
2 the House of Representatives a report analyzing the activities
3 adopted by the department to implement the plan and the results
4 of such activities.]

5 (a) Enforcement of licensure requirement; enforcement plan
6 or strategy.--The department shall continue to endeavor to
7 increase the number of dog licenses issued in this Commonwealth
8 and to develop strategies to ensure all kennels operating in
9 this Commonwealth are properly licensed and will gain full
10 compliance with this act. The department, in consultation with
11 the several counties and municipalities which enforce the
12 provisions of this act and in consultation with the Dog Law
13 Advisory Board, shall develop a strategy which shall at least
14 include methodology for increasing the number of individual dog
15 licenses issued, assuring the annual renewal of the licenses and
16 finding and licensing or closing down unlicensed kennels in this
17 Commonwealth. The methodology may include the periodic use of
18 public service advertisements, newspaper advertisements, school
19 and special events-based educational programs conducted in
20 conjunction with counties and organizations concerned with the
21 humane care and treatment of dogs, canvasses, monitoring of the
22 Internet postings, sales, adoption or transfers of dogs and
23 distribution of literature designed to increase awareness of
24 this act which may be provided to purchasers of dogs at the
25 point of sale.

26 (b) Analysis of plan; report.--The department shall submit
27 to the chairperson and minority chairperson of the Agriculture
28 and Rural Affairs Committee of the Senate and the chairperson
29 and minority chairperson of the Agriculture and Rural Affairs
30 Committee of the House of Representatives an annual report

1 analyzing the activities adopted by the department to implement
2 the strategy and the results of those activities.

3 Section 11. The heading of Article III of the act is amended
4 to read:

5 ARTICLE III

6 QUARANTINES, DOGS AT LARGE, CONFINEMENT

7 Section 12. Section 302 of the act, amended December 11,
8 1996 (P.L.943, No.151), is amended to read:

9 Section 302. Seizure and detention of dogs; costs; destruction
10 of dogs.

11 (a) General rule.--It shall be the duty of every police
12 officer, State dog warden, employee of the department or animal
13 control officer to seize and detain any dog which is found
14 running at large, either upon the public streets or highways of
15 the Commonwealth, or upon the property of a person other than
16 the owner of [such] the dog, and unaccompanied by the owner or
17 keeper. Every police officer, State dog warden, employee of the
18 department or animal control officer may humanely kill any dog
19 which is found running at large and is deemed after due
20 consideration by the police officer, State dog warden, employee
21 of the department or animal control officer to constitute a
22 threat to the public health and welfare.

23 (b) Licensed dogs.--The State dog warden or employee of the
24 department, the animal control officer, or the chief of police
25 or his agents of any city, borough, town or township, the
26 constable of any borough and the constable of any incorporated
27 town or township shall cause any dog bearing a proper license
28 tag or permanent identification and so seized and detained to be
29 properly kept and fed at any licensed kennel approved by the
30 secretary for [such] those purposes and shall cause immediate

1 notice, by registered or certified mail with return receipt
2 requested, to the person in whose name the license was procured,
3 or his agent, to claim [such] the dog within five days after
4 receipt thereof. The owner or claimant of a dog so detained
5 shall pay a penalty of [\$15] \$50 to the political subdivision
6 whose police officers make [such] the seizures and detention and
7 all reasonable expenses incurred by reason of its detention to
8 the detaining parties before the dog is returned. If five days
9 after obtaining the postal return receipt, [such] the dog has
10 not been claimed, such chief of police, or his agent, or a
11 constable, or State dog warden or employee of the department
12 shall dispense [such] the dog by sale or by giving it to a
13 humane society or association for the prevention of cruelty to
14 animals. No dog so caught and detained shall be sold for the
15 purpose of vivisection, or research, or be conveyed in any
16 manner for these purposes. All moneys derived from the sale of
17 [such] the dog, after deducting the expenses of its detention,
18 shall be paid through the Department of Agriculture to the State
19 Treasurer for credit to the Dog Law Restricted Account.

20 (c) Unlicensed dogs.--Except as otherwise provided by
21 section 305, any police officer, State dog warden, employee of
22 the department or animal control officer shall cause any
23 unlicensed dog to be seized, detained, kept and fed for a period
24 of 48 hours at any licensed kennel approved by the secretary for
25 [such] those purposes, except any dog seriously ill or injured
26 or forfeited with the owner's permission. The 48-hour period
27 shall not include weekends or days the approved kennel is not
28 open to the general public. Any person may view [such] the
29 detained dogs during normal business hours. Any unlicensed dog
30 remaining unclaimed after 48 hours may be humanely killed or

1 given to a humane society or association for the prevention of
2 cruelty to animals. No dog so caught and detained shall be sold
3 for the purpose of vivisection, or research, or be conveyed in
4 any manner for these purposes.

5 Section 13. Sections 305 and 401 of the act are amended to
6 read:

7 Section 305. Confinement and housing of dogs not part
8 of a kennel.

9 (a) Confinement and control.--It shall be unlawful for the
10 owner or keeper of any dog to fail to keep at all times [such
11 dog either] the dog in any of the following manners:

12 (1) confined within the premises of the owner;

13 (2) firmly secured by means of a collar and chain or
14 other device so that it cannot stray beyond the premises on
15 which it is secured; or

16 (3) under the reasonable control of some person, or when
17 engaged in lawful hunting, exhibition or field training.

