

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2453 Session of
1980

INTRODUCED BY BORSKI AND McMONAGLE, APRIL 9, 1980

REFERRED TO COMMITTEE ON AGRICULTURE AND RURAL AFFAIRS,
APRIL 9, 1980

AN ACT

1 Reenacting and amending the act of December 22, 1965 (P.L.1124,
2 No.437), entitled "An act relating to dogs; regulating the
3 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 larceny;
8 providing for the assessment of damages done to livestock,
9 poultry and domestic game birds; providing for payment of
10 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 repealing
14 certain acts," further providing for definitions; regulating
15 the keeping of dogs; providing for additional licensing of
16 groomers, dogs and kennels; providing for tattooing;
17 increasing certain fees; providing police powers; increasing
18 certain penalties and reducing other penalties and making an
19 appropriation.

20 The General Assembly of the Commonwealth of Pennsylvania
21 hereby enacts as follows:

22 Section 1. The act of December 22, 1965 (P.L.1124, No.437),
23 known as the "Dog Law of 1965," sections 201, 203 and 204
24 amended December 6, 1972 (P.L.1456, No.328), is reenacted and
25 amended to read:

1 ARTICLE I

2 SHORT TITLE AND DEFINITIONS

3 Section 101. This act shall be known and may be cited as the
4 "Dog [Law of 1965."] Law."

5 Section 102. For the purpose of this act, the following
6 terms shall have the following meanings, respectively designated
7 for each:

8 [(1) The term "livestock" shall include members of the
9 equine, bovine, ovine, and porcine species, confined
10 domesticated hares, rabbits, and mink.

11 (2) The term "poultry" shall include all domestic fowl.

12 (3) The term "domestic game bird" shall include all game
13 birds, as defined by "The Game Law" of the Commonwealth, which
14 are kept in captivity.

15 (4) The word "persons" shall include State and local
16 officers, or employes, individuals, corporations,
17 copartnerships, and associations. Singular words shall include
18 the plural. Masculine words shall include the feminine and
19 neuter.

20 (5) The word "owner" when applied to the proprietorship of a
21 dog, shall include every person having a right of property in
22 such dog, and every person who keeps or harbors such dog or has
23 it in his care, and every person who permits such dog to remain
24 on or about any premises occupied by him.

25 (6) The term "kennel" shall mean any establishment wherein
26 dogs are kept for the purpose of breeding, boarding, sale, or
27 show purposes, or kept as pets, and which is so constructed that
28 dogs cannot stray therefrom.

29 (7) The term "police officer" shall mean any person employed
30 or elected by this Commonwealth, or by any municipality, county

1 or township, and whose duty it is to preserve peace or to make
2 arrests or to enforce the law. The term includes State
3 constabulary, game, fish and forest wardens.]

4 "Animal control kennel" means and shall include any kennel,
5 owned, leased or contracted for by a city, municipality, borough
6 or township for, or for the purpose of confining dogs seized or
7 impounded for the purpose of enforcing this law or any other law
8 or ordinance relating to the licensing or control of dogs.

9 "Animal control officer" means any individual employed by the
10 municipality for the purposes of enforcing this law in
11 accordance with the rules and regulations adopted by the
12 Secretary of Agriculture. The term "animal control officer"
13 licensed by the municipality shall include any employe of an
14 animal control kennel. Aiding in the enforcement of this act
15 relating to the control, seizure, and impoundment of stray,
16 homeless, abandoned, licensed or tattooed dogs.

17 "Approved tattooer" means:

18 (1) No person shall affix an official tattoo identification
19 number to any dog unless approved by the secretary.

20 (2) Application for an approved tattooers license shall be
21 made to the secretary in a manner to be prescribed by the
22 secretary. Each applicant shall satisfy the secretary that he is
23 qualified by training and/or experience to affix tattoos.

24 (3) It shall be unlawful for any approved tattooer to tattoo
25 any dog with an unassigned identification number or numbers. All
26 tattoo identification numbers shall be affixed as described
27 herein and according to rules and regulations promulgated by the
28 secretary. Each approved tattooer shall report to the secretary
29 within ten days on a prescribed form each official
30 identification number affixed as a tattoo. Failure to report

1 shall be grounds for revocation as an approved tattooer.

2 "Boarding facility" means any establishment available to the
3 public where dogs are housed for compensation by day, week or a
4 specified or unspecified time: Provided, however That the term
5 shall not include those kennels where the practice of veterinary
6 medicine is performed and is covered by the provisions of the
7 act of December 27, 1974 (P.L.995, No.326), known as the
8 "Veterinary Medicine Practice Act."

