

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL**No. 2525** Session of
2008

INTRODUCED BY CASORIO, HANNA, MAHER, CALTAGIRONE, COHEN, McCALL, ADOLPH, BENNINGTON, BEYER, BIANCUCCI, BUXTON, CAPPELLI, CARROLL, CIVERA, CONKLIN, COSTA, CRUZ, DALEY, DALLY, DeLUCA, DePASQUALE, DiGIROLAMO, ELLIS, FABRIZIO, FRANKEL, FREEMAN, GALLOWAY, GEORGE, GERBER, GERGELY, GIBBONS, GOODMAN, GRUCELA, HARHAI, HARKINS, JOSEPHS, W. KELLER, KILLION, KING, KIRKLAND, KORTZ, KULA, LEACH, LENTZ, MAHONEY, MANN, MANTZ, MARSHALL, McILVAINE SMITH, MELIO, MENSCH, MOYER, MUSTIO, NAILOR, D. O'BRIEN, M. O'BRIEN, OLIVER, O'NEILL, PARKER, PASHINSKI, PAYNE, PAYTON, PETRONE, PRESTON, RAYMOND, READSHAW, RUBLEY, SABATINA, SANTONI, SCAVELLO, SHAPIRO, SHIMKUS, SIPTROTH, K. SMITH, M. SMITH, SOLOBAY, STURLA, J. TAYLOR, R. TAYLOR, TRUE, VEREB, WAGNER, WALKO, WANSACZ, WATSON, J. WHITE, WOJNAROSKI, YOUNGBLOOD, REED, MANDERINO, SAMUELSON, THOMAS, BRENNAN, REICHLEY, HORNAMAN, JAMES AND VULAKOVICH,
MAY 13, 2008

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES,
SEPTEMBER 15, 2008

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 license certificates, for kennels, for
17 requirements for kennels, for out-of-State dealer license,
18 for bills of sale, for revocation, suspension or refusal of
19 kennel licenses, for transportation of dogs, for health

1 certificates for importation, for inspections of premises and
2 dogs and for additional duties of department; providing for
3 refusal of entry; further providing for seizure and detention
4 of dogs, for confinement of dogs, for dog bites, for
5 registration, for certain requirements, for control of
6 dangerous dogs, for public safety, for selling, bartering or
7 trading dogs, for damages caused by coyotes, for burdens of
8 proof, for enforcement, ~~for rules and regulations~~ and for ←
9 violations; providing for exemption; further defining
10 "releasing agency"; and making editorial changes.

11 The General Assembly of the Commonwealth of Pennsylvania
12 hereby enacts as follows:

13 Section 1. Section 102 of the act of December 7, 1982
14 (P.L.784, No.225), known as the Dog Law, amended December 11,
15 1996 (P.L.943, No.151), is amended to read:

16 Section 102. Definitions.

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

20 "Abandon." To forsake entirely or to neglect or refuse to
21 provide or perform the legal obligations for the care and
22 support of an animal by its owner or his agent.

23 "Abandonment." Relinquishment of all rights and claims to an
24 animal by its owner.

25 ["Accelerant detection dog." Any dog which is used
26 exclusively for accelerant detection, commonly referred to as
27 arson canines.]

28 "Agent." A person defined in section 200 who is authorized
29 by this act to process applications for dog license certificates
30 and issue dog license certificates and tags.

31 "Animal control officer." Any person appointed to carry out
32 the duties of dog control.

33 "Attack." The deliberate action of a dog, whether or not in
34 response to a command by its owner, to bite, to seize with its

1 teeth or to pursue any human [or], domestic animal, dog or cat.

2 "Boarding kennel." Any [kennel] establishment available to
3 the general public where a dog or dogs are housed [or trained]
4 for compensation by the day, week or a specified or unspecified
5 time. The term shall not include a kennel where the practice of
6 veterinary medicine is performed if the kennel is covered by the
7 provisions of the act of December 27, 1974 (P.L.995, No.326),
8 known as the "Veterinary Medicine Practice Act." The term shall
9 include any boarding facility operated by a licensed doctor of
10 veterinary medicine whether or not this facility is on the same
11 premises as a building or structure subject to the provisions of
12 the "Veterinary Medicine Practice Act." The term shall include
13 any establishment available to the general public that, for
14 consideration, takes control of a dog from the owner for a
15 portion of a day for the purposes of exercise, day care or
16 entertainment of the dog. For the purpose of this term, each
17 time a dog enters the kennel it shall be counted as one dog.
18 This term does not include an establishment engaged only in dog
19 grooming or dog training.

20 ["Breeding kennel." Any kennel operated for the purpose of
21 breeding, buying and selling or in any way transferring dogs for
22 nonresearch purposes.]

23 "Cat." The genus and species known as Felis catus.

24 "Commercial kennel." A kennel that breeds or whelps dogs

25 and:

26 (1) sells or transfers any dog to a dealer or pet shop-
27 kennel; or

28 (2) sells or transfers more than 60 dogs per calendar
29 year.

30 "Confiscate." To appropriate property to the use of the

1 government or to adjudge property to be forfeited to the public,
2 without compensation to the owner of the property.

3 "County animal warden." Any person employed or appointed
4 under section 1002(a.1).

5 "County treasurer." The elected officer for any county or
6 any county employee assigned to the office of the county
7 treasurer charged with the receipt, custody and disbursements of
8 its moneys or funds. The term county treasurer shall include
9 those officials in home rule charter counties responsible for
10 county treasurer's duties.

11 "Coyote." The genus and species known as *Canis latrans*.

12 "Dangerous dog." A dog determined to be a dangerous dog
13 under section 502-A.

14 "Dealer." [Any person who owns or operates a dealer kennel
15 in this Commonwealth or who buys, receives, sells, exchanges,
16 negotiates, barter or solicits the sale, resale, exchange or
17 transfer of a dog in this Commonwealth for the purpose of
18 transferring ownership or possession to a third party.] A person
19 who:

20 (1) publicly or privately sells or offers for sale any
21 dog belonging to another person for consideration, a fee or a
22 commission or percentage of the sale price;

23 (2) transfers dogs at wholesale for resale to another;
24 or

25 (3) offers or maintains dogs at wholesale for resale to
26 another.

27 "Dealer kennel." A kennel operating within the Commonwealth
28 which:

29 (1) publicly or privately sells or offers for sale any
30 dog [belonging to another person] as an owner, agent or

1 assignee for a fee, commission or percentage of the sale
2 price;

3 (2) [acquires, sells,] transfers[, exchanges or barters]
4 dogs at wholesale for resale to another; or

5 (3) offers or maintains dogs [for sale, transfer,
6 exchange or barter] at wholesale for resale to another. The
7 term does not include a pound, shelter or common carrier or a
8 kennel defined elsewhere in this section.

9 "Department." The Pennsylvania Department of Agriculture.

10 "Detection dog." A dog which is trained and used for
11 accelerant detection, bomb or explosives detection, narcotics
12 detection or other scent detection.

13 "Dog." The genus and species known as *Canis familiaris*.

14 "Dog control." The apprehending, holding and disposing of
15 stray or unwanted dogs. Dog control may be performed by humane
16 society police officers, police officers, State dog wardens or
17 animal control officers.

18 "Domestic animal." Any equine animal or bovine animal,
19 sheep, goat, pig, poultry, bird, fowl, confined hares, rabbits
20 and mink, or any wild or semiwild animal maintained in
21 captivity.

22 "Establishment."

23 (1) The premises on, in or through which a dog is kept,
24 bred, harbored, boarded, sheltered, maintained, sold, given
25 away, exchanged or in any way transferred.

26 (2) The term shall encompass all of the following on, in
27 or through which any of the activities under paragraph (1)
28 take place:

29 (i) The home, homestead, place of business or
30 operation of a person, including a dealer, which includes

1 all of the land, property, housing facilities or any
2 combination of land, property or housing facilities of
3 the individual or person.

4 (ii) All of the persons residing in or on the
5 establishment.

6 (iii) A person, organization, business or operation
7 which utilizes offsite or rescue network kennel homes to
8 keep, maintain, breed, train, harbor, board, shelter,
9 sell, give away, adopt, exchange or in any way transfer
10 dogs.

11 (3) The term shall not include a gathering of dog owners
12 where dogs remain in the custody and care of their owners,
13 such as a hotel or campground, grooming or training or an
14 event such as a field trial, PERFORMANCE EVENT, hunting event <—
15 or dog show.

16 ~~"General administrative plan." Written policies or~~ <—
17 ~~guidelines set forth by the Department of Agriculture relating~~
18 ~~to inspection of kennels by the Department of Agriculture.~~

19 "Housing facility." A structure that provides animals with
20 shelter, protection from the elements and protection from
21 temperature extremes.

22 "Humanely killed." A method of destruction in accordance
23 with the act of December 22, 1983 (P.L.303, No.83), referred to
24 as the Animal Destruction Method Authorization Law.

25 "Humane society or association for the prevention of cruelty
26 to animals." A nonprofit society or association duly
27 incorporated pursuant to 15 Pa.C.S. Ch. 53 Subch. A (relating to
28 incorporation generally) for the purpose of the prevention of
29 cruelty to animals.

30 "Humane society police officer." Any person duly appointed

1 pursuant to 22 Pa.C.S. § 501 (relating to appointment by
2 nonprofit corporations) to act as a police officer for a humane
3 society or association for the prevention of cruelty to animals.
4 The term shall include any person who is an agent of a humane
5 society or association for the prevention of cruelty to animals
6 as agent is used in 18 Pa.C.S. § 5511 (relating to cruelty to
7 animals).

8 "Kennel." Any establishment [wherein] in or through which at
9 least 26 dogs are kept [for the purpose of breeding, hunting,
10 training, renting, research or vivisection, buying, boarding,
11 sale, show or any other similar purpose and is so constructed
12 that dogs cannot stray therefrom.] or transferred in a calendar
13 year, or a boarding kennel as defined in this act.

14 "Licensed doctor of veterinary [medicine.]" medicine" or
15 veterinarian." A person who is currently licensed pursuant to
16 the act of December 27, 1974 (P.L.995, No.326), known as the
17 "Veterinary Medicine Practice Act."

18 "MUZZLE." A DEVICE, IN ANY ARRANGEMENT OF STRAPS OR WIRES, ←
19 PLACED OVER AN ANIMAL'S MOUTH TO PREVENT THE ANIMAL FROM BITING
20 OR EATING.

21 "Nonprofit kennel." [Any kennel operated by an animal rescue
22 league, a humane society or association for the prevention of
23 cruelty to animals] A kennel registered under the laws of this
24 Commonwealth as a nonprofit entity or a nonprofit animal control
25 kennel under sections 901 and 1002. The term shall include
26 kennels operated by approved medical and veterinary schools and
27 nonprofit institutions conducting medical and scientific
28 research, which shall be required to register, but shall not be
29 required to pay any of the [following] license fees set by this
30 act, and which may use their own identification tags for dogs

1 within their kennels without being required to attach tags
2 hereinafter prescribed while dogs are within such kennels, if
3 approved by the secretary.

4 "Out-of-state dealer." A person who does not reside in the
5 Commonwealth of Pennsylvania and [who buys, receives, sells,
6 exchanges, negotiates, barter or solicits the sale, resale,
7 exchange or transfer of a dog in this Commonwealth for the
8 purpose of transferring ownership or possession to a third
9 party.] who:

10 (1) sells or offers for sale a dog in this Commonwealth
11 belonging to another person, for any type of consideration,
12 fee, commission or percentage of the sales price; or

13 (2) transfers a dog in this Commonwealth for resale to
14 another for any type of consideration, fee, commission or
15 percentage of the sales price.

16 "Owner." When applied to the proprietorship of a dog,
17 includes every person having a right of property in such dog,
18 and every person who keeps or harbors such dog or has it in his
19 care, and every person who permits such dog to remain on or
20 about any premises occupied by him.

21 "Permanent identification" or "permanently identified." Any
22 long-lasting identification designed to be nonremovable, such as
23 a tattoo or microchip, determined by the Department of
24 Agriculture through regulation. Any dog permanently identified
25 shall be required to bear a license tag in accordance with the
26 provisions of this act.

27 †"Person with a disability." A person who receives <—
28 disability insurance or supplemental security income for the
29 aged, blind or disabled under the Social Security Act (49 Stat.
30 620, 42 U.S.C. § 301 et seq.) ~~or~~ [or]; who receives a rent or <—

1 property tax rebate under the act of March 11, 1971 (P.L.104,
2 No.3), known as the "Senior Citizens Rebate and Assistance Act,"
3 on account of disability; WHO HAS A DISABILITY CERTIFICATE <—
4 ISSUED BY THE UNITED STATES VETERANS' ADMINISTRATION; or who has
5 a [handicapped license] SPECIAL REGISTRATION plate under 75 <—
6 Pa.C.S. § 1338 (relating to [handicapped] PERSON WITH DISABILITY <—
7 plate and placard).‡ <—

8 "Persons." Includes State and local officers, or employees,
9 individuals, corporations, copartnerships and associations.

10 Singular words shall include the plural. Masculine words shall
11 include the feminine and neuter.

12 "Pet shop-kennel." Any kennel or person that acquires and
13 sells dogs for the purpose of resale, whether as owner, agent or
14 consignee, and sells or offers to sell such dogs on a retail
15 basis.

16 "Police officer." Any person employed or elected by this
17 Commonwealth, or by any municipality and whose duty it is to
18 preserve peace or to make arrests or to enforce the law. The
19 term includes constables and dog, game, fish and forest wardens.

20 "Primary enclosure." The primary structure that restricts a
21 dog's ability to move in a limited amount of space, such as a
22 room, cage or compartment. The term does not include any run
23 described in section 207(i)(6).