18 (b) Housing.--It shall be unlawful for the owner or keeper
19 of a dog to house the dog in any of the following manners:

20 (1) To house a dog for any period of time in a drum or
21 barrel, regardless of the material of which the drum or
22 barrel is constructed.

23 (2) To tether a dog outdoors under any of the following
24 conditions:

25 (i) For more than eight hours without access to
26 adequate shelter, food or water.

27 (ii) During inclement weather conditions without
28 access to adequate shelter.

29 (iii) Under conditions where the tether may become
30 entangled with other objects or in a manner that will not

1 allow the dog to roam to the full range of the tether.

2 (iv) Using a tether that is of a type not commonly
3 used for the size dog involved and not attached to the
4 dog by means of a well-fitted collar or body harness that
5 will not cause trauma or injury to the dog.

6 (v) Any other related restrictions the department
7 may promulgate by regulation.

8 (3) To leave a dog outside for more than eight hours
9 without access to adequate shelter, food or water or during
10 inclement weather, without access to adequate shelter. The
11 department may set forth any other related restrictions by
12 regulation.

13 Section 401. Interference with police officer or State dog
14 warden; duties of State dog warden; failure to
15 produce license certificate.

16 (a) Police officers to perform duties.--It shall be unlawful
17 for any police officer to fail or refuse to perform his duties
18 under the provisions of this act and to refuse to assist in the
19 enforcement of this law upon request of the secretary.

20 (b) State dog wardens and department employees to be
21 considered [police] law enforcement officers.--State dog wardens
22 and employees of the department are considered to be [police]
23 law enforcement officers when enforcing any of the provisions of
24 this act or regulations [pursuant to] under this act.

25 (c) Illegal to interfere.--It shall be unlawful for any
26 person to interfere with any officer or employee of the
27 department in the enforcement of this law.

28 (d) Illegal to cut leash.--It shall be unlawful for any
29 person to forcibly cut the leash or take a dog away from [such]
30 the officer having it in his possession when found running at

1 large unaccompanied by the owner or keeper.

2 (e) Illegal to fail to produce license.--It shall be
3 unlawful for any person to whom a license certificate has been
4 issued to fail or refuse to produce the license certificate for
5 [such] the dog upon demand of any police officer or employee of
6 the department.

7 Section 14. The act is amended by adding a section to read:
8 Section 403. Authority to seize dogs in distress.

9 (a) Seizure.--A State dog warden shall have the authority to
10 seize and impound a dog and obtain necessary veterinary care
11 where it is clear the dog's life, health, safety or welfare is
12 in immediate danger. Circumstances warranting seizure shall
13 include instances such as embedded collars, evidence of
14 malnutrition, starvation or dehydration, evidence of use of dog
15 for animal fighting, deprivation of shelter which will protect
16 the dog from inclement weather, preserve its body heat and keep
17 it dry, exposure to excessive temperatures and evidence of
18 parasitic infestation and inadequate or no care for that
19 infestation.

20 (b) Written notice.--If a dog is seized under subsection
21 (a), the State dog warden seizing the dog shall give notice of
22 the specific reasons for the seizure to the owner or keeper of
23 the dog. The notice shall be on a form prepared by the
24 department and shall be filled out and signed by the State dog
25 warden and served upon the owner or keeper of the dog seized or
26 a responsible person at the kennel location or home address of
27 the owner or keeper of the dog. Service shall be effectuated in
28 person or by registered or certified mail, return receipt
29 requested.

30 (c) Duty to report.--If a State dog warden exercises

authority under this section, the warden shall immediately contact the humane society police officer or police officer having jurisdiction, authority and standing to initiate criminal proceedings under the provisions of 18 Pa.C.S. § 5511 (relating to cruelty to animals).

(d) Payment of expenses.--The owner or keeper of the dog seized shall be responsible for the costs of transportation, feeding, care and necessary veterinary expenses.

(e) Appeal.--The owner or keeper of a dog seized under this section shall have ten days from the date of notice of seizure to file an appeal with the department. An appeal shall be in writing and shall set forth the specific reasons for the appeal. A hearing based on an appeal of the department's action under this section shall be conducted in accordance with 2 Pa.C.S. (relating to administrative law and procedure).

(f) Retrieval.--If the owner of the seized and impounded dog provides the secretary with satisfactory evidence or assurances the dog will receive proper care and upon payment of all costs of transportation, feeding, care and veterinary expenses related to the seizure and impoundment of the dog, the secretary may allow the owner to retrieve the seized and impounded dog.

(g) Voluntary forfeiture.--Ownership of the dog which has been seized and impounded may be forfeited upon written request of the owner.

(h) Secretary-directed forfeiture.--The secretary may direct that ownership of a particular dog which is seized and impounded under this section be forfeited. The following shall apply:

(1) The secretary shall serve the owner of the affected dog with written notice of forfeiture. The notice shall indicate the ownership of the dog in question may be

1 forfeited to some entity other than the department. Notice of
2 forfeiture shall be served by personal service or by
3 registered or certified mail, return receipt requested, to a
4 responsible person at the kennel from which the dog was
5 seized or the owner of the affected dog or a responsible
6 person at the address of the owner. The notice shall specify
7 an effective date of forfeiture which shall be not less than
8 ten days from service of the notice and shall inform the dog
9 owner of the owner's right to request an administrative
10 hearing on the issue of forfeiture by delivering a written
11 request to the department prior to the date of forfeiture.