9 "Commission dealer" means any person who sells or offers for
10 sale a dog or dogs belonging to another person for a fee,
11 commission or per cent of the sales price, either privately or
12 at an auction for any purpose. Each such commission dealer shall
13 maintain the records and comply with kennel standards, rules and
14 regulations promulgated by the secretary: Provided, That the
15 provisions of this clause shall not apply to those persons
16 making an isolated sale or trade of any dog from their
17 residence.

18 "Dealer" means any person who for compensation or profit,
19 buys, breeds, transports or sells dogs direct to laboratories,
20 hospitals or other establishments for research or acquires for
21 resale and sells dogs bred by owners or others, to the general
22 public.

23 "Dealer tag" means a legible tattoo or a tag in the form or
24 shape as described in Dealer Standards as promulgated by the
25 secretary.

26 "Department" means the Pennsylvania Department of
27 Agriculture.

28 "Dog" means any dog regardless of age (canis familiaris).

29 "Domestic game bird" means and shall include all game birds,
30 as defined by "The Game Law" of the Commonwealth, which are kept

1 in captivity.

2 "Euthanasia" means the humane destruction of a dog
3 accomplished by a method that involves unconsciousness and
4 immediate death by a method that involves anesthesia, produced
5 by an agent which causes painless loss of consciousness, and
6 death during such loss of consciousness.

7 "Groomer" means any person who prepares a dog's hair coat
8 according to accepted standards by hair cutting, cleaning,
9 dipping or shampooing.

10 "Grooming facility" means any place where dogs are groomed,
11 housed, dipped or bathed in exchange for a fee.

12 "Kennel" means any establishment wherein four or more dogs of
13 any age are sheltered for any purpose.

14 "Legally constituted law enforcement agency kennels" means
15 those kennels used for law enforcement purposes other than the
16 control seizure and impoundment of dogs.

17 "Livestock" means and shall include members of the equine,
18 bovine, ovine, caprine, and porcine species, confined
19 domesticated hares, rabbits, and mink.

20 "Noncommercial kennel" means a kennel at, in or adjoining a
21 private residence where hunting or other dogs are kept for the
22 hobby of the householder in using them for hunting or practice
23 tracking or for exhibiting them in dog shows or field or
24 obedience trials or for guarding or protecting the householder's
25 property or kept as pets. The maintenance or operation of a
26 noncommercial kennel wherein not more than four dogs are
27 sheltered upon any lot or other premises occupied by the owner
28 or tenant as a dwelling house does not constitute a
29 nonconforming use of land zoned for residential purposes in
30 violation of the zoning regulations of any city or county. The

1 raising of not more than two litters per kennel per year of such
2 puppies at the kennel and occasional sale of such puppies by the
3 keeper of a noncommercial kennel does not change the character
4 of the residential property.

5 "Owner" when applied to the proprietorship of a dog, means
6 and shall include every person having a right of property in
7 such dog, and every person who keeps or harbors such dog or has
8 it in his care, and every person who permits such dog to remain
9 on or about any premises occupied by him.

10 "Ownership of any dog" means and shall be deemed to apply to
11 any person who holds a sales receipt, individual registration
12 certificate from a recognized registry, a tattoo registration
13 receipt, ownership transfer papers or contract for the described
14 dog or any person who harbors and/or feeds a stray dog for a
15 period of time in excess of ten days and the lawful owner cannot
16 be identified.

17 "Persons" means and shall include State and local officers,
18 or employes, individuals, corporations, copartnerships, and
19 associations. Singular words shall include the plural. Masculine
20 words shall include the feminine and neuter.

21 "Pet shop" means any person that acquires for resale and
22 sells dogs bred by owners or others, whether as owner, agent or
23 on consignment, and sells or offers to sell such dogs to the
24 general public. The provisions of this clause shall not apply to
25 persons making a sale or trade of any dog from their residence
26 when not engaged in the business of selling or trading dogs.

27 "Police officer" means any person employed or elected by this
28 Commonwealth, or by any municipality, county or township, and
29 whose duty it is to preserve peace or to make arrests or to
30 enforce the law. The term includes State constabulary, full-time

employees of the department assigned as dog law enforcement officers, game, fish and forest wardens.

"Poultry" means and shall include all domestic fowl.

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

"Research/vivisection kennel" means any establishment within the Commonwealth where research is conducted on dogs, except any such establishment conducted by a university, hospital or clinic.

"Sanitize" means to make physically clean and to remove and destroy agents injurious to health.

"Secretary" means the Secretary of Agriculture or any officer or employe of the Bureau of Dog Law Enforcement to whom authority has heretofore been delegated or to whom authority may hereafter be delegated to act in his stead.

"Vivisection" means the cutting of or operation on a living animal for physical or pathological investigation. Animal experimentation, especially if considered to cause distress to the subject.