24 "Private kennel." A kennel [at, in, or adjoining a
25 residence] not meeting the definition of "commercial kennel"
26 where dogs are kept or bred by their owner, for the purpose of
27 hunting, tracking and exhibiting in dog shows, PERFORMANCE <—
28 EVENTS or field and obedience trials.

29 "Proper enclosure of a dangerous dog." The secure
30 confinement of a dangerous dog either indoors or in a securely

1 enclosed and locked pen or structure, suitable to prevent the
2 entry of young children and domestic animals and designed to
3 prevent the [animal] dangerous dog from escaping. [Such] The pen
4 or structure shall have secure sides and a secure top and shall
5 also provide protection from the elements for the dog. If the
6 pen or structure has no bottom secured to the sides, the sides
7 must be embedded at least two feet into the ground.

8 "Public place." A place in this Commonwealth to which the
9 general public has a right to resort. A public place need not be
10 a place devoted solely to use by the public, but may be a place
11 which is visited by many persons on a regular basis and is
12 usually accessible to the neighboring public. A public place
13 shall also include television and radio media.

14 "Rescue network kennel." A kennel that utilizes rescue
15 network kennel homes with the goal of ultimately transferring
16 the dog to a permanent owner or keeper through any means of
17 transfer.

18 "Rescue network kennel home." An establishment to which a
19 rescue network kennel assigns a dog until the dog is ultimately
20 transferred to a permanent home.

21 "Research." Investigation or experimentation aimed at the
22 discovery and interpretation of facts or procedures, revision of
23 accepted theories or laws in the light of new facts or practical
24 application of such new or revised theories or laws as related
25 to the advancement of medical science and technological
26 treatment of disease or surgical operations, medical procedures,
27 transplants, functions and any form of medical or
28 pharmacological actions on dogs when applied and personally
29 supervised by a qualified scientist with degrees approved by the
30 secretary.

1 "Research kennel." [Any kennel within the Commonwealth
2 wherein research is conducted with dogs, or where vivisection is
3 practiced with dogs, or any establishment which breeds, buys,
4 sells, or in any way transfers dogs to laboratories, hospitals,
5 establishments for research or any other similar purpose, or
6 which sells, gives away or in any way transfers dogs to another
7 research or dealer kennel.] Any Federal research kennel or other
8 research kennel duly registered with and inspected by the
9 Federal Government under the provisions of the Animal Welfare
10 Act (Public Law 89-544, 7 U.S.C. § 2131 et seq.) and its
11 attendant regulations.

12 "Search and rescue dog." A dog which is trained to locate
13 lost or missing persons, victims of natural or manmade disasters
14 and human bodies.

15 "Secretary." The Secretary of Agriculture or any person to
16 whom authority has been delegated by the Secretary of
17 Agriculture.

18 "Seizure." The act of taking possession of property for a
19 violation of law or the taking or removal from the possession of
20 another. The term shall not include the taking of ownership of
21 property.

22 "Service dog." Any dog which has been or is in the process
23 of being trained as a guide dog, signal dog or has been trained
24 to do work or perform tasks for the benefit of an individual
25 with a disability, including, but not limited to, guiding
26 individuals with impaired vision, alerting individuals with
27 impaired hearing to intruders or sounds, pulling a wheelchair or
28 fetching dropped items.

29 "Severe injury." Any physical injury that results in broken
30 bones or disfiguring lacerations requiring multiple sutures or

1 cosmetic surgery.

2 "State dog warden." An employee of the department whose
3 primary duty is to enforce this act and the regulations pursuant
4 thereto.

5 "Vivisection." The cutting of or operation on a living
6 animal for physical or pathological investigation or animal
7 experimentation.

8 "Wild" or "semiwild animal." A domestic animal which is now
9 or historically has been found in the wild, including, but not
10 limited to, bison, deer, elk, llamas or any species of foreign
11 or domestic cattle, such as ankole, gayal and yak.

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

15 Section 200. Issuance of dog licenses; compensation; proof
16 required; deposit of funds; records; license
17 sales; rules and regulations; failure to comply;
18 unlawful acts; penalty.

19 (a) Issuance of dog licenses.--

20 (1) The county treasurer shall be an agent and shall
21 process applications for dog license certificates and issue
22 dog license certificates and tags.

23 (1.1) The county treasurer shall be permitted and may
24 permit agents to issue vanity or collector tags that are
25 approved by the department, in addition to the license.

26 (2) The county treasurer may authorize [district <—
27 justices] MAGISTERIAL DISTRICT JUDGES to be agents and to <—
28 process applications for dog license certificates and to
29 issue dog license certificates and tags.

30 (3) The county treasurer may authorize other agents

1 within the county to process dog license certificates and to
2 issue dog license certificates and tags. At least half of the
3 agents appointed in each county shall have hours of operation
4 after 5 p.m. at least one weekday and shall be open at least
5 one day of each weekend. Agents who have been appointed by
6 their respective county treasurers under this paragraph shall
7 meet bonding requirements as their respective county
8 treasurers may require.

9 (4) The secretary shall have the authority, after a
10 review of the agents appointed by a county treasurer, to
11 appoint agents within each county to process dog license
12 certificates and to issue dog license certificates and tags.
13 Priority shall be given to licensed doctors of veterinary
14 medicine and kennels licensed under this act. At least half
15 of the agents appointed in each county shall have hours of
16 operation after 5 p.m. at least one weekday and shall be open
17 at least one day of each weekend. Agents appointed by the
18 secretary under this paragraph shall be required to post a
19 bond or other security instrument in a form satisfactory to
20 the secretary in an amount he determines. The secretary may
21 recall the appointment of any agent at any time.

22 (5) Agents who have been appointed by their respective
23 county treasurers prior to the effective date of this section
24 may continue to act as agents for the county treasurers under
25 such bonding requirements as the county treasurer may
26 require.

27 (b) Compensation.--For services rendered in collecting and
28 paying over dog license fees, agents, for as long as they
29 continue to act in that capacity, may collect and retain a sum
30 [of] equal to the cost of a postage stamp plus \$1 for each dog

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

20 (B.1) MAILINGS.--ADVERTISEMENTS, PROMOTIONS, REQUESTS FOR
21 DONATIONS, SOLICITATIONS AND OTHER MATERIALS MAY NOT ADD TO THE
22 COST OF POSTAGE TO BE PAID BY THE DEPARTMENT AND MAY NOT BE
23 DIRECTLY ATTACHED TO A DOG LICENSE APPLICATION, DOG LICENSE
24 RENEWAL NOTICE OR OTHER DOG LAW DOCUMENT. DOG LICENSE MAILINGS,
25 RENEWALS AND OTHER NOTICES RELATED TO STATE DOG LICENSES SHALL
26 NOT CONTAIN ANY EXTRANEOUS ADVERTISING, PROMOTIONS, REQUESTS FOR
27 DONATIONS, SOLICITATIONS OR OTHER MATERIALS UNLESS THE
28 ADVERTISEMENT, PROMOTION, REQUEST FOR DONATION, SOLICITATIONS OR
29 OTHER MATERIALS HAVE MET ONE OF THE FOLLOWING CONDITIONS:

30 (1) THEY HAVE BEEN PREVIOUSLY APPROVED IN WRITING BY THE

1 DEPARTMENT.

2 (2) THEY EACH CONTAIN A DISCLAIMER STATING THAT, "THE
3 SOLICITATION OR REQUEST FOR A DONATION HEREIN IS NOT FOR A
4 PROGRAM SPONSORED BY, FUNDED BY OR ENDORSED BY THE
5 PENNSYLVANIA DEPARTMENT OF AGRICULTURE (THE DEPARTMENT). THE
6 DEPARTMENT TAKES NO RESPONSIBILITY FOR THIS PROGRAM.
7 PARTICIPATION IN THIS PROGRAM IS VOLUNTARY, IS NOT A
8 CONDITION OF RECEIVING A DOG LICENSE AND DOES NOT CHANGE THE
9 COST OF OBTAINING A DOG LICENSE. ANY DONATION WILL BE
10 DEPOSITED INTO AN ACCOUNT SEPARATE FROM THE ACCOUNT FOR DOG
11 LICENSE REVENUES."

12 * * *

13 (e) Records.--Each agent shall keep on a printed form
14 supplied by the department a correct and complete record of all
15 dog licenses issued and funds that are received or delinquent.
16 The records shall be available at reasonable hours for
17 inspection by any employee of the department charged with the
18 enforcement of this act or any representative of the Department
19 of Auditor General or Office of Attorney General. Within five
20 days following the first day of each month, each agent shall
21 forward to the secretary and to the county treasurer of the
22 county in which the agent is situated, on forms supplied by the
23 department, a complete report of dog licenses issued, in correct
24 numerical sequence. All money collected from the sale of dog
25 licenses, less compensation if collected, and any other
26 information required by the secretary shall be forwarded to the
27 secretary with the report.

28 (e.1) Electronic records.--Within 180 days of the effective
29 date of this section, each county treasurer shall submit to the
30 secretary an electronic data file of license holders. The county

1 treasurer shall monthly update the data file and submit the
2 updated file monthly to reflect all new applicants.

3 (f) License sales.--Each agent shall process applications
4 and issue dog license certificates on a year-round basis.
5 Nothing in this act shall permit an agent while acting in that
6 capacity to suspend license sales during any time. If checks are
7 returned for delinquent funds or the proper dog license fee is
8 not collected for any reason, the agent shall report the
9 delinquency to the department on a form supplied by the
10 department.

11 * * *

12 Section 3. Sections 201, 202 and 206 of the act, amended
13 December 11, 1996 (P.L.943, No.151), are amended to read:

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

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

28 (1) For each neutered male dog and for each spayed
29 female dog for which the certificate of a licensed doctor of
30 veterinary medicine or the affidavit of the owner is

1 produced, the license fee shall be \$5.

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

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

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

10 (ii) For all other male and female dogs, the license
11 fee shall be \$5., ~~which shall be set by regulation and~~ <—

12 ~~shall include all of the following classes of licenses:~~

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

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

21 ~~(3) Male or female dog owned by a Pennsylvania resident~~
22 ~~65 years of age or older or a person with a disability, the~~
23 ~~fee for which shall be lower than that paid by residents~~
24 ~~under the age of 65 or without disabilities. The following~~
25 ~~shall apply:~~

26 ~~(i) For each neutered male dog and for each spayed~~
27 ~~female dog for which the certificate of a licensed doctor~~
28 ~~of veterinary medicine or the affidavit of the owner is~~
29 ~~produced, the fee shall be lower than that paid under~~
30 ~~paragraph (1).~~

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

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

6 (5) All additional costs of a vanity or collector tag
7 issued under this subsection shall be in addition to the
8 required license fee under this section. The additional cost
9 shall be distributed equally between the county treasurer
10 that issued the license and the Dog Law Restricted Account. A <—
11 ~~vanity or collector tag shall not be issued without approval~~
12 ~~of the department. A VANITY OR COLLECTOR TAG SHALL NOT BE~~ <—
13 ISSUED WITHOUT APPROVAL OF THE DEPARTMENT.

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

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

30 (2) For all other male and female dogs, the license fee

1 shall be \$50.

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

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

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

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

19 ~~(2)~~ (5) A dog which has been issued a lifetime license
20 prior to the effective date of this paragraph shall not be
21 subject to fees under this subsection.

22 ~~(3)~~ (6) All additional costs of a vanity or collector ←
23 tag issued under this subsection shall be charged in addition
24 to the fees under this section. The additional cost shall be
25 distributed equally between the county treasurer that issued
26 the tag and the Dog Law Restricted Account. A vanity or ←
27 collector tag shall not be issued without approval of the
28 department. VANITY OR COLLECTOR TAG SHALL NOT BE ISSUED ←
29 WITHOUT APPROVAL OF THE DEPARTMENT.

30 (c) Penalty.--A person who violates this section commits a

1 summary offense and, upon conviction, shall be sentenced to pay
2 a fine of not less than [\$25] \$50 nor more than \$300 for each
3 unlicensed dog. Fraudulent statements, including those related
4 to the breed of the dog, failure to pay the appropriate fee, or
5 failure to update records, including address and contact
6 information, within 120 days of moving, constitute a violation.
7 The burden of proof shall be the same as under section 802.

8 Section 202. License certificates; tag removal; exclusion for
9 some dogs.

10 (a) General rule.--Each dog license certificate shall be
11 dated and numbered, and shall bear the name of the county where
12 such license is issued and any other information required
13 pursuant to regulations promulgated by the department. All dog
14 licenses except lifetime licenses as provided in section 201(b)
15 shall expire upon December 31 of the year for which the license
16 was issued [unless and until the department promulgates <—
17 regulations establishing a system of dog license renewal on an
18 annual basis throughout the calendar year]. A tag bearing the <—
19 same number issued with the license certificate shall be affixed
20 to a substantial collar or harness. The collar or harness shall
21 be furnished by the owner, and, with the tag attached, shall at
22 all times be kept on the dog for which the license is issued,
23 except as otherwise provided in this act. [Dogs which are
24 confined or are actively engaged in shows, obedience or field
25 trials are excluded from wearing a current license tag on a
26 collar or harness, as long as a current tag is in the possession
27 of the owner or handler for each dog.] It shall be unlawful for
28 any person, except the owner or his authorized agent, or a State
29 dog warden, to remove any license tag from a dog's collar or
30 harness or to remove any collar or harness with a license tag

1 attached thereto from any dog, except as provided in [the act of
2 June 3, 1937 (P.L.1225, No.316), known as "The Game Law,"] 34
3 Pa.C.S. (relating to game), and except as herein or otherwise
4 provided.

5 (b) Exception.--The following need not wear a license tag on
6 a collar or a harness:

7 ~~(1) Dogs when confined or restricted to the property of~~ <—

8 (1) DOGS WHEN CONFINED. <—

9 (1.1) DOGS WHEN RESTRICTED TO THE PROPERTY OF a kennel
10 licensed under this act.