12 (2) A written request for a hearing shall act as a
13 supersedeas of the forfeiture action. At the administrative
14 hearing on the matter, the department shall have the burden
15 of proving one of the following:

16 (i) That the affected dog owner did not adequately
17 care for the subject dog.

18 (ii) That no satisfactory evidence or assurances
19 have been given to the department that the subject dog
20 will be adequately cared for if it is returned to the
21 owner.

22 (iii) That the owner has abandoned the subject dog.

23 (3) Abandonment shall be found if an owner fails to make
24 timely payment of reasonable costs of transportation,
25 feeding, care and veterinary expenses of the seized and
26 impounded dog after two written requests to do so have been
27 served by personal service or registered or certified mail,
28 return receipt requested, upon a responsible person at the
29 kennel from which the dog was seized or the dog owner or a
30 responsible person as the address of the dog owner.

1 (i) Reimbursement of expenses.--The owner or keeper of the
2 dog seized and impounded under this section, who has paid
3 transportation, care, feeding and veterinary expenses associated
4 with the seizure and impoundment, may make application to the
5 department for reimbursement of the costs if all persons cited
6 or charged under this section are acquitted of all charges or
7 violations.

8 (j) Department as guarantor of payment.--Costs of kennels or
9 veterinarians may be reimbursed as follows:

10 (1) A kennel at which a dog is impounded by the
11 department under the authority of this section shall be
12 compensated from the Dog Law Restricted Account in the amount
13 set by regulation by the department for each day or portion
14 of a day that the dog is held in the kennel if the kennel at
15 which the dog was impounded has done all of the following:

16 (i) Attempted, without success, to obtain payment
17 for transportation, care and feeding costs from the owner
18 of the dog or the owner of the kennel from which the dog
19 was seized and impounded.

20 (ii) Made a written application to the department,
21 setting forth the amount sought, details of the good
22 faith attempt at obtaining payment of the costs from the
23 dog owner or the kennel owner from which the dog was
24 seized and the dates and number of dogs justifying the
25 amount sought.

26 (2) The veterinarian treating a dog seized under the
27 authority of this section shall be compensated from the Dog
28 Law Restricted Account in an amount negotiated between the
29 department and the veterinarian for the reasonable cost of
30 treatment of the dog seized if the veterinarian or veterinary

1 clinic at which the dog was treated has done all of the
2 following:

3 (i) Attempted, without success, to obtain payment
4 for the necessary treatment of the dog from the owner of
5 the dog or the owner of the kennel from which the dog was
6 seized and impounded.

7 (ii) Made a written application to the department,
8 setting forth the amount sought, details of a good faith
9 attempt at obtaining payment of the costs from the dog
10 owner or the kennel owner from which the dog was seized
11 and set forth the dates, treatment undertaken and number
12 of dogs justifying the amount sought.

13 (k) Prohibition.--A dog seized under this section shall
14 remain the property of the owner or person from whom it was
15 seized and may not be sold, exchanged, given away or transferred
16 by the person holding or impounding the seized dog. No dog
17 seized under this section shall be sold or given freely for the
18 purpose of vivisection or research or be conveyed in any manner
19 for these purposes or be conveyed to a dealer.

20 (l) Construction and applicability.--This section shall not
21 be construed to confer, delegate or in any manner transfer
22 authority or standing to State dog wardens or employees of the
23 department to initiate, investigate or prosecute violations of
24 18 Pa.C.S. § 5511. This section shall not supersede, apply to,
25 interfere with or hinder any activity which is authorized or
26 permitted under 18 Pa.C.S. § 5511.

27 Section 15. Sections 502 and 502-A of the act, amended
28 December 11, 1996 (P.L.943, No.151), are amended to read:
29 Section 502. Dog bites; detention and isolation of dogs.

30 (a) Confinement.--Any dog which bites or attacks a human

1 being shall be confined in quarters approved by a designated
2 employee of the Department of Health, a State dog warden or
3 employee of the Department of Agriculture, an animal control
4 officer or a police officer. [Such] The dog may be detained and
5 isolated in an approved kennel or at the dog owner's property.
6 Where [such] the dog is detained is at the discretion of the
7 investigating officer. All dogs so detained must be isolated for
8 a minimum of ten days. Any costs incurred in the detaining and
9 isolation of [such] the dog shall be paid by the offending dog's
10 owner or keeper or both. [When] If the dog's owner or keeper is
11 not known, the Commonwealth is responsible for all reasonable
12 costs for holding and detaining [such] the dog.

13 (b) Bite victims.--The following shall apply:

14 (1) The investigating officer shall be responsible for
15 notifying the bite victim of the medical results of the
16 offending dog's confinement. Any cost to the victim for
17 medical treatment resulting from an attacking or biting dog
18 must be paid fully by the owner or keeper of [such] the dog.
19 The Commonwealth shall not be liable for medical treatment
20 costs to the victim.

21 (2) (i) For the purpose of this subsection, the term
22 "medical results of the offending dog's confinement"
23 shall mean, except as provided in subparagraph (ii),
24 information as to whether the quarantined dog is still
25 alive and whether it is exhibiting any signs of being
26 infected with the rabies virus.

27 (ii) If a nonlethal test for rabies is developed,
28 the term shall mean the results of the test and not the
29 meaning given in subparagraph (i).