ARTICLE II

LICENSES, TAGS, KENNELS

Section 201. (a) On or before January 15 [, 1966, and on or

1 before January 15th] of each year [thereafter], the owner of any
2 dog [six] four months old or [over] older, or when the first
3 lower permanent corner teeth (incisors) are evident except as
4 hereinafter or otherwise provided, shall apply to the county
5 treasurer of his respective county on a form prescribed by the
6 Department of [Revenue] Agriculture, for a license for such dog
7 owned or kept by him. Such application shall state the breed,
8 sex, age, color and marking of such dog, and the name and
9 address of the last previous owner [; and]. The license
10 certificate which shall be issued by the county treasurer or his
11 agent shall state description of such dog, legible tattoo if
12 tattooed, and any other information of such dog as may be
13 promulgated by the secretary. The application shall be
14 accompanied by a license fee of [one dollar (\$1)] two dollars
15 (\$2) for each neutered male dog and for each spayed female dog
16 for which the certificate of a veterinarian or the affidavit of
17 the owner is produced, and by a license fee of [two dollars
18 (\$2)] ten dollars (\$10) for other male and female dogs, and,
19 when the license is issued by the county treasurer, an
20 additional fee of [twenty cents (20¢)] fifty cents (50¢) for the
21 issuing, recording and reporting said license fees. A lifetime
22 license certificate for dogs permanently tattooed in accordance
23 with section 1102 shall be issued at a fee of eight dollars (\$8)
24 for each neutered male dog and each spayed female dog for which
25 the certificate of a veterinarian or the affidavit of the owner
26 is produced; all others at a cost of ten dollars (\$10). Transfer
27 of such license shall be made through the county office at an
28 additional fee of fifty cents (50¢). The county treasurers of
29 the several counties of this Commonwealth shall be agents of the
30 Commonwealth for the collection of said license fees. The said

1 agents shall be allowed to retain the sum of [twenty cents
2 (20¢)] fifty cents (50¢) from the amount paid by each licensee
3 for the use of the county. All such license fees shall be
4 remitted to the State Treasurer, through the Department of
5 [Revenue] Agriculture.

6 (b) Any person becoming the owner after January 15 of any
7 year, of any dog four months old, or older or when the first
8 lower permanent corner teeth (incisors) are evident which has
9 not already been licensed, or any person owning or keeping a dog
10 which becomes four months old at any time after January 15 of
11 any year, shall forthwith apply for and secure, from the county
12 treasurer or his agent of the county where such dogs are kept, a
13 license for such dog in the same manner as the annual license is
14 obtained under the provisions of this act.

15 (c) For an additional fee of twenty-five cents (25¢), the
16 county treasurer shall furnish secretarial services to accept
17 dog complaints for their respective county residents. All
18 complaints shall be recorded on forms furnished by the secretary
19 for these purposes. Agents of the Bureau of Dog Law assigned to
20 the various counties shall pick up complaints at the treasurer's
21 office at the start of each working day and investigate and
22 process all complaints according to rules and regulations
23 promulgated by the secretary.

24 Section 202. Each license certificate shall be dated and
25 numbered, and shall bear the name of the county where such
26 license is issued and a description of the dog licensed. All
27 licenses shall be void upon the fifteenth day of January of the
28 following year. A tag bearing the same number issued with the
29 license shall be affixed to a substantial collar or harness. The
30 collar or harness shall be furnished by the owner, and, with the

1 tag attached, shall at all times be kept on the dog for which
2 the license is issued, except as otherwise provided in this act.

3 It shall be unlawful for any person, except the owner or his
4 authorized agent, or an agent of the Department of Agriculture,
5 to remove any license tag from a dog collar or harness or to
6 remove any collar or harness with a license tag attached thereto
7 from any dog, except as provided in section 717 of the act of
8 June 3, 1937 (P.L.1225, No.316), known as "The Game Law," and
9 except as herein or otherwise provided.

10 Section 203. The Department of [Revenue] Agriculture shall
11 prepare and furnish annually to the treasurer of each county of
12 the Commonwealth, tags to be given by the county treasurer to
13 the owners of dogs when such owners shall pay the license fee
14 required for said dogs. Such tags shall bear the name of the
15 county where such license is issued, and a serial number
16 corresponding with the number on the license certificate issued
17 to said owner, as provided in the preceding section of this act.

18 Such tags shall also have impressed thereon the calendar year
19 for which such tag is valid, and shall not contain more than one
20 square inch of area within the ears, or fastening device. The
21 general shape or color of said tag shall be changed from year to
22 year.