11 (2) Dogs when being transported for law enforcement.

12 (3) Dogs when being transported to or from a veterinary
13 office pursuant to an order of the secretary for humane
14 purposes.

15 (4) Dogs WHICH ARE CONFINED TO THE PROPERTY OF THE OWNER <—
16 OR when training for or engaging in dog shows, performance
17 events or hunting activities, and dogs while being
18 transported by or on behalf of their owner or keeper to OR <—
19 FROM the location at which they TRAIN OR engage in dog shows, <—
20 events or hunting activities as long as a copy of the kennel
21 license OR INDIVIDUAL DOG LICENSE OR TAG is in possession of <—
22 the owner or keeper accompanying each dog.

23 Section 206. Kennels.

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

25 Any person who is a dealer or keeps or operates a [Class I,
26 Class II, Class III, Class IV or Class V Kennel, Boarding Kennel
27 Class I, Boarding Kennel Class II, Boarding Kennel Class III or
28 nonprofit] kennel shall, on or before January 1 of each year,
29 apply to the department for a kennel license. Kennels shall be
30 classified by type and the fee for the license, which shall be <—

1 ~~set by regulation,~~ shall be determined by the kennel type, the
2 number of dogs housed, kept, harbored, boarded, sheltered, sold,
3 given away or transferred in or by the kennel. The application
4 forms and kennel licenses shall be as designated by the
5 secretary. A separate license shall be required for each type of
6 kennel and every location at which a kennel is kept or operated.
7 A kennel license is required to keep or operate any
8 [establishment that keeps, harbors, boards, shelters, sells,
9 gives away or in any way transfers a cumulative total of 26 or
10 more dogs of any age in any one calendar year] kennel. All
11 kennel licenses shall expire on December 31. When two or more
12 licensed kennels are operated by the same person at the same
13 location, each kennel shall be inspected and licensed [for each
14 use.] as required by law.

15 Dealer License.

16 A dealer, residing in this Commonwealth or an out-of-state
17 dealer, who sells, exchanges, negotiates, barter, gives away or
18 solicits the sale, resale, exchange or transfer of a dog in this
19 Commonwealth for the purpose of transferring ownership or
20 possession to a third party shall obtain a dealer license from
21 the department, which shall be applied for and may be renewed.

22 Kennel Class I.

23 To keep or operate a private kennel, pet shop-kennel,
24 research kennel, rescue network kennel, dealer kennel or
25 [breeding] kennel for a [cumulative] total of 50 dogs or less of
26 any age during a calendar year ~~+- \$75 per year~~. ←

27 Kennel Class II.

28 To keep or operate a private kennel, pet-shop kennel,
29 research kennel, rescue network kennel, dealer kennel or
30 [breeding] kennel for a [cumulative] total of 51 to 100 dogs of

1 any age during a calendar year +/- \$200 per year+. <—

2 Kennel Class III

3 To keep or operate a private kennel, pet shop-kennel,
4 research kennel, rescue network kennel, dealer kennel or
5 [breeding] kennel for a [cumulative] total of 101 to 150 dogs of
6 any age during a calendar year +/- \$300 per year+. <—

7 Kennel Class IV

8 To keep or operate a private kennel, pet shop-kennel,
9 research kennel, rescue network kennel, dealer kennel or
10 [breeding] kennel for a [cumulative] total of 151 to 250 dogs of
11 any age during a calendar year +/- \$400 per year+. <—

12 Kennel Class V

13 To keep or operate a private kennel, pet shop-kennel,
14 research kennel, rescue network kennel, dealer kennel or
15 [breeding] kennel for a [cumulative] total of 251 [or more] to
16 500 dogs of any age during a calendar year +/- \$500 per year+. <—

17 Kennel Class VI

18 To keep or operate a private kennel, pet shop-kennel,
19 research kennel, rescue network kennel, kennel or dealer kennel
20 for a total of 501 to 750 MORE THAN 500 dogs of any age during a <—
21 calendar year - \$750 PER YEAR. <—

22 Kennel Class VII <—

23 To keep or operate a private kennel, pet shop kennel,
24 research kennel, rescue network kennel, kennel or dealer kennel
25 for a total of 751 to 1,000 dogs of any age during a calendar
26 year.

27 Kennel Class VIII

28 To keep or operate a private kennel, pet shop kennel,
29 research kennel, rescue network kennel, kennel or dealer kennel
30 for a total of 1,001 to 1,500 dogs of any age during a calendar

1 ~~year.~~

2 ~~Kennel Class IX~~

3 ~~To keep or operate a private kennel, pet shop kennel,~~
4 ~~research kennel, rescue network kennel, kennel or dealer kennel~~
5 ~~for a total of 1,501 to 2,000 dogs of any age during a calendar~~
6 ~~year.~~

7 ~~Kennel Class X~~

8 ~~To keep or operate a private kennel, pet shop kennel,~~
9 ~~research kennel, rescue network kennel, kennel or dealer kennel~~
10 ~~for a total of 2,001 to 2,500 dogs of any age during a calendar~~
11 ~~year.~~

12 ~~Kennel Class XI~~

13 ~~To keep or operate a private kennel, pet shop kennel,~~
14 ~~research kennel, rescue network kennel, kennel or dealer kennel~~
15 ~~for a total of 2,501 to 3,000 dogs of any age during a calendar~~
16 ~~year.~~

17 ~~Kennel Class XII~~

18 ~~To keep or operate a private kennel, pet shop kennel,~~
19 ~~research kennel, rescue network kennel, kennel or dealer kennel~~
20 ~~for a total of more than 3,001 dogs of any age during a calendar~~
21 ~~year.~~

22 Boarding Kennel Class I

23 To keep or operate a boarding kennel having the capacity to
24 accommodate a total of 1 to 10 dogs at any time during a
25 calendar year †- \$100 per year‡. <—

26 Boarding Kennel Class II

27 To keep or operate a boarding kennel having the capacity to
28 accommodate a total of 11 to 25 dogs at any time during a
29 calendar year †- \$150 per year‡. <—

30 Boarding Kennel Class III

1 To keep or operate a boarding kennel having the capacity to
2 accommodate 26 or more dogs at any time during a calendar year
3 ~~for \$250 per year.~~ <—

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

5 To keep or operate a nonprofit kennel - \$25 PER YEAR. <—

6 Kennel Class C-I

7 To keep or operate a commercial kennel for a total of 50 dogs
8 or less of any age during a calendar year - \$75 PER YEAR. <—

9 Kennel Class C-II

10 To keep or operate a commercial kennel for a total of 51 to
11 100 dogs of any age during a calendar year - \$200 PER YEAR. <—

12 Kennel Class C-III

13 To keep or operate a commercial kennel for a total of 101 to
14 150 dogs of any age during a calendar year - \$300 PER YEAR. <—

15 Kennel Class C-IV

16 To keep or operate a commercial kennel for a total of 151 to
17 ~~200~~ 250 dogs of any age during a calendar year - \$400 PER YEAR. <—

18 Kennel Class C-V

19 To keep or operate a commercial kennel for a total of ~~201~~ 251 <—
20 to 500 dogs of any age during a calendar year - \$500 PER YEAR. <—

21 Kennel Class C-VI

22 To keep or operate a commercial kennel for a total of ~~501~~ to <—
23 ~~750~~ MORE THAN 500 dogs of any age during a calendar year - \$750 <—
24 PER YEAR.

25 ~~Kennel Class C-VII~~ <—

26 ~~To keep or operate a commercial kennel for a total of 751 to~~
27 ~~1,000 dogs of any age during a calendar year.~~

28 ~~Kennel Class C-VIII~~

29 ~~To keep or operate a commercial kennel for a total of 1,001~~
30 ~~to 1,500 dogs of any age during a calendar year.~~

1 ~~Kennel Class C IX~~

2 ~~To keep or operate a commercial kennel for a total of 1,501~~
3 ~~to 2,000 dogs of any age during a calendar year.~~

4 ~~Kennel Class C X~~

5 ~~To keep or operate a commercial kennel for a total of 2,001~~
6 ~~to 2,500 dogs of any age during a calendar year.~~

7 ~~Kennel Class C XI~~

8 ~~To keep or operate a commercial kennel for a total of 2,501~~
9 ~~to 3,000 dogs of any age during a calendar year.~~

10 ~~Kennel Class C XII~~

11 ~~To keep or operate a commercial kennel for a total of more~~
12 ~~than 3,001 dogs of any age during a calendar year.~~

13 (b) Nonprofit kennels.--A nonprofit kennel shall apply for a
14 nonprofit kennel license. Such kennel may use its own
15 identification tags for dogs confined therein. The secretary may
16 approve, upon application, the removal of tags from licensed
17 dogs confined therein. A rescue network kennel may be a
18 nonprofit kennel if it meets the definition of nonprofit kennel.

19 (d) Issuance of tags.--The department shall issue the number
20 of tags equal to the number of dogs three months of age or
21 older, or a lesser number as determined by the kennel owner's
22 needs, approved by the secretary to be kept in a kennel
23 described under this section. All tags shall bear the name of
24 the county where they are issued, the kennel license number and
25 any other information required by the secretary through
26 regulations. The tags shall be utilized and displayed as set
27 forth in section 207(d).

28 (e) Kennel [removed to another county] closing, changing
29 name or moving to another location.--If a person that keeps or
30 operates a kennel [permanently removes the kennel to another

1 county] closes, changes its name or moves to another location,
2 the person shall file an application with the secretary [to
3 transfer the license to the county of removal] notifying the
4 secretary of the move, closure, transfer or change of name. Upon
5 approval by the secretary, which shall require an inspection and
6 approval of the new facility, the kennel license [shall] may be
7 allowed to remain in effect until [it has expired pursuant to
8 this section.] the end of the calendar year at which time it
9 shall be renewed in accordance with this act. If a kennel is
10 closing, the secretary must conduct a post-closure inspection.

11 (f) Adequacy of fees.--On or before July 1[, 1998] of each
12 year, the department shall submit a report to the chairperson
13 and minority chairperson of the Agriculture and Rural Affairs
14 Committee of the Senate and the chairperson and minority
15 chairperson of the Agriculture and Rural Affairs Committee of
16 the House of Representatives comparing the expenses incurred by
17 the department for enforcing this act with regard to kennels and
18 the revenues received by the department in accordance with this
19 section.

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

23 Section 207. Requirements for kennels.

24 (a.1) Prohibition to operate; injunction; fines.--

25 (1) It shall be unlawful for kennels described under
26 section 206 to operate without first obtaining a kennel
27 license from the department.

28 (2) The secretary shall not approve any kennel license
29 application unless such kennel has been inspected and
30 approved by a State dog warden or employee of the department.

1 (3) The secretary may file a suit in equity in the
2 Commonwealth Court to enjoin the operation of any kennel that
3 violates any of the provisions of this act. [In addition, the
4 secretary may seek in such suit the imposition of a fine for
5 every day in violation of this act for an amount not less
6 than \$100 nor more than \$500 per day.]

7 (4) It shall be no defense to any civil penalty or
8 criminal prosecution under this act that a person operating a
9 kennel failed to properly obtain the appropriate license.

10 (5) A kennel operator that is applying for a different
11 license because of an increase in the total number of dogs or
12 due to birth of additional dogs in the kennel during a
13 calendar year shall not be in violation provided the
14 application is filed within seven days of the increase.

15 (a.2) Civil penalties and remedies.--The following shall
16 apply to civil penalties and remedies for unlicensed kennels:

17 (1) In addition to proceeding under any other remedy
18 available at law or in equity for a violation of a provision
19 of this act or a rule or regulation adopted or order issued
20 under this act, the secretary may assess a civil penalty, in
21 addition to any penalty under section 903(c), against an
22 unlicensed kennel of not less than \$500 nor more than \$1,000
23 for each day it operates in violation of this act. The
24 penalty shall be premised on the gravity and willfulness of
25 the violation, the potential harm to the health and safety of
26 the animals and the public, previous violations and the
27 economic benefit to the violator for failing to comply with
28 this act.

29 (2) In cases of inability to collect the civil penalty
30 or failure of a person to pay all or a portion of the

1 penalty, the secretary may refer the matter to the Office of
2 Attorney General, which shall institute an action in the
3 appropriate court to recover the penalty.

4 (a.3) Cease and desist order.--

5 (1) The secretary may provide a written order to cease
6 and desist operating to an owner who is operating a kennel
7 without a license. The order shall set forth the GENERAL <—
8 factual and legal basis for the action and shall advise the
9 affected person that within ten days of receipt of the order,
10 he may file with the secretary a written request for an
11 administrative hearing. The order to cease and desist shall <—
12 become a final order of the department upon expiration of the
13 ten-day period for requesting an administrative hearing,
14 unless a timely request has been filed with the department.

15 Upon receiving a cease and desist order, the unlicensed
16 kennel shall immediately cease and desist from operating a
17 kennel, including boarding, buying, exchanging, selling,
18 offering for sale, giving away or in any way transferring
19 dogs. The kennel shall divest of all dogs over 25 dogs,
20 unless otherwise directed, within a reasonable time period
21 determined by the department but not to exceed ten days. The
22 department shall set forth the manner by which the kennel may
23 divest of the dogs. That person shall be subject to the
24 conditions established under paragraph (2). THE ORDER TO <—
25 CEASE AND DESIST SHALL BECOME A FINAL ORDER OF THE DEPARTMENT
26 UPON EXPIRATION OF THE TEN-DAY PERIOD FOR REQUESTING AN
27 ADMINISTRATIVE HEARING, UNLESS A TIMELY REQUEST HAS BEEN
28 FILED WITH THE DEPARTMENT.

29 (2) An unlicensed kennel that has timely filed a request
30 for an administrative hearing shall be allowed to operate

1 under the conditions set forth under section 211(c)(3), (4),
2 (5), (6), (7), (8) and (9) and removal of dogs may occur
3 under section 211(d), (e) and (f).