30 (c) Exception.--When a dog that bites or attacks a human

1 being is a service dog or a police work dog in the performance
2 of duties, [said] the dog need not be confined if it is under
3 the active supervision of a licensed doctor of veterinary
4 medicine.

5 Section 502-A. [Registration] Court proceedings, certificate of
6 registration and disposition.

7 (a) Summary offense of harboring a dangerous dog.--Any
8 person who has been attacked by one or more dogs, or anyone on
9 behalf of [such] the person, a person whose domestic animal has
10 been killed or injured without provocation, the State dog warden
11 or the local police officer may file a complaint before a
12 district justice, charging the owner or keeper of [such] the a
13 dog with harboring a dangerous dog. The owner or keeper of the
14 dog shall be guilty of the summary offense of harboring a
15 dangerous dog if the district justice finds beyond a reasonable
16 doubt that the following elements of the offense have been
17 proven:

18 (1) The dog has done [one or more] any of the following:

19 (i) Inflicted severe injury on a human being without
20 provocation on public or private property.

21 (ii) Killed or inflicted severe injury on a domestic
22 animal without provocation while off the owner's
23 property.

24 (iii) Attacked a human being without provocation.

25 (iv) Been used in the commission of a crime.

26 (2) The dog has either or both of the following:

27 (i) A history of attacking human beings and/or
28 domestic animals without provocation.

29 (ii) A propensity to attack human beings and/or
30 domestic animals without provocation. A propensity to

1 attack may be proven by a single incident of the conduct
2 described in paragraph (1)(i), (ii), (iii) or (iv).

3 (3) The defendant is the owner or keeper of the dog.

4 (a.1) Effect of conviction.--A finding by a district justice
5 that a person is guilty under subsection (a) of harboring a
6 dangerous dog shall constitute a determination that the dog is a
7 dangerous dog for purposes of this act.

8 (b) Report of conviction.--The district justice shall make a
9 report of a conviction under subsection (a) to the Bureau of Dog
10 Law Enforcement, identifying the convicted party, identifying
11 and describing the dog or dogs and providing [such] other
12 information as the bureau might reasonably require.

13 (c) Certificate of registration required.--It is unlawful
14 for an owner or keeper to have a dangerous dog without a
15 certificate of registration issued under this article. This
16 article shall not apply to dogs used by law enforcement
17 officials for police work, certified guide dogs for the blind,
18 hearing dogs for the deaf nor aid dogs for the handicapped.

19 (d) Disposition of dog during court proceedings.--An owner
20 or keeper of any dog who has been charged with harboring a
21 dangerous dog shall keep [such] the dog or dogs confined in a
22 proper enclosure or, when off the property of the owner or
23 keeper for purposes of veterinary care, muzzled and on a leash
24 until [such] the time a report is made under subsection (b). If
25 an appeal of a decision under subsection (b) is filed, [such]
26 the dog or dogs shall remain so confined until [such] the
27 proceedings are completed. It shall be unlawful for an owner or
28 keeper of a dog who has been charged with harboring a dangerous
29 dog to dispense, move, sell, give away or transfer the dog in
30 any manner except to [be] have it humanely killed. A violation

1 of this subsection shall constitute a summary offense
2 accompanied by a fine of not less than [\$200] \$500.

3 Section 16. Sections 503-A and 504-A of the act, added May
4 31, 1990 (P.L.213, No.46), are amended to read:

5 Section 503-A. Requirements.

6 [(a) Enclosure and insurance.--The department shall issue,
7 upon payment of all fees under subsection (b), a certificate of
8 registration to the owner of such animal within 30 days of
9 notification, in writing, by the department that the dog has
10 been determined to be dangerous and that the owner presents
11 sufficient evidence of:

12 (1) A proper enclosure to confine a dangerous dog and
13 the posting of a premises with a clearly visible warning sign
14 that there is a dangerous dog on the property. In addition,
15 the owner shall conspicuously display a sign with a warning
16 symbol that informs children of the presence of a dangerous
17 dog.

18 (2) (i) A surety bond in the amount of \$50,000 issued
19 by an insurer authorized to do business within this
20 Commonwealth, payable to any person injured by the
21 dangerous dog; or

22 (ii) a policy of liability insurance, such as
23 homeowner's insurance, issued by an insurer authorized to
24 do business within this Commonwealth in the amount of at
25 least \$50,000, insuring the owner for any personal
26 injuries inflicted by the dangerous dog. The policy shall
27 contain a provision requiring the secretary to be named
28 as additional insured for the sole purpose of being
29 notified by the insurance company of cancellation,
30 termination or expiration of the liability insurance

1 policy.]

2 (a) Certificate of registration requirements.--The owner or
3 keeper of a dog who has been convicted of harboring a dangerous
4 dog shall keep the dog properly confined and shall register the
5 dog with the department. Within 30 days of receiving written
6 notification from the department that the dog has been
7 determined to be dangerous, the owner or keeper of the dog shall
8 comply with all the provisions of this section. The department
9 shall issue, upon sufficient evidence of compliance with the
10 requirements of this section and payment of all fees under
11 subsection (b), a certificate of registration to the owner or
12 keeper of the dangerous dog.