23 If any such tag is lost, it shall be replaced by the county
24 treasurer, upon application by the person to whom the original
25 license was issued and upon production of such license
26 certificate and the payment of a fee of [twenty-five cents
27 (25¢)] fifty cents (50¢) for the use of the county.

28 Section 204. Any justice of the peace, [alderman,
29 magistrate,] notary public or other bonded approved agent, [as]
30 shall be authorized by the county treasurer for the convenience

1 of the public, within the Commonwealth, who has qualified by
2 having applied to the county treasurer of his county for and
3 received application forms and license tags, [may] to issue dog
4 licenses, for which service the applicant shall pay [twenty
5 cents (20¢)] fifty cents (50¢) for use of the issuing official,
6 except that in the case of a justice of the peace the fee shall
7 be for the use of the county, in addition to the license fee
8 prescribed as the cost of each dog license. All bonded agents
9 shall be audited by the Auditor General. All records of any such
10 license sales shall be forwarded to the county treasurer who
11 shall be responsible for maintaining complete county records.
12 Application forms shall be made available to all justices of the
13 peace, [aldermen, magistrates] and notaries public [Said twenty
14 cents (20¢)] or other bonded approved agents. Except for
15 justices of the peace, fifty cents (50¢) shall be retained by
16 said agent or official if he completes the application. The fees
17 collected by justices of the peace shall be transmitted to the
18 county treasurer.

19 Section 205. Any person [other than as exempt in section 208
20 hereof,] becoming the owner after the fifteenth day of January
21 of any year, of any dog, [six] four months old or over, which
22 has not already been licensed, or any person owning or keeping a
23 dog which becomes [six] four months old at any time after the
24 fifteenth day of January of any year, shall forthwith apply for
25 and secure, from the county treasurer or his agent of the county
26 where such dogs are kept, a license for such dog in the same
27 manner as the annual license is obtained under the provisions of
28 this act.

29 Section 206. It is unlawful to transfer a license or license
30 tag issued for one dog to another dog, except as otherwise

1 provided in this act. Whenever the ownership or possession of
2 any dog is permanently transferred from one person to another
3 within the same county, the license of such dog may be likewise
4 transferred, upon [notice given] application to the county
5 treasurer. This act does not require the procurement of a new
6 license, or the transfer of a license already secured, when the
7 possession of a dog is temporarily transferred for the purpose
8 of hunting game, or for breeding, trial or show, in this
9 Commonwealth.

10 Section 207. Whenever any dog licensed in one county is
11 permanently [removed] moved to another county, the county
12 treasurer of the county where the license was issued shall, upon
13 the application of the owner or keeper of such dog, certify such
14 license to the treasurer of the county to which the dog is
15 [removed] moved. Such treasurer shall thereupon, and upon the
16 payment of a fee of [twenty-five cents (25¢)] fifty cents (50¢),
17 for the use of the county, issue a license and tag for such dog
18 in the county to which it is [removed] moved.

19 Section 207.1 Any person who grooms, cleans, clips, shampoos
20 or prepares a dog's hair coat according to accepted standards
21 shall apply to the county treasurer for an application for a
22 groomer's license to keep or operate such establishment.

23 The county treasurer shall forward all applications for
24 groomers' licenses to the secretary for approval before issuing
25 the license.

26 All groomers licenses shall expire January 15 of each year
27 and it shall be unlawful to operate a grooming facility without
28 first securing a groomer's license. The annual fees for dog
29 groomer's license shall be twenty five dollars (\$25).

30 Section 208. (a) Any person who keeps or operates a kennel

1 [may in lieu of the license for each dog required by this act,]
2 shall apply to the county treasurer for application for a kennel
3 license to keep or operate such kennel. The county treasurer
4 shall forward all such applications for kennel license to the
5 [Secretary of Agriculture] secretary for approval before issuing
6 said kennel license. [Applications must be made at least thirty
7 days prior to issuance of a kennel license.] A separate license
8 shall be required for every location at which a kennel or any
9 other facility is kept or operated. No person shall keep or
10 operate a kennel without a license, except as herein provided.
11 All kennel licenses shall expire January 15 of each year.

12 Licenses for out-of-state kennels for dealers shall be issued
13 by the Harrisburg office of the department if approved by the
14 secretary. Each out-of-state dealer shall present a valid kennel
15 inspection report with the application for a dealer's license.
16 All dogs transported shall be housed in quarters which comply
17 with kennel standards and any rules and regulations that may be
18 promulgated by the secretary. The county treasurer shall, after
19 receiving such approved application, issue kennel licenses of
20 the following description:

21 Noncommercial Kennel.

22 To keep or operate a noncommercial kennel ten dollars (\$10)
23 per year.

24 [Class "A"] Kennel Class 1

25 To keep or operate a kennel for ten dogs or less over four
26 months of age for the purpose of [boarding,] breeding, showing,
27 [or] hunting, or as pets and the selling of dogs for these
28 purposes only--fifteen dollars (\$15) per year.