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

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

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

9 (3) [From where it came] The full name and physical
10 address at the time the dogs were received of the previous
11 owner or kennel from whom the dog was received. This
12 paragraph shall not apply to a boarding kennel.

13 (4) [To whom it belongs] The full name and physical
14 address of the person or kennel to whom the dog belongs.

15 (5) For what purpose each dog is kept in the kennel.

16 (6) The date on which each dog leaves the kennel.

17 (7) How [and to whom it is dispensed.] the dog is
18 dispensed. If the dog was transferred to another person or
19 kennel, the record must state the full name and physical
20 address of the person or kennel to whom the dog was
21 dispensed.

22 (8) The name, address and telephone number of the
23 licensed doctor of veterinary medicine used by the kennel.

24 Such record shall be legible and shall be open to inspection and
25 may be copied by any employee of the department, State dog
26 warden or police officer as defined by this act.

27 (c.1) Nonprofit kennels.--All nonprofit kennels shall be
28 required to keep all records required to be kept under this
29 section to the extent possible. SECTION, EXCEPT THAT, IN THE <—
30 CASE OF A DOG RUNNING AT LARGE, IT SHALL NOT BE A VIOLATION OF

1 SUBSECTION (C)(3) OR (4) FOR THE NONPROFIT KENNEL TO LIST ONLY
2 THE LOCATION FROM WHICH A DOG WAS RETRIEVED IF THE INFORMATION
3 REQUIRED TO BE MAINTAINED UNDER SUBSECTION (C)(3) AND (4) IS
4 UNKNOWN AND NOT AVAILABLE TO THE NONPROFIT KENNEL.

5 (d) [Additional requirements] Tags.--Every holder of a
6 kennel license shall attach one tag to a collar or harness of
7 each dog three months old or older kept by that person, whenever
8 the dog is not within the kennel except as provided for in
9 [section 202.] sections 202 and 213., ~~or during a hunt,~~ <—
10 ~~performance, event or commonly accepted training practices~~
11 ~~involving hunting dogs and dogs that participate in field trials~~
12 ~~or, in the case of a dealer or a rescue kennel, utilizing rescue~~
13 ~~kennel network homes.~~ Dogs housed in rescue kennel network homes
14 shall have and display the dealer's tag or rescue kennel network
15 home's tag or individual dog license as provided in this
16 section.

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

18 (1) A person operating a kennel required to be licensed
19 under this act shall display, in a place conspicuous to
20 persons authorized to enter, a current and valid kennel
21 license certificate issued by the department. The kennel
22 license certificate shall show all of the following:

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

24 (ii) The kennel class and type.

25 (iii) The number of dogs allowed to be housed in
26 that class of kennel per calendar year.

27 (2) Rescue network kennel homes associated with a dealer
28 or rescue kennel network shall display a copy of the dealer's
29 or the rescue kennel network's kennel license.

30 (3) If the secretary revokes or denies a kennel license,

1 the department shall issue a notice of revocation or denial.
2 The notice shall be posted in a place conspicuous to persons
3 authorized to enter and approved by the department for a
4 period of time as provided in this subsection. In the case of
5 a revocation or denial of a kennel license, the kennel shall
6 display the notice of revocation or denial until such time as
7 the kennel has ceased to operate or as the department
8 determines and sets forth in the order. In the case of an
9 appeal of revocation or denial, the notice of revocation or
10 denial shall remain posted until the final disposition of
11 appeal or the department has reissued a valid kennel license.

12 (4) If the secretary finds a kennel operating without a
13 license, the kennel, upon notice of violation or order, shall
14 display a notice of violation issued by the department. The
15 notice shall be posted in a place conspicuous to persons
16 authorized to enter and approved by the department until the
17 time as the kennel has ceased to operate or as the department
18 determines and sets forth in the order or until such time as
19 the kennel has come into compliance and the secretary has
20 issued a valid kennel license.

21 (5) Failure to display a current and valid kennel
22 license certificate or a notice of revocation, suspension or
23 denial as provided in this subsection constitutes a violation
24 of this act.

25 (f) (Reserved).

26 (g) Additional requirements for boarding kennels, nonprofit
27 kennels and Kennel Class I through ~~XII~~ VI license holders.--The <—
28 following shall apply to boarding kennels, nonprofit kennels and
29 Kennel Class I through ~~XII~~ VI license holders: <—

30 (1) Kennels under this subsection must develop and

1 follow an appropriate plan to provide dogs with the
2 opportunity for exercise. The plan shall be approved by a
3 veterinarian.

4 (2) All kennels for dogs shall be equipped with smoke
5 alarms or fire extinguishers. Housing facilities shall be
6 equipped with fire extinguishers on the premises. An indoor
7 housing facility may have a sprinkler system.

8 (h) Additional requirements for Kennel Class C license
9 holders only.--The following shall apply only to primary
10 enclosures for all dogs in Kennel Class C kennels:

11 (1) Primary enclosures must be designed and constructed
12 so that they are structurally sound and must be kept in good
13 repair.

14 (2) Primary enclosures must meet the following
15 requirements:

16 (i) Have no sharp points or edges that could injure
17 the dogs.

18 (ii) Be maintained in a manner to protect the dogs
19 from injury.

20 (iii) The height of a primary enclosure that is not
21 fully enclosed on the top shall be sufficient to prevent
22 the dog from climbing over the walls.

23 (iv) Keep animals other than dogs from entering the
24 enclosure.

25 (v) Enable the dogs to remain dry and clean.

26 (vi) Provide shelter and protection from
27 temperatures and weather conditions that may be
28 uncomfortable or hazardous to any dog.

29 (vii) Provide sufficient space to shelter all the
30 dogs housed in the primary enclosure at one time.

1 (viii) Provide potable water at all times, unless
2 otherwise directed by a veterinarian in a writing that
3 shall be kept in the kennel records.

4 (ix) Enable all surfaces in contact with the dogs to
5 be readily cleaned and sanitized in accordance with
6 paragraph (14) or be replaceable when worn or soiled.

7 (x) Have floors that are constructed in a manner
8 that protects the dogs' feet and legs from injury.

9 (xi) Provide space to allow each dog to turn about
10 freely, to stand, sit and lie in a comfortable and normal
11 position. The dog must be able to lie down while fully
12 extended without the dog's head, tail, legs, face or feet
13 touching any side of the enclosure.

14 (xii) The interior height of a primary enclosure
15 shall be at least six inches higher than the head of the
16 tallest dog in the enclosure when it is in a normal
17 standing position.

18 (3) Each bitch with nursing puppies shall be provided
19 with an additional amount of floor space, based on her breed
20 and behavioral characteristics and in accordance with
21 generally accepted husbandry practices as determined by the
22 attending veterinarian. If the additional amount of floor
23 space for each nursing puppy is less than 5% of the minimum
24 requirement for the bitch, the amount of floor space must be
25 approved in writing by the attending veterinarian and shall
26 be kept in the kennel records.

27 (4) All dogs housed in the same primary enclosure must
28 be compatible, as determined by observation. Not more than
29 six adult dogs may be housed in the same primary enclosure.
30 Bitches in heat may not be housed in the same primary

1 enclosure with sexually mature males, except for breeding.
2 Bitches with litters may not be housed in the same primary
3 enclosure with other adult dogs, and puppies under 12 weeks
4 of age may not be housed in the same primary enclosure with
5 adult dogs, other than the dam or foster dam. Dogs with a
6 vicious or aggressive disposition must be housed separately.

7 (5) A program of veterinary care shall be established
8 through consultation with a veterinarian and include a
9 physical examination and vaccination schedule, a protocol for
10 disease control and prevention, pest and parasite control,
11 nutrition, emergency care and euthanasia. A copy of the
12 program shall be kept in the kennel records.

13 (6) Housing facilities for dogs must be sufficiently
14 heated and cooled to protect the dogs from temperature or
15 humidity extremes and to provide for their health and well-
16 being. If dogs are present, the ambient temperature in the
17 facility must not fall below 50 degrees F. The ambient
18 temperature must not rise above 85 degrees F when dogs are
19 present. The requirements under this paragraph are in
20 addition to all other requirements pertaining to climatic
21 conditions in this chapter.

22 (7) Housing facilities for dogs must be sufficiently
23 ventilated at all times when dogs are present to provide for
24 their health and well-being and to minimize odors, drafts,
25 ammonia levels and to prevent moisture condensation.
26 Ventilation must be provided by windows, vents, fans or air
27 conditioning. Auxiliary ventilation or air conditioning must
28 be provided when the ambient temperature is 85 degrees F or
29 higher. The relative humidity must be maintained at a level
30 that ensures the health and well-being of the dogs housed

1 therein. The ventilation must meet the minimum air flow
2 required for control of moisture condensation under severe
3 conditions. The ventilation in the building shall provide at
4 least six air changes per hour AND BE IN ACCORDANCE WITH THE ←
5 WRITTEN DIRECTIONS OF A VETERINARIAN AND GENERALLY ACCEPTED
6 PROFESSIONAL AND HUSBANDRY PRACTICES, IF SUCH WRITTEN
7 DIRECTIONS AND PRACTICES PRESCRIBE AN AIR CHANGE RATE GREATER
8 THAN SIX CHANGES PER HOUR. The building must include
9 ventilation to assure dry kennel floors during cold weather.
10 The ventilation requirements may be achieved through design
11 of the building shell and natural air flow or by means of
12 auxiliary air movement systems. Where auxiliary air movement
13 systems are required or utilized to achieve the required air
14 exchanges, the kennel must still have doors and windows which
15 can be opened to allow air flow in the event of a system
16 malfunction.

17 (8) Housing facilities for dogs must be lighted well
18 enough to permit routine inspection and cleaning of the
19 facility and observation of the dogs. Animal areas must be
20 provided a regular diurnal lighting cycle of either natural
21 or artificial light. Lighting must be uniformly diffused
22 throughout housing facilities and provide sufficient
23 illumination to aid in maintaining good housekeeping
24 practices, adequate cleaning, adequate inspection of animals,
25 and for the well-being of the animals. Primary enclosures
26 must be placed so as to protect the dogs from excessive
27 light. Lighting in an indoor facility must be at least 10
28 foot-candles of light. At least 50 foot-candles of light must
29 be provided in all bathing, grooming and toilet areas and 30
30 foot-candles of light shall be provided in support buildings,

1 including food preparation and storage areas. The lighting in
2 a housing facility must be sufficient to allow observation of
3 the physical condition of the dogs at night. Lighting may not
4 be achieved through open flame.

5 (9) The floors and walls of primary enclosures must be
6 impervious to moisture. The ceilings of indoor housing
7 facilities must be impervious to moisture or be replaceable.

8 (10) All dogs must be provided with adequate food that
9 is clean and free from contaminants.

10 (11) All dogs must be removed from the primary enclosure
11 when the primary enclosure is cleaned in accordance with
12 paragraph (14)(iv).

13 (12) Primary enclosures may not be stacked more than two
14 rows high and the bottom of the uppermost primary enclosure
15 may not be more than four and one-half feet off the housing
16 facility floor. Where the primary enclosures are stacked a
17 tray or other department-approved device which will prevent
18 urine, feces and other debris from passing into or being
19 discharged into the underlying primary enclosure shall be
20 placed under the upper primary enclosures. The tray or
21 approved device must be impermeable to water and capable of
22 being easily sanitized.

23 (13) All kennels shall be equipped with a smoke alarm
24 and shall have a means of fire suppression, such as fire
25 extinguishers or a sprinkler system on the premises.

26 (14) The following shall apply:

27 (i) Excreta, feces, hair, dirt, debris and food
28 waste must be removed from primary enclosures at least
29 daily or more often if necessary to prevent an
30 accumulation of excreta, feces, hair, dirt, debris and

1 food waste to prevent soiling of dogs contained in the
2 primary enclosures and to reduce disease hazards,
3 insects, pests and odors.

4 (ii) Used primary enclosures and food and water
5 receptacles must be cleaned and sanitized in accordance
6 with this section before they can be used to house, feed
7 or water another dog, or grouping of dogs.

8 (iii) Used primary enclosures and food and water
9 receptacles for dogs must be sanitized at least once
10 every two weeks using one of the methods under
11 subparagraph (iv) and more often if necessary to prevent
12 an accumulation of excreta, feces, hair, dirt, debris,
13 food waste and other disease hazards.

14 (iv) Hard surfaces of primary enclosures and food
15 and water receptacles must be sanitized using one of the
16 following methods:

17 (A) Live steam under pressure.

18 (B) Washing with water with a temperature of at
19 least 180 degrees F and soap or detergent, as with a
20 mechanical cage washer.

21 (C) Washing all soiled surfaces with appropriate
22 detergent solutions and disinfectant or by using a
23 combination detergent or disinfection product that
24 accomplishes the same purpose with a thorough
25 cleaning of the surfaces to remove excreta, feces,
26 hair, dirt, debris and food waste so as to remove all
27 organic material and mineral buildup and to provide
28 sanitization followed by a clean water rinse.

29 (v) Primary enclosures, exercise areas and housing
30 facilities using material that cannot be sanitized using

1 the methods under subparagraph (iv) must be made sanitary
2 by removing the contaminated material as necessary to
3 prevent odors, diseases, pests, insects and vermin
4 infestation.

5 (vi) Premises where primary enclosures are located,
6 including buildings and surrounding grounds, must be kept
7 clean and in good repair to protect the animals from
8 injury, to facilitate the husbandry practices required in
9 this act and to reduce or eliminate breeding and living
10 areas for rodents and other pests and vermin. Premises
11 must be kept free of accumulations of trash, junk, waste
12 products, and discarded matter. Weeds, grasses and bushes
13 must be controlled so as to facilitate cleaning of the
14 premises and pest control and to protect the health and
15 well-being of the animals.