13 (a.1) Compliance requirements.--The owner or keeper of a dog
14 who has been convicted of harboring a dangerous dog shall do all
15 of the following:

16 (1) Present sufficient evidence of a proper enclosure to
17 confine a dangerous dog and the posting of a premises with a
18 clearly visible warning sign that there is a dangerous dog on
19 the property. In addition, the owner shall conspicuously
20 display a sign with a warning symbol that informs children of
21 the presence of a dangerous dog.

22 (2) Obtain a bond or insurance policy meeting one of the
23 following requirements:

24 (i) A surety bond in the amount of \$50,000 issued by
25 an insurer authorized to do business within this
26 Commonwealth, payable to any person injured by the
27 dangerous dog.

28 (ii) A policy of liability insurance, such as
29 homeowner's insurance, issued by an insurer authorized to
30 do business within this Commonwealth in the amount of at

1 least \$50,000, insuring the owner for any personal
2 injuries inflicted by the dangerous dog. The policy shall
3 contain a provision requiring the secretary to be named
4 as additional insured for the sole purpose of being
5 notified by the insurance company of cancellation,
6 termination or expiration of the liability insurance
7 policy.

8 (3) Permanently identify the dangerous dog by having a
9 microchip implanted in the dangerous dog. The microchip shall
10 be implanted by a properly licensed doctor of veterinary
11 medicine and the costs shall be borne by the owner or keeper
12 of the dangerous dog. The owner or keeper of the dangerous
13 dog and the veterinarian implanting the microchip shall sign
14 a form, developed by the department, verifying the dangerous
15 dog has had a microchip implanted and setting forth the
16 microchip number.

17 (4) Have the dangerous dog spayed or neutered. The
18 spaying or neutering shall be done by a properly licensed
19 doctor of veterinary medicine and the costs shall be borne by
20 the owner or keeper of the dangerous dog. The owner or keeper
21 of the dangerous dog and the veterinarian performing the
22 spaying or neutering shall sign a form, developed by the
23 department, verifying the dangerous dog has been spayed or
24 neutered.

25 (b) [Fee] Registration fee.--The registration fee for a
26 dangerous dog certificate shall be [\$25 or such] \$1,000 per
27 calendar year for the life of the dog plus an additional amount
28 set by the department as may be necessary to cover the costs of
29 issuing this registration and enforcing this section. This
30 registration fee shall be in addition to any other fees

1 collectable under this act and shall be credited to the Dog Law
2 Restricted Account for the purpose of administering and
3 enforcing this act.

4 (c) Uniform identifiable symbol.--The department shall have
5 the authority to establish a uniform identifiable symbol for
6 visual recognition of dangerous dogs. The "Ugh Dog" symbol
7 developed by Animal-Vues may be adopted as the standard symbol
8 to identify dangerous dogs.

9 (d) Other requirements.--The owner or keeper of a dangerous
10 dog shall sign a statement attesting that:

11 (1) The owner or keeper shall maintain and not
12 voluntarily cancel the liability insurance required by this
13 section during the period for which licensing is sought
14 unless the owner ceases to own the dangerous dog prior to
15 expiration of the license.

16 (2) The owner or keeper shall notify the Bureau of Dog
17 Law Enforcement, the State dog warden and the local police
18 department within 24 hours if a dangerous dog is on the
19 loose, is unconfined, has attacked another animal, has
20 attacked a human being, has died or has been sold or donated.
21 If the dangerous dog has been sold or donated, the owner
22 shall also provide the Bureau of Dog Law Enforcement and the
23 State dog warden with the name, address and telephone number
24 of the new owner of the dangerous dog.

25 (3) The new owner or keeper of the dangerous dog shall
26 be required to comply with all of the provisions of this act
27 and regulations pertaining to a dangerous dog.

28 Section 504-A. Control of dangerous dogs.

29 It is unlawful for an owner or keeper of a dangerous dog to
30 permit the dog to be outside the proper enclosure unless the dog

1 is muzzled and restrained by a substantial chain or leash and
2 under physical restraint of a responsible person. The muzzle
3 shall be made in a manner that will not cause injury to the dog
4 or interfere with its vision or respiration but shall prevent it
5 from biting any person or animal or from destroying property
6 with its teeth.

7 Section 17. Sections 505-A and 901 of the act, amended
8 December 11, 1996 (P.L.943, No.151), are amended to read:
9 Section 505-A. Public safety and penalties.

10 (a) Failure to register and restrain.--[A dangerous dog
11 shall be immediately confiscated by a State dog warden or a
12 police officer upon the occurrence of any of the following:] The
13 owner or keeper of a dangerous dog who violates any of the
14 following provisions on the first occurrence commits a
15 misdemeanor of the third degree and upon conviction shall pay a
16 fine not to exceed \$2,500:

17 (1) The dog is not validly registered under this act.

18 (2) The owner [does not secure and maintain the
19 liability insurance coverage required under section 503-A.]
20 or keeper of a dangerous dog fails to comply with the
21 provisions of section 503-A or 504-A.

22 (3) The dangerous dog is not maintained in the proper
23 enclosure.

24 (4) The dangerous dog is outside of the dwelling of the
25 owner or keeper or outside of the proper enclosure and not
26 under physical restraint of the responsible person.

27 [In addition, an owner violating this subsection commits a
28 misdemeanor of the third degree.]