29 [Class "B"] Kennel Class 2

30 To keep or operate a kennel for eleven to twenty dogs over

1 four months of age for the purpose of [boarding,] breeding,
2 showing, [or] hunting, or as pets and the selling of dogs for
3 these purposes only--twenty-five dollars (\$25) per year.

4 [Class "C"] Kennel Class 3

5 To keep or operate a kennel for [more than] twenty to fifty
6 dogs over four months of age for the purpose of [boarding,]
7 breeding, showing, [or] hunting, or as pets and the selling of
8 dogs for these purposes only--[thirty-five dollars (\$35)] forty
9 dollars (\$40) per year.

10 Kennel Class 4

11 To keep or operate a kennel for more than fifty dogs over
12 four months of age for the purpose of breeding, showing,
13 hunting, or as pets and the selling of dogs for these purposes
14 only--one hundred dollars (\$100) per year.

15 The licensee of kennel classes 1, 2, 3, 4, and noncommercial
16 kennel shall attach one of such tags as described in section 209
17 to the collar of each dog four months old, or older or when the
18 first lower permanent corner teeth (incisors) are evident, which
19 dog is kept by him under a kennel license when and during such
20 time as the dog is outside the kennel. Such tags may be
21 transferred from one dog to another. Each class 1, 2, 3, 4 and
22 noncommercial kennel operator shall keep a record in such form
23 and containing such information as may be required by the kennel
24 standards promulgated by the secretary.

25 Pet Shop Class 1

26 To keep or operate, as a pet shop, a kennel involving the
27 sale of less than fifty dogs during the license year--fifteen
28 dollars (\$15) per year.

29 Pet Shop Class 2

30 To keep or operate, as a pet shop, a kennel involving the

1 sale of fifty to one hundred dogs during the license year--
2 twenty-five dollars (\$25) per year.

3 Pet Shop Class 3

4 To keep or operate, as a pet shop, a kennel involving the
5 sale of one hundred to two hundred fifty dogs during the
6 license year--thirty-five dollars (\$35) per year.

7 Pet Shop Class 4

8 To keep or operate, as a pet shop, a kennel involving the
9 sale of more than two hundred fifty dogs during the license
10 year--sixty dollars (\$60) per year.

11 Grooming Facility

12 To keep or operate a grooming facility as a separate unit or
13 part of a kennel, hospital or clinic, twenty-five dollars (\$25)
14 per year.

15 Boarding Facility

16 To keep or operate a boarding facility, thirty-five dollars
17 (\$35) per year.

18 Research/vivisection Kennel Class 1

19 To keep or operate a research/vivisection kennel involving
20 the breeding or the purchase of less than five hundred dogs
21 during the license year--one hundred dollars (\$100) per year.

22 Research/vivisection Kennel Class 2

23 To keep or operate a research/vivisection kennel involving
24 the breeding or the purchase of five hundred to five thousand
25 dogs during the license year--two hundred fifty dollars (\$250)
26 per year.

27 Research/vivisection Kennel Class 3

28 To keep or operate a research/vivisection kennel involving
29 the breeding or the purchase of more than five thousand dogs
30 during the license year--five hundred dollars (\$500) per year.

1 Research/vivisection Kennel Class "A"

2 Research/vivisection Kennel Class "A" shall be any kennel
3 owned and operated by medical schools, hospitals, veterinary
4 schools, or universities for the purpose of conducting medical
5 or scientific research. Such kennels shall register with the
6 secretary in accordance with the provisions of this act, but
7 shall not be assessed or required to pay any of the foregoing or
8 following license fees. All licensed and/or tattooed dogs shall
9 be handled in the manner designated herein and shall be subject
10 to all rules and regulations promulgated by the secretary
11 relating to kennel standards.

12 [Class "D 1" Kennel] Dealer Class 1

13 To keep or operate a kennel in connection with being a dealer
14 involving the sale of less than five hundred dogs during the
15 license year [for the purpose of breeding or buying and selling
16 dogs to laboratories, hospitals or other establishments for
17 research or any other similar purpose] to any outlet including
18 research/vivisection facilities-- one hundred dollars (\$100) per
19 year.

20 [Class "D 2" Kennel] Dealer Class 2

21 To keep or operate a kennel in connection with being a dealer
22 involving the sale of five hundred to five thousand dogs during
23 the license year [for the purpose of breeding or buying and
24 selling dogs to laboratories, hospitals or other establishments
25 for research or any other similar purpose] to any outlet
26 including research/vivisection facilities--two hundred fifty
27 dollars (\$250) per year.