16 (vii) An effective program for the control of
17 insects, external parasites affecting dogs or that are
18 pests must be established and maintained so as to promote
19 the health and well-being of the dogs and reduce
20 contamination by pests in housing facilities.

21 (15) All dogs in a kennel shall have affixed to the
22 front of the primary enclosure documentation that contains
23 all of the following information:

24 (i) The date of birth of the dog.

25 (ii) The date of the last rabies vaccination.

26 (iii) The date of the dog's last veterinarian check.

27 (16) All veterinarian records shall be kept for two
28 years after the dog has left the care of the facility.

29 (17) Notwithstanding any law, a dog may not be
30 ethanized except by a veterinarian.

1 (i) Additional requirements for Kennel Class C license
2 holders only.--The following shall apply only to dogs over 12
3 weeks of age in Kennel Class C kennels:

4 (1) A dog housed in a primary enclosure must be provided
5 a minimum amount of floor space in the primary enclosure,
6 calculated as provided under this subparagraph: Find the
7 mathematical square of the sum of the length of the dog in
8 inches, measured from the tip of its nose to the base of its
9 tail, plus six inches, then divide the product by 144, then
10 multiply by 2. The calculation is: (length of dog in inches +
11 6)(length of dog in inches + 6) = required floor space in
12 square inches. Required floor space in inches/144 x 2 =
13 required floor space in square feet. For the second dog
14 placed in the primary enclosure the minimum floor space shall
15 be doubled. The floor space shall be calculated using the
16 longest dog. For each dog above two, the minimum floor space
17 shall be multiplied by 1.5 per additional dog.

18 (2) Primary enclosures must be placed no higher than 12
19 inches above the floor of the housing facility and may not be
20 placed or stacked on top of another cage or primary
21 enclosure.

22 (3) The floor of any primary enclosure must be solid and
23 strong enough so that the floor does not sag or bend between
24 the structural supports.

25 (4) Each primary enclosure shall have an entryway that
26 will allow the dog unfettered clearance out of the enclosure
27 to the exercise area under paragraph (6) if the enclosure is
28 opened.

29 (5) Each primary enclosure shall open onto and be
30 adjacent to an exercise area.

1 (6) Exercise requirements shall be as follows:

2 (i) The exercise run must allow for unfettered
3 clearance for dogs from their primary enclosure.

4 (ii) The exercise run must be at least twice the
5 size of the primary enclosure under paragraph (1).

6 (iii) The exercise run must have adequate means to
7 prevent dogs from escaping.

8 (iv) The exercise run fencing must be kept in good
9 repair and be free of rust, jagged edges or other defects
10 that could cause injury to the dogs.

11 (v) The exercise run shall be cleaned in accordance
12 with the requirements under subsection (h)(14).

13 (vi) Dogs must not be placed in the area in a manner
14 that would cause injury to the dogs.

15 (vii) Compatible dogs, as determined under
16 subsection (h)(4), may be exercised together.

17 (viii) Nursing bitches and their puppies shall be
18 exercised separately from other dogs.

19 (ix) Exercise area ground must be solid and
20 maintainable. Surfaces such as gravel, packed earth and
21 grass which are solid and maintainable may be utilized.

22 (x) The exercise area must be outdoors.

23 (7) Notwithstanding any other provision of law, rabies
24 vaccines may only be administered by a licensed veterinarian.

25 (8) A dog shall be examined by a veterinarian at least
26 once a year or at each pregnancy, whichever occurs more
27 frequently. During the examination the veterinarian shall use
28 appropriate methods to prevent, control, diagnose and treat
29 diseases and injuries.

30 (9) An additional area, not counting toward the minimum

1 space requirements under paragraphs (1) and (6)(ii), may be
2 provided to a dog and may be constructed of coated wire
3 flooring to allow for voiding and excrement.

4 (10) Notwithstanding any law to the contrary, it shall
5 not be a violation of the act of December 15, 1986 (P.L.1610,
6 No.181), known as the "Rabies Prevention and Control in
7 Domestic Animals and Wildlife Act," if a rabies vaccine is
8 given to a dog within 30 days after a dog has reached three
9 months of age. A record of each such shot shall be kept in
10 accordance with this act.

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

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

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

25 (b) Unlawful acts.--It shall be unlawful for out-of-state
26 dealers to [transport dogs] sell, exchange, negotiate, barter,
27 give away or solicit the sale, resale, exchange or transfer of a
28 dog or transport a dog into or within the Commonwealth or to
29 operate or maintain a dealer kennel or to deal in any manner
30 with dogs without first obtaining an out-of-state dealer license

1 from the department. It shall be unlawful for a kennel licensed
2 under this act to knowingly accept, receive, buy, barter or
3 exchange a dog with an unlicensed out-of-state dealer for
4 resale. A conviction for a violation of this section shall
5 result in a penalty as determined under section 903(c). Each
6 transaction for each dog shall constitute a separate violation.

7 (c) List of out-of-state dealers.--The department shall
8 annually provide to licensed kennels a list of licensed out-of-
9 state dealers. If a kennel wants to conduct business with an
10 out-of-state dealer not listed on the list, the kennel must
11 first obtain written approval from the department.

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

13 Section 210. Bills of sale.

14 All owners or operators of kennels described in section 206,
15 and all out-of-state dealers shall be required to have in their
16 possession a bill of sale for each dog purchased [or
17 transported], except for dogs delivered to the kennel licensee
18 for purposes of boarding or for dogs whelped at the kennel. Any
19 bill of sale or record which is fraudulent or indicates the
20 theft of any dog, shall be prima facie evidence for the
21 immediate revocation of license and imposition of fines and
22 penalties by the secretary. The bill of sale shall contain
23 information required by the secretary through regulations. For
24 each dog transferred by a manner other than sale by a kennel
25 described in section 206 or an out-of-state dealer, a record of
26 the transaction shall be kept. The bill of sale or record shall
27 include the current and valid kennel license number of the
28 kennel or out-of-state dealer that sold, exchanged, bartered,
29 gave away or transferred the dog and any other information
30 required by the secretary. The bill of sale or record shall be

1 kept for two years.

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

4 Section 211. Revocation[, suspension] or refusal of kennel
5 licenses.

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

17 (1) the person holding or applying for a license has
18 made a [material] misstatement or misrepresentation in the
19 license application;

20 (2) the person holding or applying for a license has
21 made a [material] misstatement or misrepresentation to the
22 department or its personnel regarding a matter relevant to
23 the license;

24 (3) the person holding or applying for a license has
25 [been convicted of any violation of] failed to comply with
26 this act;

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

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

1 been convicted of any law relating to cruelty to animals[.]
2 and the conviction is more than ten years old, if there is
3 evidence the person has not been rehabilitated and granting a
4 license would jeopardize the health, safety and welfare of
5 the dogs;

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

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

9 (i) ~~been convicted of a violation of~~ WITHIN THE LAST <—
10 TEN YEARS, BEEN FOUND TO HAVE VIOLATED section 9.3 of the
11 act of December 17, 1968 (P.L.1224, No.387), known as the
12 "Unfair Trade Practices and Consumer Protection Law,"

13 ~~which rises to the level of a misdemeanor or requires the~~ <—
14 ~~person~~ OR BEEN REQUIRED to cease and desist from <—
15 operating a kennel or owning, selling or caring for dogs,
16 or both; or

17 (ii) WITHIN THE LAST TEN YEARS, entered into an <—
18 agreement with the Office of Attorney General which
19 requires the person to cease and desist from operating a
20 kennel or owning, selling or caring for dogs, or both;

21 (8) the person holding or applying for a license has
22 received a final, binding order, which is not subject to a
23 pending legal challenge, declaring that the person's kennel
24 is not a permitted use under the applicable zoning ordinance;

25 (9) the person holding or applying for a license has
26 ACTED or is acting in concert with a person who has violated <—
27 the act of December 15, 1986 (P.L.1610, No.181), known as the
28 "Rabies Prevention and Control in Domestic Animals and
29 Wildlife Act;

30 (10) the person holding or applying has had a kennel

1 license refused or revoked within the past ten years; or

2 (11) the person holding or applying for a license has a
3 person who does or will play a role in the ownership of the
4 kennel or caring for the dogs, and such other person would be
5 refused a license if that person ~~has~~ HAD been the applicant. ←

6 A role shall include ownership of a financial interest in the
7 kennel operation, caring for the dogs or participation in the
8 management of the kennel.

9 (a.1) Factors to consider.--In determining whether to revoke
10 or refuse a kennel license or out-of-State dealer license for a
11 misstatement as set forth under subsection (a)(1) or (2), the
12 secretary shall consider the gravity of the misstatement. In
13 determining whether to revoke or refuse an existing kennel
14 license or an out-of-State dealer license for a failure to
15 comply with a provision of the act or regulations promulgated
16 under it as set forth under paragraph (3) or (4), the secretary
17 shall consider the following factors:

18 (1) The gravity of the violation.

19 (2) The number of current or past violations.

20 (3) The potential effect of the violation on the health
21 or welfare of a dog.

22 (4) Whether the kennel has been warned previously to
23 correct the violation.

24 (5) Whether the violation resulted in a criminal
25 conviction.

26 (6) The length of time that has elapsed between
27 violations.

28 (b) Notice of action.--

29 (1) The secretary shall provide written notice of a
30 kennel license or an out-of-state dealer license revocation,

1 suspension or refusal to the person whose license is revoked,
2 suspended or refused. The notice shall set forth the general
3 factual and legal basis for the action and shall advise the
4 affected person that within ten days of receipt of the notice
5 he may file with the secretary a written request for an
6 administrative hearing. The hearing shall be conducted in
7 accordance with 2 Pa.C.S. (relating to administrative law and
8 procedure).

9 (2) Written notice of revocation, suspension or refusal
10 shall be served by personal service or by registered or
11 certified mail, return receipt requested, to the person or to
12 a responsible employee of such person whose license is
13 revoked, suspended or refused. Revocation or [suspension
14 shall commence upon service of the written notice.

15 (c) Seizure and constructive seizure.--] refusal shall be
16 effective upon the expiration of the ten-day period for
17 requesting an administrative hearing, unless a timely request
18 for a hearing has been filed with the department.

19 (c) Administrative process.--

20 [(1)] Whenever the secretary revokes, suspends or
21 refuses a kennel license or an out-of-state dealer license,
22 the [department may seize and impound any dog in the
23 possession, custody or care of the person whose license is
24 revoked, suspended or refused if there are reasonable grounds
25 to believe that the dog's health, safety or welfare is
26 endangered. Reasonable costs of transportation, care and
27 feeding of a seized and impounded dog shall be paid by the
28 person from whom the dog was seized and impounded.

29 (2) (i) If the person whose kennel license or out-of-
30 state dealer license is revoked, suspended or refused and

1 whose dog has been seized and impounded provides the
2 secretary with satisfactory evidence or assurances that
3 the dog will receive adequate care and has paid all costs
4 of transportation, care and feeding related to the
5 seizure and impoundment of the dog, the person may
6 retrieve the seized and impounded dog.

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

15 (3) The secretary shall allow a dog to remain in the
16 physical possession, custody or care of the person whose
17 kennel license or out-of-state dealer license is revoked,
18 suspended or refused upon any one or more of the following
19 findings:

20 (i) if the secretary has no reasonable grounds to
21 believe that the health, safety or welfare of the dog is
22 endangered; or

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

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

29 (5) The secretary may direct that ownership of a
30 particular dog which is seized and impounded pursuant to

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

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.--No dog seized under this section shall be
22 sold or given freely for the purpose of vivisection or research
23 or be conveyed in any manner for these purposes or be conveyed
24 to a dealer.] following shall apply:

25 (1) The person whose license refusal or revocation has
26 become effective shall immediately cease and desist from
27 operating a kennel, including boarding, buying, exchanging,
28 selling, offering for sale, giving away or in any way
29 transferring dogs. The kennel owner shall divest himself of
30 all dogs over 25 dogs, unless directed otherwise by a

1 department or court order, within a reasonable time period as
2 determined by the department, but not to exceed ten days. The
3 department's notice of revocation or refusal shall set forth
4 the manner by which the kennel owner may divest himself of
5 the dogs. The person shall be subject to the conditions
6 established under paragraphs (3) through (9).

7 (2) The person whose license is refused or revoked and
8 who has timely filed a request for an administrative hearing,
9 and who would continue to require a kennel license under this
10 act, pending the exhaustion of all administrative appeals
11 shall be considered to be operating under suspension, will
12 receive notice from the department of the license being
13 suspended and shall, during the duration of all
14 administrative appeals, and thereafter if the department's
15 action is upheld, be subject to the conditions established
16 under paragraphs (3) through (9).

17 (3) The kennel may not acquire any additional dogs or
18 increase the number of dogs in the kennel by any means,
19 including breeding, except by birth of puppies from a mother
20 that at the time of refusal or revocation was all of the
21 following:

22 (i) On the property.

23 (ii) Pregnant.

24 (iii) Owned by the kennel or the kennel owner.

25 (4) The department shall be notified prior to the
26 euthanization of any dog. No dog may be euthanized unless it
27 is determined by a veterinarian that the euthanasia will
28 prevent the dog from suffering caused by a medical condition.
29 Where a veterinarian determines a dog should be euthanized, a
30 copy of the veterinarian's findings, signed by the

1 veterinarian, shall be provided to the department. The
2 provisions of this paragraph do not apply to an emergency
3 situation where it is deemed by the veterinarian that
4 immediate euthanasia is necessary to relieve the suffering of
5 the dog. Following the procedure, a copy of the
6 veterinarian's finding will be signed by the veterinarian and
7 provided to the department.