29 (a.1) Subsequent violations.--The owner or keeper of a
30 dangerous dog who commits a subsequent violation of any of the

1 provisions under subsection (a) commits a misdemeanor of the
2 second degree and upon conviction shall pay a fine not to exceed
3 \$5,000, plus the costs of quarantine, kennel charges and
4 destruction of the dangerous dog. The dangerous dog shall be
5 forfeited immediately by the owner or keeper to a dog warden,
6 police officer or game warden and shall be placed in a kennel
7 or, if necessary, quarantined for a length of time to be
8 determined by the department. After a period of ten days, if no
9 appeal has been filed and the quarantine period, if necessary,
10 the dangerous dog shall be destroyed humanely in an expeditious
11 manner. If an appeal is filed, the dangerous dog shall remain
12 confined at the owner's or keeper's expense until the
13 proceedings are completed.

14 (a.2) Utilization of fines.--All fines collected under this
15 section shall be deposited into the Dog Law Restricted Account
16 and may be utilized to pay the expenses of the department in
17 administering its duties under this section.

18 (a.3) Collection.--In cases of inability to collect the fine
19 assessed or failure of any person to pay all or a portion of the
20 fine, the secretary may refer the matter to the Office of
21 Attorney General, which shall institute an action in the
22 appropriate court to recover the fine. Any fine assessed shall
23 act as a lien on the property of the person against whom the
24 fine has been assessed.

25 (b) Attacks by dangerous dog.--If a dangerous dog, through
26 the intentional, reckless or negligent conduct of the dog's
27 owner or keeper, attacks a person or a domestic animal, the
28 dog's owner [is] or keeper shall be guilty of a misdemeanor of
29 the second degree. In addition, the dangerous dog shall be
30 immediately confiscated[, placed in quarantine for the proper

1 length of time and thereafter humanely killed in an expeditious
2 manner, with costs of quarantine and destruction to be borne by
3 the dog's owner.] by a dog warden or a police officer and placed
4 in quarantine for a length of time to be determined by the
5 department. After a period of ten days, if no appeal has been
6 filed by the owner or keeper of the dangerous dog and after the
7 quarantine period has expired, the dangerous dog shall be
8 humanely destroyed in an expeditious manner, with costs of
9 kenneling, quarantine and destruction to be borne by the dog's
10 owner or keeper. If an appeal is filed, the dangerous dog shall
11 remain confined at the owner's or keeper's expense until the
12 proceedings are completed and if found guilty of the cited
13 offense, the dangerous dog shall thereafter be humanely
14 destroyed in an expeditious manner, with costs of kenneling,
15 quarantine and destruction to be borne by the dog's owner or
16 keeper.

17 (c) Attacks causing severe injury or death.--The owner or
18 keeper of any dog that, through the intentional, reckless or
19 negligent conduct of the dog's owner or keeper, aggressively
20 attacks and causes severe injury or death of any human shall be
21 guilty of a misdemeanor of the first degree. In addition, the
22 dog shall be immediately confiscated by a State dog warden or a
23 police officer[, placed in quarantine for the proper length of
24 time and thereafter humanely killed in an expeditious manner,
25 with costs of quarantine and destruction to be borne by the
26 dog's owner.] and placed in quarantine for a length of time to
27 be determined by the department. After a period of ten days, if
28 no appeal has been filed by the owner or keeper of the dangerous
29 dog, and after the quarantine period has expired, the dangerous
30 dog shall be humanely destroyed in an expeditious manner, with

1 costs of kenneling, quarantine and destruction to be borne by
2 the dog's owner or keeper. If an appeal is filed, the dangerous
3 dog shall remain confined at the owner's or keeper's expense
4 until the proceedings are completed and if found guilty of the
5 cited offense, the dangerous dog shall be humanely destroyed in
6 an expeditious manner, with costs of kenneling, quarantine and
7 destruction to be borne by the dog's owner or keeper. If an
8 appeal is filed, the dangerous dog shall remain confined at the
9 owner's or keeper's expense until the proceedings are completed;
10 and if it is determined the dog caused severe injury or death,
11 the dangerous dog shall be humanely destroyed in an expeditious
12 manner, with costs of kenneling, quarantine and destruction
13 borne by the dog's owner or keeper.

14 (d) Dog owned by a minor.--If the owner of the dangerous dog
15 is a minor, the parent or guardian of the minor shall be liable
16 for injuries and property damages caused by an unprovoked attack
17 by the dangerous dog under section 4 of the former act of July
18 27, 1967 (P.L.186, No.58), entitled "An act imposing liability
19 upon parents for personal injury, or theft, destruction, or loss
20 of property caused by the willful, tortious acts of children
21 under eighteen years of age, setting forth limitations, and
22 providing procedure for recovery."

23 (e) Mandatory reporting.--

24 (1) All known incidents of dog attacks shall be reported
25 to the State dog warden, who shall investigate each incident
26 and notify the department if a dog has been determined to be
27 dangerous.

28 (2) A State dog warden or police officer who has
29 knowledge of a dog which has attacked a person shall file a
30 written report summarizing the circumstances of the attack

1 with the police in the municipality where the owner of the
2 dog resides or if the attack occurred outside the owner's
3 municipality of residence, with the police having
4 jurisdiction in the municipality where the attack occurred.