28 [Class "D 3" Kennel] Dealer Class 3

29 To keep or operate a kennel [for] in connection with being a
30 dealer involving the sale of more than five thousand dogs during

1 the license year [for the purpose of breeding or buying and
2 selling dogs to laboratories, hospitals or other establishments
3 for research or any other similar purpose] to any outlet
4 including research/vivisection facilities-- five hundred dollars
5 (\$500) per year.

6 [Out of state kennel operators of Class D 1, Class D 2, and
7 Class D 3 kennels who transport dogs into the Commonwealth of
8 Pennsylvania for the purpose of selling dogs to laboratories,
9 hospitals or other establishments for research or any other
10 similar purpose shall be required to obtain kennel licenses from
11 the Department of Revenue who shall forward all such
12 applications to the Secretary of Agriculture for approval before
13 issuing said license.]

14 A commission dealer shall apply for a license in the manner
15 described herein for dealers, based on the volume of sale and in
16 accordance with the fee schedule described in section 208 for
17 Dealer's Class 1, 2 and 3.

18 It shall be unlawful for dealers or commission dealers to
19 transport dogs into or within the Commonwealth or operate or
20 maintain a kennel or deal in dogs without first securing a
21 dealer's license or commission dealer's license as described
22 herein.

23 It shall be unlawful for dealers, pet shops, commission
24 dealers, research/vivisection kennels, legally constituted law
25 enforcement kennels, and humane organizations of all classes to
26 maintain kennels without obtaining a license or for persons
27 holding a grooming facility license or a boarding facility
28 license for each kennel or facility location.

29 [Class "E" Kennel] Kennel Class "E"

30 Animal Rescue Leagues, Societies for the Prevention of

1 Cruelty to Animals and Animal Humane Societies, who are legally
2 constituted law enforcement agencies [and approved medical and
3 veterinary schools and nonprofit institutions conducting medical
4 and scientific research] shall be required to register, but
5 shall not be required to pay any of the foregoing or following
6 license fees, and may use their own identification tags for dogs
7 within their kennels except licensed and tattooed dogs without
8 being required to attach tags [hereinafter prescribed] while
9 dogs are within such kennels, if approved by the [Secretary of
10 Agriculture] secretary.

11 (b) Kennel licenses are to be issued only by the county
12 treasurer, except out of state kennels, and the applicant shall
13 also pay an additional fee of [twenty-five cents (25¢)] fifty
14 cents (50¢) to the county for the services of the county
15 treasurer in issuing, recording, and reporting said kennel
16 license to the Department of [Revenue] Agriculture and remitting
17 the license fee to the State Treasurer through the Department of
18 [Revenue] Agriculture. [With each kennel license the] The county
19 treasurer shall issue a number of tags equal to the number of
20 dogs authorized to be kept in [the kennel] Class 1, 2, 3, 4 and
21 noncommercial kennels except that in kennels where more than
22 fifty dogs are kept there shall be an additional charge of
23 [twenty-five cents (25¢)] fifty cents (50¢) for each dog tag
24 required in excess of fifty. All such tags shall bear the name
25 of the county where [it is] they are issued, and the number of
26 the kennel licenses, and shall be readily distinguishable from
27 the individual license tags for the same year by the letter "K"
28 being inscribed on such tags.

29 (c) When two or more licensed businesses are operated by the
30 same person at the same location, the premises shall be licensed

1 for each use and inspected but the license fee shall be the
2 highest fee for one of the applicable licenses.

3 Section 209. (a) Whenever any person who keeps or operates
4 a [kennel] Class 1, 2, 3, and 4 or noncommercial kennel,
5 permanently removes a kennel to another county, the county
6 treasurer of the county where the license was issued shall, upon
7 the application of the person who keeps or operates a kennel,
8 certify such license to the treasurer of the county to which the
9 kennel is [removed] moved. Such treasurer shall thereupon and
10 upon the payment of a fee of [twenty-five cents (25¢)] fifty
11 cents (50¢) for the use of the county, issue a license and tags
12 equal to the number of dogs authorized to be kept in the class
13 of kennel for the county to which the kennel is [removed] moved.
14 An additional service fee of [ten cents (10¢)] twenty-five cents
15 (25¢) for each tag issued shall be paid to the issuing agency.