8 (5) The kennel shall reduce the number of dogs on the
9 premises to 25, or a lesser number as may be directed by the
10 department or court order, and in the manner and within the
11 time period set forth in the order of the department or the
12 court, not exceeding ten days after an order has become
13 effective or after the exhaustion of any administrative
14 appeal where the department's action is upheld.

15 (6) The kennel shall permit State dog wardens to inspect
16 the kennel without a warrant in order to determine compliance
17 with the department's order, any relevant court order and any
18 provision of this act.

19 (7) If there are more dogs than specified in paragraph
20 (5) on the premises after the expiration of the time period
21 set forth in paragraph (5), the kennel may select the number
22 of dogs allowed under paragraph (5) to be kept on the
23 premises. The remainder shall be forfeited to the entity set
24 forth in the department or court order or to an entity
25 approved by the department without compensation to the owner.

26 (8) Failure to take actions or to meet the conditions
27 imposed under this subsection, in addition to any other
28 penalties allowed under this act, may result in imposition by
29 the department of a penalty of not less than \$100 nor more
30 than \$500 per day for each violation. Each dog in excess of

1 25 dogs, or a lesser amount if set forth in the department or
2 court order, shall count as one violation.

3 (9) Any violation of this subsection shall constitute a
4 misdemeanor of the third degree.

5 (d) Seizure of dogs.--

6 (1) After service of an order under subsection (c)(1) or
7 section 207(a.3) or during the duration of an administrative
8 appeal under subsection (c)(2) or section 207(a.3)(2), the
9 department may order the seizure of any dog from that kennel
10 if the department determines, based on the conditions found
11 at that kennel, there are reasonable grounds to believe the
12 dog's health, safety or welfare is endangered because of
13 neglect of duty of care, deprivation of necessary sustenance,
14 water, shelter or veterinary care or access to clean and
15 sanitary shelter which will protect the animal against
16 inclement weather and preserve the animal's body heat and
17 keep it dry or other conditions which a veterinarian
18 determines pose a serious health risk to the dog. The seizure
19 may occur immediately upon notice, whether personal or
20 otherwise, and shall be followed by service of the order.

21 (2) The order of seizure shall set forth the general
22 factual and legal basis for the action taken and shall advise
23 the kennel owner that within ten days of receipt the kennel
24 owner may file with the secretary a written request for an
25 administrative hearing subject to bonding requirements of
26 this section. The order shall be served by personal service
27 or by registered or certified mail, return receipt requested,
28 to the kennel owner affected or to a responsible employee of
29 such kennel owner. The department order shall become final
30 upon the expiration of the ten-day period for requesting an

1 administrative hearing, unless a timely request for a hearing
2 has been filed with the secretary.

3 (3) The written request for a hearing must be filed by
4 the affected kennel owner with the secretary within ten days
5 of receipt of the order of seizure, or such order shall
6 become final. The request for a hearing shall set forth the
7 factual and legal grounds upon which the request is based. A
8 hearing on the matter shall be held in accordance with 2
9 Pa.C.S. (relating to administrative law and procedure). The
10 issue on appeal shall be limited to whether the department
11 order was justified under paragraph (1).

12 (4) If the department's order has become final or after
13 the exhaustion of any administrative appeals, in cases where
14 the department's action is upheld, the dogs seized under the
15 order shall be forfeited to the entity set forth in the
16 department's order or to an entity approved by the department
17 without compensation to the owner.

18 (e) Bonding requirements.--The following shall apply to
19 bonding requirements:

20 (1) If dogs are seized from a kennel under this act and
21 an administrative appeal is filed, the owner of the licensed
22 or unlicensed kennel shall post a surety bond within ten days
23 of the filing of the appeal in the amount determined by the
24 department applying the criteria set forth in paragraph (2).

25 (2) The amount of the surety bond shall be based on the
26 number of dogs seized and shall be equal to the estimated
27 cost of transportation, care and feeding, pursuant to removal
28 and impoundment, for a period of 31 days. The surety bond
29 shall be payable to the Commonwealth of Pennsylvania,
30 Department of Agriculture, Bureau of Dog Law Enforcement. The

1 department shall remit such funds to the entity holding the
2 dogs.

3 (3) If after appeal the dogs are placed under the care
4 of the owner from which they were seized, the department
5 shall reimburse the owner for the reasonable costs of the
6 bond incurred under this subsection.

7 (f) Prohibitions.--No dog removed under this section may be:

8 (1) sold or given freely for the purpose of vivisection,
9 auction or research;

10 (2) conveyed in any manner for purposes of vivisection,
11 auction or research;

12 (3) conveyed to a dealer;

13 (4) sold to pay the costs of their transportation, care
14 and feeding under this section before the issuance of a final
15 order and the exhaustion of all appeals; or

16 (5) spayed or neutered before the issuance of a final
17 order and the exhaustion of all appeals.

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

19 Section 213. Transportation of dogs.

20 It shall be unlawful for any dog required to be licensed as
21 hereinbefore provided, to be transported for any purpose without
22 a current license tag firmly attached to a collar or harness
23 securely fastened to the dog except when a dog is being
24 transported for law enforcement [or], to receive veterinary care
25 pursuant to an order of the secretary for humane purposes[.] or
26 by the owner to or from a hunt, show, performance event, field
27 trial or commonly accepted training practice involving hunting
28 dogs and dogs that participate in such events. All vehicles
29 being used to transport dogs are subject to inspection and must
30 meet requirements for such transportation through regulations as

1 promulgated by the secretary.

2 Section 9. Sections 214, 218 and 219 of the act, amended or
3 added December 11, 1996 (P.L.943, No.151), are amended to read:
4 Section 214. Health certificates for importation.

5 It shall be [unlawful] a violation of this act to transport
6 any dog into this Commonwealth except under the provisions in
7 section 212 without a certificate of health prepared by a
8 licensed doctor of veterinary medicine, which certificate, or
9 copy of such, shall accompany [such] the dog while in this
10 Commonwealth. [Such] The certificate shall state that the dog is
11 at least [seven] eight weeks of age and shows no signs or
12 symptoms of infectious or communicable disease; did not
13 originate within an area under quarantine for rabies; and, as
14 ascertained by reasonable investigation, has not been exposed to
15 rabies within 100 days of importation. All dogs must have been
16 vaccinated for rabies in accordance with the act of December 15,
17 1986 (P.L.1610, No.181), known as the "Rabies Prevention and
18 Control in Domestic Animals and Wildlife Act." The name of the
19 vaccine manufacturer, the date of administration, and the rabies
20 tag number must appear on health certificates prepared by a
21 licensed doctor of veterinary medicine.

22 Section 218. Inspections [of premises and dogs].

23 (a) Premises and dogs.--State dog wardens and other
24 employees of the department are hereby authorized to inspect all
25 licensed kennels [and], all dogs within the Commonwealth and all
26 unlicensed establishments which are operating as a kennel as
27 defined by section 206. For purposes of inspection, a State dog
28 warden and other full-time employees of the department shall be
29 authorized to enforce the provisions of this act and regulations
30 promulgated by the department [pursuant to] under this act.

1 State dog wardens and employees of the department shall inspect
2 all licensed kennels within the Commonwealth at least [once]
3 twice per calendar year to enforce the provisions of this act
4 and regulations promulgated by the department under this act.
5 State dog wardens and only regular, full-time employees of the
6 department shall be authorized to enter upon the premises of
7 approved medical, dental or veterinary schools, hospitals,
8 clinics or other medical or scientific institutions,
9 organizations or persons where research is being conducted or
10 where pharmaceuticals, drugs or biologicals are being produced.
11 [Research facilities in the Commonwealth that are currently
12 under Federal Government inspection shall be exempt from State
13 inspection if they have undergone no less than one Federal
14 Government inspection within the past 12 months. Submission of
15 such evidence of Federal inspection by documentation to the
16 department may be established by regulation subject to
17 legislative review.] It shall be unlawful for any person to
18 refuse admittance to such State dog wardens and employees of the
19 department for the purpose of making inspections and enforcing
20 the provisions of this act.

21 (b) Records.--State dog wardens and other employees of the
22 department shall be authorized to inspect the records required
23 under this act of all licensed and unlicensed kennels.

24 (c) Search warrant.--State dog wardens and other employees
25 of the department may apply for a search warrant to any court of
26 competent jurisdiction authorized to issue a search warrant for
27 the purposes of inspecting or examining any kennel, property,
28 building, premise, place, dog, book, record or other physical
29 evidence or for the purpose of removing any dog under section
30 207 or 211. The warrant shall be issued upon probable cause. It

1 shall be sufficient probable cause to show any of the following:

2 (1) The inspection, examination or seizure is necessary
3 to determine compliance with this act. This paragraph shall
4 not apply to private kennels.

5 (2) The State dog warden or employee of the department
6 has reason to believe that a violation of this act or the
7 regulations promulgated under the authority of this act has
8 occurred.

9 (d) Results of inspection.--Only employees of the department
10 who have received the training required under section 901(b) may
11 issue reports of the inspection.

12 Section 219. Additional duties of the department.

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

29 (b) Analysis of plan; report.--By no later than June 30,
30 1998, and annually thereafter, the department shall submit to

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

7 Section 10. The act is amended by adding a section to read:

8 Section 220. Refusal of entry.

9 (a) Violation.--It shall be a violation of this act if a
10 kennel refuses entry to an agent of the Commonwealth acting to
11 enforce this act. The term "refusal of entry" shall include any
12 of the following:

13 (1) Preventing an agent from entering ~~an~~ THE ←
14 establishment.

15 (2) Preventing an agent from inspecting a dog.

16 (3) Hiding a dog from an agent.

17 (4) An act or omission that prevents an agent from
18 gaining entry to the establishment.

19 (b) Order of inspection.--When a State dog warden or
20 employee of the department attempts a kennel inspection in a
21 building and no person is present to grant him access, a State
22 dog warden or employee of the department may post an order on an
23 entrance to the building demanding access to the building within
24 36 hours. Failure to permit an inspection within the 36-hour
25 time period indicated in the order that was posted shall be a
26 violation of this act and shall constitute a refusal of entry
27 for purposes of subsection (a), unless there are no dogs at the
28 kennel.

29 (c) Affirmative defense.--It shall be an affirmative defense
30 to subsection (b) that there were no dogs in the kennel at the

1 time the order was posted.

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

4 ARTICLE III

5 QUARANTINES, DOGS AT LARGE, CONFINEMENT

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

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

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

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

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

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

1 remaining unclaimed after 48 hours may be humanely killed or
2 given to a humane society or association for the prevention of
3 cruelty to animals. No dog so caught and detained shall be sold
4 for the purpose of vivisection, or research, or be conveyed in
5 any manner for these purposes.

6 Section 13. Section 305 of the act is amended to 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, performance events or
18 field training.

19 (b) Housing.--It shall be unlawful for the owner or keeper
20 of a dog to house the dog for any period of time in a drum,
21 barrel, refrigerator or freezer regardless of the material of
22 which the drum, barrel, refrigerator or freezer is constructed.

23 Section 14. Sections 502 and 502-A of the act, amended
24 December 11, 1996 (P.L.943, No.151), are amended to read:

25 Section 502. Dog bites; detention and isolation of dogs.

26 (a) Confinement.--Any dog which bites or attacks a human
27 being shall be confined in quarters approved by a designated
28 employee of the Department of Health, a State dog warden or
29 employee of the Department of Agriculture, an animal control
30 officer or a police officer. [Such] The dog may be detained and

1 isolated in an approved kennel or at the dog owner's property or
2 to another location approved by the investigating officer. Where
3 [such] the dog is detained is at the discretion of the
4 investigating officer. All dogs so detained must be isolated for
5 a minimum of ten days. Any costs incurred in the detaining and
6 isolation of [such] the dog shall be paid by the offending dog's
7 owner or keeper or both. [When] If the dog's owner or keeper is
8 not known, the Commonwealth is responsible for all reasonable
9 costs for holding and detaining [such] the dog.

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

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

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

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

27 (c) Exception.--When a dog that bites or attacks a human
28 being is a service dog or a police work dog in the performance
29 of duties, [said] the dog need not be confined if it is under
30 the active supervision of a licensed doctor of veterinary

1 medicine.

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

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

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

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

19 (ii) Killed or inflicted severe injury on a domestic
20 animal, dog or cat without provocation while off the
21 owner's property.

22 (iii) Attacked a human being without provocation.

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

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

25 (i) A history of attacking human beings and/or
26 domestic animals, dogs or cats without provocation.

27 (ii) A propensity to attack human beings and/or
28 domestic animals, dogs or cats without provocation. A
29 propensity to attack may be proven by a single incident
30 of the conduct described in paragraph (1)(i), (ii), (iii)

1 or (iv).

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

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

<—

<—

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

<—

<—

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

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

1 transfer the dog in any manner except to [be] have it humanely
2 killed or move the dog to a licensed kennel if approved by the
3 investigating officer. A violation of this subsection shall
4 constitute a summary offense accompanied by a fine of not less
5 than [\$200] \$500.

6 Section 15. Sections 503-A and 504-A of the act, added May
7 31, 1990 (P.L.213, No.46), are amended to read:

8 Section 503-A. Requirements.

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

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

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

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

1 as additional insured for the sole purpose of being
2 notified by the insurance company of cancellation,
3 termination or expiration of the liability insurance
4 policy.]

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

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

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

25 (2) Pay court-ordered restitution to a victim of a
26 dangerous dog.

27 (3) Permanently identify the dangerous dog by having a
28 microchip implanted in the dangerous dog. The microchip shall
29 be implanted by a properly licensed doctor of veterinary
30 medicine and the costs shall be borne by the owner or keeper

1 of the dangerous dog. The owner or keeper of the dangerous
2 dog and the veterinarian implanting the microchip shall sign
3 a form, developed by the department, verifying the dangerous
4 dog has had a microchip implanted and setting forth the
5 microchip number.