5 The report shall be available for public inspection.

6 Section 901. Enforcement of this act by the secretary;
7 provisions for inspections.

8 (a) General rule.--The secretary, through State dog wardens,
9 employees of the department and police officers, shall be
10 charged with the general enforcement of this law. The secretary
11 may employ all proper means for the enforcement of this act
12 [and], including issuing notices and orders, assessing civil
13 penalties and entering into consent agreements. The secretary
14 may enter into agreements pursuant to section 1002, which shall
15 be filed with the department, for the purpose of dog control.
16 State dog wardens and employees of the department are hereby
17 authorized to enter upon the premises of any [persons] person
18 for the purpose of investigation. A dog warden or employee of
19 the department may enter into a home or other building only with
20 the permission of the occupant or with a duly issued search
21 warrant.

22 (b) Training for dog wardens.--The secretary shall establish
23 training requirements for dog wardens and other employees of the
24 department charged with the enforcement of this act which shall
25 include dog handling and humane capture, preliminary recognition
26 of dog pathology, knowledge of proper dog sanitation, kennel
27 inspection procedures and shelter and dog law enforcement.

28 (b.1) Training requirements.--The department shall establish
29 a program for initial training of dog wardens and employees of
30 the department which must include, at a minimum, a total of 56

1 hours of instruction, in accordance with paragraphs (1), (2) and
2 (3).

3 (1) The program for initial training of dog wardens must
4 include at least 32 hours of instruction in the following
5 group of instructional areas:

6 (i) Dog laws and applicable rules and regulations.

7 (ii) Care and treatment of dogs.

8 (iii) Pennsylvania criminal law and criminal
9 procedure.

10 (2) At least 24 hours of instruction in the initial
11 training program must be provided in the following group of
12 instructional areas:

13 (i) Dog handling and humane capture.

14 (ii) Preliminary recognition of dog pathology.

15 (iii) Proper dog sanitation and shelter.

16 (iv) Kennel inspection procedures.

17 (3) The initial training program must also require an
18 individual, as a prerequisite to successful completion of the
19 training program, to take and pass a final examination that
20 sufficiently measures the individual's knowledge and
21 understanding of the instructional material.

22 (b.2) Limitation on the possession of firearms.--No dog
23 warden or employee of the department shall carry, possess or use
24 a firearm in the performance of duties unless the person has the
25 approval of the secretary and holds a current and valid
26 certification in the use and handling of firearms pursuant to at
27 least one of the following:

28 (1) The former act of June 18, 1974 (P.L.359, No.120),
29 referred to as the Municipal Police Education and Training
30 Law.

1 (2) The act of October 10, 1974 (P.L.705, No.235), known
2 as the "Lethal Weapons Training Act."

3 (3) The act of February 9, 1984 (P.L.3, No.2), known as
4 the "Deputy Sheriffs' Education and Training Act."

5 (4) Any other firearms program which has been determined
6 by the Commissioner of the Pennsylvania State Police to be of
7 sufficient scope and duration to provide the participant with
8 basic training in the use and handling of firearms. The
9 department may provide for such firearms training for dog
10 wardens.

11 (b.3) Application of section to prior dog wardens.--

12 (1) Any dog warden or employee of the department who,
13 prior to the effective date of this act, has successfully
14 completed a training program similar to that required under
15 subsection (b) shall, after review by the secretary, be
16 certified as having met the training requirements of this
17 act. Any dog warden or employee of the department who, prior
18 to the effective date of this act, has not successfully
19 completed a training program similar to that required under
20 subsection (b) may continue to perform the duties of a dog
21 warden until the person has successfully completed the
22 required training program, but not longer than two years from
23 the effective date of this act.

24 (2) Any dog warden or employee of the department who,
25 prior to the effective date of this act, has not received
26 approval of the secretary and been certified in the use and
27 handling of firearms pursuant to one or more of the acts set
28 forth in subsection (b.2)(1), (2) and (3) shall not carry or
29 possess a firearm in the performance of the duties of a dog
30 warden on or after the effective date of this act until the

1 person has, under subsection (b.2), received approval of the
2 secretary and been certified in the use and handling of
3 firearms.

4 (b.4) Refusal, suspension or revocation authorized.--The
5 department may refuse to employ a person to act as a dog warden
6 or may suspend or revoke the employment of a person who is
7 acting as a dog warden if the department determines that the
8 person has:

9 (1) Failed to satisfy the training requirements of
10 subsection (b.1).

11 (2) Had a criminal history record which would disqualify
12 the applicant from becoming a law enforcement officer.

13 (3) Been convicted of violating 18 Pa.C.S. § 5301
14 (relating to official oppression).

15 (b.5) Additional grounds.--The department may refuse to
16 employ a person to act as a dog warden or other employee charged
17 with the enforcement of this act or may suspend or revoke the
18 employment of a person who is acting as a dog warden or is
19 charged with the enforcement of this act if the department
20 determines that the person has:

21 (1) Made a false or misleading statement in the
22 application for employment.

23 (2) Carried or possessed a firearm in the performance of
24 his or her duties without certification pursuant to
25 subsection (b.2).

26 (3) Engaged in conduct which constitutes a prima facie
27 violation of 18 Pa.C.S. § 5301.

28 (4) Knowingly failed to enforce any of the provisions of
29 this act.

30 (5) Violated any of the provisions of this act.

1 (b.6) Training available to others.--The department may
2 provide training under subsections (b.1) and (b.2) to any person
3 not employed by the department and may charge a reasonable fee
4 to cover the costs incurred for providing this service. Training
5 for any person not employed by the department need not include
6 instruction in kennel inspection procedures.