16 (b) Kennels and pet shops of all classes shall be maintained
17 in a sanitary and humane condition in accordance with
18 regulations and sanitary codes promulgated by the [Secretary of
19 Agriculture] secretary. Dogs transported [from and to kennels of
20 all classes] shall be transported in a sanitary and humane
21 manner in accordance with regulations and sanitary codes
22 promulgated by the [Secretary of Agriculture] secretary. It
23 shall be the duty of the agents of the Pennsylvania Department
24 of Agriculture to inspect kennels. [Kennel] Dealer, kennel and
25 pet shop licensees shall be required to have in their possession
26 a bill of sale for each dog purchased or transported [to and
27 from kennels] by him, except for dogs delivered to the kennel
28 licensee for purposes of boarding [and except for dogs] or born
29 on the kennel licensee's premises, and any bill of sale which is
30 fraudulent or indicates larceny of any dog shall be the grounds

1 for immediate revocation of license. The bill of sale shall
2 contain such information as shall be prescribed by the
3 Department of Agriculture.

4 Section 210. The licensee of a kennel shall keep one of such
5 tags attached to a collar of each dog [six] four months old or
6 over, kept by him under a kennel license, when and during such
7 time as such dog is without the kennel. Such tags may be
8 transferred from one dog to another whenever any dog is removed
9 from the kennel. No dog kept under a kennel license shall be
10 permitted to stray anywhere outside the limits of the kennel.
11 Every keeper of a kennel shall keep a permanent record of each
12 dog at any time kept in the kennel. Such record shall show: (1)
13 the breed, color, markings, sex and age of each dog; (2) the
14 date on which each dog entered the kennel; (3) where it came
15 from; (4) to whom it belongs; (5) for what purpose each dog is
16 kept in the kennel; (6) the date on which each dog leaves the
17 kennel; (7) how and to whom it is disposed of. Such record shall
18 be open to inspection by any police officer or agent of any
19 legally constituted law enforcement agency, including societies
20 for the prevention of cruelty to animals.

21 Section 211. The [Secretary of Agriculture] secretary shall
22 have the power to revoke or refuse to issue any class of kennel
23 license for conviction of any violation of the "Dog [Law of
24 1965"] Law or the regulations promulgated thereunder or
25 conviction for any violation of any law relating to cruelty to
26 animals.

27 Section 212. Any person may bring, or cause to be brought
28 into the State, for a period of thirty days, one or more dogs
29 for show, trial, or breeding purposes or as a household pet
30 without securing a Pennsylvania license, and any person holding

1 a Pennsylvania nonresident hunting license may, without securing
2 a license or licenses therefor, bring or cause to be brought
3 into the State one or more dogs for the purpose of hunting game
4 during any hunting season when hunting with dogs is permitted by
5 law, if a similar exemption from the necessity of securing dog
6 licenses is afforded for hunting purposes to residents of
7 Pennsylvania by the state of such person's residence: Provided,
8 however, That each dog [is] shall be equipped with a collar
9 bearing a name plate giving the name and address of the owner.

10 Section 213. It shall be unlawful for any dog required to be
11 licensed as hereinbefore provided, to be transported for any
12 purpose without a current license tag firmly attached to a
13 collar or harness securely fastened to the dog except when a dog
14 is being transported for law enforcement or humane purposes, or
15 according to regulations promulgated by the secretary.

16 Section 214. It shall be unlawful to bring or send any dog,
17 other than household pets and those excepted under the
18 provisions of section 212, into Pennsylvania without a
19 certificate of health prepared by a licensed, graduate
20 veterinarian and approved by the proper livestock sanitary
21 official of the state of origin, which certificate shall
22 accompany such dogs while in Pennsylvania. Such certificate
23 shall state that the dogs are free from symptoms of any
24 infectious or communicable disease and did not originate within
25 an area under quarantine for rabies; and by reasonable
26 investigation, have not been exposed to rabies within one
27 hundred days prior to importation. Such certificate shall also
28 state that all dogs are eight weeks old or older on shipping
29 date and that said dogs did not originate from kennels with
30 known positive case of sarcoptic or demodectic mange, diagnosed

1 by licensed veterinarians within the Commonwealth three days or
2 less after arrival shall if traced to a specific kennel
3 constitute an infected kennel. Future shipments shall be barred
4 upon official notification by the secretary until the secretary
5 is satisfied kennel is no longer infected with mange. Any pet
6 shop or kennels accepting dogs after being officially notified
7 shall be guilty of a summary offense and pay a fine not
8 exceeding three hundred dollars (\$300) and in default of the
9 payment thereof, to undergo imprisonment not exceeding ninety
10 days. For any subsequent offense the pet shop or kennel shall,
11 be prohibited from shipping dogs into the Commonwealth.

12 Section 215. It shall be unlawful for any person to buy,
13 sell, transfer, barter, [or] trade, raffle, auction or offer as
14 an inducement to purchase any product, commodity or service any
15 dog of any age at any public place other than at registered
16 kennel locations, dog shows, or field trials sponsored by a
17 recognized breed or kennel association.