6 (4) Have the dangerous dog spayed or neutered. The
7 spaying or neutering shall be done by a properly licensed
8 doctor of veterinary medicine and the costs shall be borne by
9 the owner or keeper of the dangerous dog. The owner or keeper
10 of the dangerous dog and the veterinarian performing the
11 spaying or neutering shall sign a form, developed by the
12 department, verifying the dangerous dog has been spayed or
13 neutered.

14 (5) Obtain:

15 (i) a surety bond in the amount of \$50,000 issued by
16 an insurer authorized to do business within this
17 Commonwealth, payable to any person injured by the
18 dangerous dog; or

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

29 (b) [Fee] Registration fee.--The registration fee for a
30 dangerous dog certificate shall be [\$25 or such] \$500 per

1 calendar year for the life of the dog plus an additional amount
2 set by the department as may be necessary to cover the costs of
3 issuing this registration and enforcing this section. This
4 registration fee shall be in addition to any other fees
5 collectable under this act and shall be credited to the Dog Law
6 Restricted Account for the purpose of administering and
7 enforcing this act.

8 (c) Uniform identifiable symbol.--The department shall have
9 the authority to establish a uniform identifiable symbol for
10 visual recognition of dangerous dogs. [The "Ugh Dog" symbol
11 developed by Animal-Vues may be adopted as the standard symbol
12 to identify dangerous dogs.]

13 (d) Other requirements.--The owner or keeper of a dangerous
14 dog shall [sign a statement attesting that]:

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

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

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

1 Section 504-A. Control of dangerous dogs.

2 It is unlawful for an owner or keeper of a dangerous dog to
3 permit the dog to be outside the proper enclosure unless the dog
4 is muzzled and restrained by a substantial chain or leash and
5 under physical restraint of a responsible person. The muzzle
6 shall be made in a manner that will not cause injury to the dog
7 or interfere with its vision or respiration but shall prevent it
8 from biting any person or animal or from destroying property
9 with its teeth.

10 Section 16. Section 505-A of the act, amended December 11,
11 1996 (P.L.943, No.151), is amended to read:

12 Section 505-A. Public safety and penalties.

13 (a) Failure to register and restrain.--[A dangerous dog
14 shall be immediately confiscated by a State dog warden or a
15 police officer upon the occurrence of any of the following:] The
16 owner or keeper of a dangerous dog who violates any of the
17 following provisions on the first occurrence commits a
18 misdemeanor of the third degree if:

19 (1) The DANGEROUS dog is not validly registered under <—
20 this act.

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

25 (3) The dangerous dog is not maintained in the proper
26 enclosure.

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

30 (5) THE DOG IS OUTSIDE THE DWELLING OF THE OWNER WITHOUT <—

1 A MUZZLE REGARDLESS OF WHETHER THE DOG IS PHYSICALLY
2 RESTRAINED BY A LEASH.

3 (6) THE DOG IS OUTSIDE THE DWELLING OF THE OWNER OR A
4 PROPER ENCLOSURE WITHOUT A MUZZLE AND UNSUPERVISED REGARDLESS
5 OF WHETHER THE DOG IS PHYSICALLY RESTRAINED BY A LEASH.

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

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

23 (a.2) Utilization of fines.--All fines collected under this
24 section shall be deposited into the Dog Law Restricted Account
25 and may be utilized to pay the expenses of the department in
26 administering its duties under this act.

27 (a.3) Collection.--In cases of inability to collect the fine
28 assessed or failure of any person to pay all or a portion of the
29 fine, the secretary may refer the matter to the Office of
30 Attorney General, which shall institute an action in the

1 appropriate court to recover the fine.

2 (b) Attacks by dangerous dog.--If a dangerous dog, through
3 the intentional, reckless or negligent conduct of the dog's
4 owner or keeper, attacks a person or a domestic animal, the
5 dog's owner [is] or keeper shall be guilty of a misdemeanor of
6 the second degree. In addition, the dangerous dog shall be
7 immediately [confiscated, placed in quarantine for the proper
8 length of time and thereafter humanely killed in an expeditious
9 manner, with costs of quarantine and destruction to be borne by
10 the dog's owner.] seized by a dog warden or a police officer and
11 placed in quarantine for a length of time to be determined by
12 the department. After a period of ten days, if no appeal has
13 been filed by the owner or keeper of the dangerous dog and after
14 the quarantine period has expired, the dangerous dog shall be
15 humanely destroyed in an expeditious manner, with costs of
16 kenneling, quarantine and destruction to be borne by the dog's
17 owner or keeper. If an appeal is filed, the dangerous dog shall
18 remain confined at the owner's or keeper's expense until the
19 proceedings are completed and if found guilty of the cited
20 offense, the dangerous dog shall thereafter be humanely
21 destroyed in an expeditious manner, with costs of kenneling,
22 quarantine and destruction to be borne by the dog's owner or
23 keeper.

24 (c) Attacks causing severe injury or death.--The owner or
25 keeper of any dog that, through the intentional, reckless or
26 negligent conduct of the dog's owner or keeper, aggressively
27 attacks and causes severe injury or death of any human shall be
28 guilty of a misdemeanor of the first degree. In addition, the
29 dog shall be immediately confiscated by a State dog warden or a
30 police officer[, placed in quarantine for the proper length of

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

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

24 (e) Mandatory reporting.--

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

29 (2) A State dog warden or police officer who has
30 knowledge of a dog which has attacked a person shall file a

1 written report summarizing the circumstances of the attack
2 with the police in the municipality where the owner of the
3 dog resides or if the attack occurred outside the owner's
4 municipality of residence, with the police having
5 jurisdiction in the municipality where the attack occurred.
6 The report shall be available for public inspection.

7 Section 16.1. Section 507-A(f) of the act, added May 31,
8 1990 (P.L.213, No.46), is amended to read:

9 Section 507-A. Construction of article.

10 * * *

11 (f) Procedure in certain cities.--In cities of the first
12 class, second class and second class A, the following procedure
13 shall apply:

14 (1) A person who has been attacked by a dog, or anyone
15 on behalf of such person, or a person whose domestic animal,
16 dog or cat has been killed or injured without provocation
17 while the attacking dog was off the owner's property or a
18 police officer or an animal control officer employed by or
19 under contract with the city may make a complaint before a
20 [district justice] MAGISTERIAL DISTRICT JUDGE, charging the <—
21 owner or keeper of such a dog with harboring a dangerous dog.
22 The [district justice] MAGISTERIAL DISTRICT JUDGE shall make <—
23 a report of the determination under section 502-A(a) to the
24 police or an animal control officer employed by or under
25 contract with the city and to the Bureau of Dog Law
26 Enforcement. The Bureau of Dog Law Enforcement shall give
27 notice of this determination to the respective city
28 treasurer.

29 * * *

30 Section 16.2. Sections 602, 603, 706, 802 and 901 of the

1 act, amended or added December 11, 1996 (P.L.943, No.151), are
2 amended to read:

3 Section 602. Dogs used for law enforcement.

4 (a) Illegal to taunt law enforcement dogs.--It shall be
5 unlawful for any person to willfully and maliciously taunt,
6 torment, tease, beat, kick or strike any dog, including any
7 search and rescue or [accelerant] detection dogs, used by any
8 municipal, county or State police or sheriff's department or
9 agency, fire department or agency or handler under the
10 supervision of such department or agency, in the performance of
11 the functions or duties of such department or agency or to
12 commit any of the stated acts in the course of interfering with
13 any such dog used by the department or agency or any member or
14 supervised handler thereof in the performance of the functions
15 or duties of the department or agency or of such officer or
16 member or supervised handler. Any person who violates any of the
17 provisions of this subsection commits a felony of the third
18 degree.

19 (b) Illegal to torture certain dogs.--It shall be unlawful
20 for any person to willfully or maliciously torture, mutilate,
21 injure, disable, poison or kill any dog, including any search
22 and rescue or [accelerant] detection dog, used by any municipal,
23 county or State police or sheriff's department or agency, fire
24 department or agency or handler under the supervision of such
25 department or agency, in the performance of the functions or
26 duties of the department or agency or to commit any of the
27 stated acts in the course of interfering with any such dog used
28 by the department or agency or any member or supervised handler
29 thereof in the performance of any of the functions or duties of
30 the department or agency or of such officer or member or

1 supervised handler. Any person who violates any of the
2 provisions of this subsection commits a felony of the third
3 degree.

4 (c) Illegal to deny facilities or service due to [police] ←
5 dog use.--It shall be unlawful for the proprietor, manager or
6 employee of a theater, hotel, motel, restaurant or other place
7 of entertainment, amusement or accommodation to refuse, withhold
8 from or deny to any person, due to the use of a working police
9 dog, DETECTION DOG OR SEARCH AND RESCUE DOG used by any State or ←
10 county or municipal police or sheriff's department or agency,
11 FIRE DEPARTMENT, SEARCH AND RESCUE UNIT OR AGENCY OR HANDLER ←
12 UNDER THE SUPERVISION OF THOSE DEPARTMENTS, either directly or
13 indirectly, any of the accommodations, advantages, facilities or
14 privileges of the theater, hotel, motel, restaurant or other
15 place of public entertainment, amusement or accommodation. Any
16 person who violates any of the provisions of this subsection
17 commits a misdemeanor of the third degree.

18 (d) Quarantine of certain dogs not required.--Quarantine of
19 dogs as required by law shall not apply to dogs owned by any
20 municipal or State police department or agency when such dogs
21 are under the direct supervision and care of a police officer
22 and subject to routine veterinary care.

23 Section 603. Selling, bartering or trading dogs.

24 (a) Illegal transfers.--It shall be unlawful to offer a dog
25 as an inducement to purchase a product, commodity or service.
26 The sale of a dog by a licensed kennel shall not be considered
27 to be an inducement.

28 (b) Illegal to transfer ownership of certain puppies.--It
29 shall be unlawful to barter, trade, raffle, sell, auction or in
30 any way transfer ownership of a dog under [seven] eight weeks of

1 age, unless the dog has been orphaned and it becomes necessary
2 to transfer ownership of the orphaned dog to a nonprofit kennel,
3 or from a nonprofit kennel with approval by a licensed doctor of
4 veterinary medicine.

5 (c) Illegal for certain persons to transfer dogs.--It shall
6 be unlawful for any person to buy, sell, offer to sell,
7 transfer, barter, trade, raffle, auction or rent a dog at any
8 public place in this Commonwealth other than a kennel licensed
9 pursuant to this act, or a dog show, PERFORMANCE EVENT or field ←
10 trial sponsored by a recognized breed or kennel association or
11 transfer by a rescue network kennel within its own network or to
12 another rescue network kennel. If a purchase, sale, transfer,
13 barter, trade, raffle, auction or rental of a dog occurs at or
14 on the premises of a kennel, the transaction shall be unlawful
15 unless one of the parties to the transaction is an employee,
16 volunteer or other person acting as an authorized representative
17 of the kennel.

18 Section 706. Damages caused by coyotes; complaints; liability.

19 (a) Reimbursement.--A person may make application to the
20 department for reimbursement for damage to a domestic animal by
21 a coyote, whether or not the domestic animal is directly damaged
22 by the coyote or is necessarily destroyed due to damage caused
23 by the coyote, if the damage occurs when the domestic animal is
24 confined in a field or other enclosure adequate for confinement
25 of such animal.

26 (b) Complaint.--To receive reimbursement under subsection
27 (a), a person must file a written, signed complaint with the
28 department. The complaint must state all of the following:

- 29 (1) The time, place and manner of the damage.
30 (2) The number and type of domestic animal damaged.

1 (3) The amount of the damage. The amount under this
2 paragraph is limited to \$10,000 for each domestic animal.

3 (c) Limitation.--A written complaint under subsection (b)
4 must be filed within five business days of discovery of the
5 damage.

6 (d) Investigation.--Within 48 hours of receipt of a
7 complaint under subsection (b), a State dog warden shall
8 investigate the complaint by examining the site of the
9 occurrence. The State dog warden may examine witnesses under
10 oath or affirmation.

11 (e) Determination.--

12 (1) Within ten business days after the initiation of the
13 investigation under subsection (d), the State dog warden
14 shall issue one of the following determinations:

15 (i) A dismissal of the complaint.

16 (ii) A damage award. The amount under this
17 subparagraph is limited to \$10,000 for each domestic
18 animal, and the award shall not exceed 90% of the
19 appraised value of the domestic animal.

20 (2) Failure to act within the time period under
21 paragraph (1) shall be deemed a damage award in the amount
22 claimed in the complaint under subsection (b)(3).

23 (f) Arbitration.--

←

24 (1) If the complainant does not agree to the damage
25 award under subsection (e)(1)(ii), the complainant and the
26 State dog warden shall appoint a disinterested, qualified
27 citizen to act as arbitrator.

28 (2) The arbitrator shall determine the damage award. The
29 amount under this paragraph is limited to \$10,000 for each
30 domestic animal.

1 (3) The arbitrator shall receive appropriate
2 compensation paid by the complainant. ~~disallowed.~~ ←
3 ~~Arbitration shall not be permitted under this section or~~
4 ~~section 701.1(f).~~

5 (g) Administrative appeal.--

6 (1) A complainant may appeal to the department a
7 determination under subsection (e)(1)(i) [or (f)(2)].

8 (2) The appeal must be filed within 30 days of issuance
9 of the determination.

10 (3) Within 30 days of filing under paragraph (2), the
11 department must issue one of the following adjudications:

12 (i) Affirming the original determination.

13 (ii) Modifying the original determination.

14 (4) Failure to act within the time period under
15 paragraph (3) shall be deemed a modification of the original
16 determination to grant an award in the amount claimed in the
17 complaint under subsection (b)(3).

18 (5) This subsection is subject to 2 Pa.C.S Ch. 5 Subch.
19 A (relating to practice and procedure of Commonwealth
20 agencies).