7 (c) Advisory board.--The secretary shall appoint a Dog Law
8 Advisory Board to advise [him] the secretary in the
9 administration of this act. The board shall consist of the
10 following[:], who shall either be a resident of this
11 Commonwealth or an organization of this Commonwealth:

12 (1) The secretary or his designee, who shall act as
13 chairman.

14 (2) A representative of animal research establishments.

15 (3) A representative of a Statewide veterinary medical
16 association.

17 (4) Two representatives of animal welfare organizations.

18 (5) Three representatives of farm organizations, with
19 one from each Statewide general farm organization.

20 (6) A representative of dog clubs.

21 (7) A representative of commercial kennels.

22 (8) A representative of pet store kennels.

23 (9) A representative of sportsmen.

24 (10) A representative of a national purebred canine
25 pedigree registry.

26 (11) A representative of lamb and wool growers.

27 (12) A county treasurer.

28 (13) A representative of hunting-sporting dog
29 organizations.

30 (14) A representative of the police.

1 (15) Eight members representing the general public who
2 are recommended by the Governor.

3 (d) Terms.--The length of the initial term of each
4 appointment to the board shall be set by the secretary and shall
5 be staggered so that the terms of approximately one-third of the
6 appointments expire each year.

7 (e) Absences.--Three consecutive unexcused absences from
8 regular board meetings or failure to attend at least 50% of the
9 regularly scheduled board meetings in any calendar year shall be
10 considered cause for termination of appointment unless the
11 secretary, upon written request of the member, finds that the
12 member should be excused from attending a meeting because of
13 illness or death of a family member or for a similar emergency.

14 (f) Vacancies.--Vacancies in the membership of the board
15 shall be filled for the balance of an unexpired term in the same
16 manner as the original appointment.

17 (g) Recommendations.--The board may make nonbinding
18 recommendations to the secretary on all matters related to the
19 provisions of this act.

20 Section 18. Section 902 of the act is amended to read:

21 Section 902. Rules and regulations.

22 The secretary[, after due notice and a public hearing,] may
23 promulgate rules and regulations to carry out the provisions and
24 intent of this act.

25 Section 19. Section 903 of the act, amended December 11,
26 1996 (P.L.943, No.151), is amended to read:

27 Section 903. [Violations.

28 Unless heretofore provided, any person found in violation of
29 any provision of Article II through Article VIII of this act
30 shall be guilty of a summary offense for the first violation and

1 for a second and subsequent violation which occurs within one
2 year of sentencing for the first violation shall be guilty of a
3 misdemeanor of the third degree.] Enforcement and penalties.

4 (a) Criminal penalties.--Unless otherwise provided under
5 this act, a person who violates a provision of Articles II
6 through VII or a rule or regulation adopted or order issued
7 under this act commits the following:

8 (1) For the first offense, a summary offense and shall,
9 upon conviction, be sentenced for each offense to pay a fine
10 of not less than \$100 nor more than \$500 plus costs of
11 prosecution or to serve a term of imprisonment for not more
12 than 90 days, or both.

13 (2) For a subsequent offense which occurs within one
14 year of sentencing for the first violation, a misdemeanor of
15 the third degree and shall, upon conviction, be sentenced for
16 each offense to pay a fine of not less than \$500 nor more
17 than \$1,000 plus costs of prosecution or to serve a term of
18 imprisonment of not more than one year, or both.

19 (b) Representation.--Upon prior authorization and approval
20 of the district attorney for the county in which the proceeding
21 is held, a State dog warden may be represented in any proceeding
22 under this section by an attorney employed by the Office of
23 General Counsel.

24 (c) Civil penalties and remedies.--The following shall
25 apply:

26 (1) Unless otherwise provided under this act, in
27 addition to proceeding under any other remedy available at
28 law or in equity, the secretary may assess a civil penalty
29 against any person for a violation of a provision of this act
30 or a rule or regulation adopted or order issued under this

1 act. The civil penalty shall be not less than \$100 nor more
2 than \$1,000 for each violation and each day of violation and
3 shall be premised on the gravity and willfulness of the
4 violation, the potential harm to the health and safety of the
5 animals and the public, previous violations and the economic
6 benefit to the violator for failing to comply with this act.
7 The secretary may issue a warning in lieu of assessing a
8 penalty where the kennel owner or operator, upon notice,
9 takes immediate action to resolve the violation and come into
10 compliance with all provisions of this act or a rule or
11 regulation adopted or order issued under this act.

12 (2) In cases of inability to collect the civil penalty
13 or failure of a person to pay all or a portion of the
14 penalty, the secretary may refer the matter to the Office of
15 Attorney General, which shall institute an action in the
16 appropriate court to recover the penalty. A penalty assessed
17 shall act as a lien on the property of the person against
18 whom the penalty has been assessed.

19 (3) If a civil penalty is assessed, the secretary shall
20 notify the person assessed the penalty in writing. The notice
21 shall be sent by registered mail, return receipt requested,
22 and shall set forth the specific penalties assessed and shall
23 afford the person an opportunity for a hearing on the penalty
24 assessment.

25 (4) A person assessed a civil penalty under this act
26 shall have ten days from the date of the notice to file an
27 appeal of the civil penalty. The appeal shall be in writing
28 and specify the grounds for the appeal.

29 Section 20. This act shall take effect in 60 days.