21 (h) Judicial review.--A complainant may appeal to
22 Commonwealth Court an adjudication under subsection (g)(3). This
23 subsection is subject to 2 Pa.C.S. Ch. 7 Subch. A (relating to
24 judicial review of Commonwealth agency action).

25 (i) Payment of claims.--

26 (1) All damage claims shall be paid from the Dog Law
27 Restricted Account. No payment shall be made for any claim
28 which has already been paid by the claimant's insurance
29 carrier. The claimant shall certify to the department that he
30 has not received payment for any damages under this section

1 by any person. Claims paid under this section shall not
2 exceed [\$20,000] ~~\$50,000~~ \$75,000 annually. ←

3 (2) If in any given year damage claims exceed the
4 allocation for this subsection, those claims left unpaid at
5 the end of the fiscal year shall be paid from the account
6 first during the following year.

7 (j) Rules and regulations.--The secretary shall promulgate
8 rules and regulations to enforce the provisions of this section.
9 Section 802. Burdens of proof.

10 (a) Licensing.--In any proceeding under this act, the burden
11 of proof of the fact that a dog has been licensed, or has been
12 imported for breeding, trial, hunting, performance event or show
13 purposes, or that a dog is under the required licensed age of
14 three months as hereinbefore provided, shall be on the owner of
15 such dog. Any dog not bearing a license tag shall prima facie be
16 deemed to be unlicensed except as provided under this act. It is
17 unlawful for any person dealing in and with dogs, to use a false
18 or fictitious name unless such name is registered with the
19 Commonwealth.

20 (b) Age and name.--In a proceeding under this act, the
21 burden of proof of the age of a dog shall be on the owner of the
22 dog. It shall be unlawful for a person dealing in and with dogs
23 to use a false or fictitious name unless the name is registered
24 with the Commonwealth.

25 Section 901. Enforcement of this act by the secretary;
26 provisions for inspections.

27 (a) General rule.--The secretary, through State dog wardens,
28 employees of the department and police officers, shall be
29 charged with the general enforcement of this law. The secretary
30 may employ all proper means for the enforcement of this act

1 ~~[and], including issuing notices and orders, assessing criminal~~ <—
2 ~~and injunctive penalties, assessing civil penalties and entering~~
3 REFERRING VIOLATIONS FOR CRIMINAL PROSECUTION, SEEKING <—
4 INJUNCTIVE RELIEF, IMPOSING CIVIL PENALTIES AND ENTERING into
5 consent agreements. The secretary may enter into agreements
6 pursuant to section 1002, which shall be filed with the
7 department, for the purpose of dog control. State dog wardens
8 and employees of the department are hereby authorized to enter
9 upon the premises of any [persons] person for the purpose of
10 investigation. A dog warden or employee of the department may
11 enter into a home or other building only with the permission of
12 the occupant or with a duly issued search warrant.

13 (b) Training for dog wardens.--The secretary shall establish
14 training requirements for dog wardens and other employees of the
15 department charged with the enforcement of this act which shall
16 include dog handling [and], cruelty, humane capture, preliminary
17 recognition of dog pathology, knowledge of proper dog
18 sanitation, kennel inspection procedures and shelter and dog law
19 enforcement.

20 (b.1) Training requirements.--The department shall establish
21 a program for initial training of dog wardens and employees of
22 the department which must include, at a minimum, a total of [56]
23 64 hours of instruction, in accordance with [paragraphs (1), (2)
24 and (3).] this subsection. The following shall apply:

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

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

29 (ii) Care and treatment of dogs, including breed and
30 use variability.

1 (iii) Pennsylvania criminal law and criminal
2 procedure.

3 (2) At least [24] 32 hours of instruction in the initial
4 training program must be provided in the following group of
5 instructional areas:

6 (i) Dog handling and humane capture.

7 (ii) Preliminary recognition of dog pathology.

8 (iii) Proper dog sanitation and shelter.

9 (iv) Kennel inspection procedures.

10 (v) Biosecurity risks, techniques and protocol.

11 (3) The initial training program must also require an
12 individual, as a prerequisite to successful completion of the
13 training program, to take and pass a final examination that
14 sufficiently measures the individual's knowledge and
15 understanding of the instructional material.

16 (4) Training shall be conducted in accordance with 22
17 Pa.C.S. Ch. 37 (relating to humane society police officers).

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

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

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

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

30 (4) Any other firearms program which has been determined

1 by the Commissioner of the Pennsylvania State Police to be of
2 sufficient scope and duration to provide the participant with
3 basic training in the use and handling of firearms. The
4 department may provide for such firearms training for dog
5 wardens.†

←

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

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

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

29 (b.4) Refusal, suspension or revocation authorized.--The
30 department may refuse to employ a person to act as a dog warden

1 or may suspend or revoke the employment of a person who is
2 acting as a dog warden if the department determines that the
3 person has:

4 (1) Failed to satisfy the training requirements of
5 subsection (b.1).

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

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

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

16 (1) Made a false or misleading statement in the
17 application for employment.

18 (2) Carried or possessed a firearm in the performance of
19 his or her duties {without certification pursuant to <—
20 subsection (b.2)}â <—

21 (3) Engaged in conduct which constitutes a prima facie
22 violation of 18 Pa.C.S. [§ 5301] §§ 5301 and 5511 (relating
23 to cruelty to animals).

24 (4) Knowingly failed to enforce any of the provisions of
25 this act.

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

27 (b.6) Training available to others.--The department may
28 provide training under subsections (b.1) and (b.2) to any person
29 not employed by the department and may charge a reasonable fee
30 to cover the costs incurred for providing this service. Training

1 for any person not employed by the department need not include
2 instruction in kennel inspection procedures.

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

8 (1) The secretary or his designee, who shall act as
9 chairman.

10 (2) A representative of animal research establishments.

11 (3) A representative of a Statewide veterinary medical
12 association.

13 (4) Two representatives of animal welfare organizations.

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

16 (6) A representative of dog clubs.

17 (7) A representative of commercial kennels.

18 (8) A representative of pet store kennels.

19 (9) A representative of sportsmen.

20 (10) A representative of a national purebred canine
21 pedigree registry.

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

23 (12) A county treasurer.

24 (13) A representative of hunting-sporting dog
25 organizations.

26 (14) A representative of the police.

27 (15) A REPRESENTATIVE OF BOARDING KENNELS. <—

28 ~~(15) Eight~~ (16) SEVEN members representing the general <—
29 public who are recommended by the Governor.

30 (d) Terms.--The length of the initial term of each

1 appointment to the board shall be set by the secretary and shall
2 be staggered so that the terms of approximately one-third of the
3 appointments expire each year.

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

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

14 (g) Recommendations.--The board may make nonbinding
15 recommendations to the secretary on all matters related to the
16 provisions of this act.

17 Section 17. Section 903 of the act, amended December 11,
18 1996 (P.L.943, No.151), is amended to read:

19 Section 903. [Violations.

20 Unless heretofore provided, any person found in violation of
21 any provision of Article II through Article VIII of this act
22 shall be guilty of a summary offense for the first violation and
23 for a second and subsequent violation which occurs within one
24 year of sentencing for the first violation shall be guilty of a
25 misdemeanor of the third degree.] Enforcement and penalties.

26 (a) Civil penalty.--

27 (1) Where the ~~Bureau of Dog Law Enforcement~~ DEPARTMENT <—
28 finds that the first violation of a provision of this act or
29 a rule or regulation adopted under this act by a licensee <—
30 KENNEL OWNER OR OPERATOR has occurred, it will, for the <—

1 violations found during that inspection, issue a Notice of
2 Violation (NOV) to the kennel owner OR OPERATOR in lieu of ←
3 assessing a civil penalty. Where the kennel owner or operator
4 takes action in the time period provided in the NOV to
5 correct the violation set forth in the NOV and come into
6 compliance, no civil penalty shall be issued for a violation
7 which is corrected. The time period to come into compliance
8 shall be based on the time reasonably necessary to correct
9 the violation.

10 (2) (i) ~~The Bureau of Dog Law Enforcement~~ DEPARTMENT ←
11 may assess a civil penalty of not less than \$100 nor more
12 than \$1,000 per day for each offense where the kennel
13 owner OR OPERATOR: ←

14 (A) has not taken the remedial measures required
15 by and necessary to comply with the NOV issued under
16 paragraph (1); or

17 (B) where the kennel owner OR OPERATOR has ←
18 already been issued one NOV in any calendar year and
19 the department finds a subsequent violation of this
20 act or a rule or regulation adopted under this act.

21 (ii) In determining the amount of the penalty, the
22 department shall set forth in writing the basis for the
23 amount of the penalty, detailing its evaluation of the
24 impact of the following factors:

25 (A) The gravity of the violation.

26 (B) The potential harm to the public.

27 (C) The potential effect on the dog or dogs.

28 (D) The willfulness of the violation.

29 (E) Previous violations.

30 (F) The economic benefit to the ~~violator~~ PERSON ←

1 for failing to comply with this act or rules or
2 regulations adopted under this act.

3 (iii) The department shall provide written notice of
4 the penalty amount as well as the general factual and
5 legal basis for the penalty, and shall advise the
6 affected person that within ten days of receipt of the
7 notice he may file with the secretary a written request
8 for an administrative hearing. Unless a timely request
9 has been filed, the written notice shall become final.

10 (3) In cases of inability to collect the civil penalty
11 or failure of any person to pay all or a portion of the
12 penalty, the ~~Bureau of Dog Law Enforcement~~ DEPARTMENT may ←
13 refer the matter to the Office of General Counsel or the
14 Office of Attorney General, which shall institute an action
15 in the appropriate court to recover the penalty.

16 (b) Criminal penalties.--Unless otherwise provided under
17 this act, a person who violates a provision of Articles II
18 through VII or a rule or regulation adopted or order issued
19 under this act commits the following:

20 (1) For the first offense, a summary offense and shall,
21 upon conviction, be sentenced for each offense to pay a fine
22 of not less than \$100 nor more than \$500 or to imprisonment
23 for not more than 90 days, or both.

24 (2) For a subsequent offense that occurs within one year
25 of sentencing for the prior violation, a misdemeanor of the
26 third degree and shall, upon conviction, be sentenced for
27 each offense to pay a fine of not less than \$500 nor more
28 than \$1,000 plus costs of prosecution or to imprisonment of
29 not more than one year, or both.

30 (3) Upon conviction for an offense, as set forth in

1 paragraphs (1) and (2), and solely for the purpose of
2 determining the amount of the fine to be imposed for each
3 offense or the term of imprisonment, or both, the court shall
4 consider the following factors:

5 (i) The gravity of the offense.

6 (ii) The potential effect of the offense on the dog
7 or dogs.

8 (iii) The number of dogs affected or endangered by
9 the offense.

10 (iv) The ~~violator's~~ PERSON'S criminal history, <—
11 including past violations of this act.

12 (v) The economic benefit to the ~~violator~~ PERSON for <—
13 failing to comply with this act or a rule or regulation
14 adopted thereunder.

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

20 (d) Civil remedies.--In addition to any other remedies set
21 forth under this act, a violation of this act or the regulations
22 promulgated under this act shall be abatable in the manner
23 provided by law or equity.

24 (e) Equitable relief.--In cases where the circumstances
25 require it, a mandatory preliminary injunction, special
26 injunction or temporary restraining order may be issued upon the
27 terms prescribed by the court, provided such notice of the
28 application has been given to the respondent in accordance with
29 the rules of equity practice. In any such proceeding, the court
30 shall issue a prohibitory or mandatory injunction if it finds

1 that the respondent is engaging in unlawful conduct as defined
2 under this act or is engaging in conduct which is causing
3 immediate and irreparable harm to the public. In addition to the
4 injunction, the court in such equity proceeding may assess civil
5 penalties in accordance with this section.

6 (f) Penalties collected.--All civil penalties collected
7 under this act shall be remitted to the Dog Law Restricted
8 Account.

9 (g) Limitation on penalty.--A violation of this act cannot
10 result in the issuance of BOTH a civil penalty under subsection ←
11 (a)(2) and the pursuit of a criminal penalty under subsection
12 (b).

13 (h) Violation.--Each day there is a violation may count as a
14 separate violation of the act.

15 Section 18. The act is amended by adding a section to read:
16 Section 908. Exemption.

17 Research kennels in this Commonwealth that are currently
18 registered with and inspected by the Federal Government under
19 the Animal Welfare Act (Public Law 89-544, 7 U.S.C. § 2131 et
20 seq.) shall be exempt from this act and regulations promulgated
21 under this act if they can provide documentation to the
22 department demonstrating that the research kennel has undergone
23 at least one Federal inspection in the last 12 months and the
24 research kennel sill maintains a valid Federal registration.
25 Submission of such evidence of Federal inspection and
26 registration by documentation to the department may be
27 established by regulation.

28 Section 19. The definition of "releasing agency" in section
29 901-A of the act, added December 11, 1996 (P.L.943, No.151), is
30 amended to read:

1 Section 901-A. Definitions.

2 The following words and phrases when used in this article
3 shall have the meanings given to them in this section unless the
4 context clearly indicates otherwise:

5 * * *

6 "Releasing agency." A public or private pound, animal
7 shelter, humane society, society for the prevention of cruelty
8 to animals, rescue network kennel or other similar entity that
9 releases a dog or cat for adoption.

10 * * *

11 Section 20. This act shall take effect as follows:

12 (1) THE FOLLOWING PROVISIONS SHALL TAKE EFFECT <—

13 IMMEDIATELY:

14 (I) THIS SECTION.

15 (II) THE ADDITION OF SECTION 207(H)(17).

16 ~~(1)~~ (2) The addition of section ~~207(h)~~ 207(H)(1) THROUGH <—
17 (16) and (i) of the act shall take effect in 180 days.

18 ~~(2)~~ (3) The remainder of this act shall take effect in <—
19 60 days.