18 Section 216. The county treasurer shall keep a record of all
19 dog licenses and any tattoo number for a period of five years or
20 more if directed by the secretary and all kennel licenses and
21 all transfers issued during the year. Such record shall contain
22 the name and address of the person to whom each license or
23 transfer is issued. In the case of an individual license, the
24 record shall also state the breed, sex, age, color, legible
25 tattoo number and markings of the dog licensed; and in the case
26 of a kennel license, it shall state the place where the business
27 is conducted. The record shall be a public record and open to
28 persons interested during business hours.

29 Whenever the ownership or possession of any dog licensed
30 under the provisions of this act is transferred from one person

1 to another, as provided in section 206 of this act, except the
2 temporary transfer of dogs for hunting purposes or for breeding,
3 trial, or show, such transfer shall be noted on the record of
4 the county treasurer and be so reported to the Department of
5 [Revenue] Agriculture.

6 Section 217. The county treasurer shall keep an accurate
7 record for [two] five years of all license fees, fines and
8 penalties collected by him or paid over to him by any justice of
9 the peace, [alderman, magistrate,] or notary public, and of all
10 money received from the sale of dogs. Such record shall be a
11 public record and open to persons interested during business
12 hours. License fees as hereinbefore provided [and all fines]
13 shall be remitted by the county treasurer to the State Treasurer
14 through the Department of [Revenue] Agriculture on or before the
15 fifteenth day of each calendar month together with a report in
16 duplicate of each payor on forms furnished by the Department of
17 [Revenue] Agriculture.

18 Section 218. [On and after January 15, 1966, it] It shall be
19 unlawful for any person to own or keep any dog [six] four months
20 old or over required to be licensed as hereinbefore provided,
21 unless such dog is licensed by the treasurer of the county in
22 which the dog is kept, and unless such dog at all times, other
23 than for field trial or show purposes, wears the collar or
24 harness and tag provided for by this act, unless such dogs are
25 temporarily brought into the State for breeding, hunting, trial,
26 or show purposes as hereinbefore provided.

27 Section 219. The provisions of this act relating to the
28 payment of fees and other charges shall not apply to any blind
29 person owning a guide dog. License tags for guide dogs for the
30 blind shall be issued without charge.

1 Section 220. Officers and agents of the Department of
2 Agriculture are hereby authorized to inspect all kennels and
3 individually licensed dogs within the Commonwealth and to
4 enforce the provisions of this act: Provided, however, That only
5 regular, full-time employes of the Department of Agriculture
6 when accompanied by a veterinarian of the Department of
7 Agriculture shall be authorized to enter upon the premises of
8 approved medical, dental or veterinary schools, hospitals,
9 clinics or other medical or scientific institutions,
10 organizations or persons where research/vivisection is being
11 conducted or pharmaceuticals, drugs or biologicals are being
12 produced. It shall be unlawful for any person to refuse
13 admittance to such officers and agents for the purpose of making
14 inspections, and enforcing provisions of this act.

15 Section 221. Each dealer shall keep the official dealer tag
16 attached to the collar and worn by each dog unless legibly
17 tattooed. This tag or legible tattoo shall become the permanent
18 identification of each dog kept under a dealer license. When
19 transfer of ownership occurs from one dealer to another, the
20 dealer acquiring such dog may install his Federal tag and remove
21 the existing tag if records are maintained and made available as
22 may be required by the secretary. No dogs shall be permitted to
23 stray anywhere outside the limits of the kennel. Any dog sold
24 for research/vivisection purposes shall have an official dealer
25 tag attached or a legible tattoo and be subject to dealer
26 standards.

27 Any licensed kennel owner or his agent shall maintain kennel
28 records on all dogs kept and have such records available in a
29 permanent ledger type book for any agent of the Department of
30 Agriculture for a period of two years. The records shall be in

1 such form and contain such information as may be promulgated by
2 the secretary.

3 Section 222. A quarantine may be established by any
4 veterinarian employed by the secretary and any officer or agent
5 employed by the Department of Agriculture may enforce a
6 quarantine whenever it is deemed necessary or advisable by the
7 secretary to examine or test or treat or control or destroy any
8 dog, or examine or disinfect or regulate the use of any premises
9 or materials or products for the purpose of preventing or
10 controlling the spread of any disease. Until a quarantine is
11 officially revoked by the secretary, it shall be unlawful for
12 any owner or person, without a special permit in writing from
13 such officer or agent to sell, exchange, lease, lend, give away,
14 allow to stray, remove or allow to be removed any dog or dogs,
15 or any products, goods, materials, containers, vehicles or other
16 articles or property named or described in the notice of
17 quarantine. When a general rabies quarantine is established at
18 least ten notices thereof shall be posted throughout the area
19 affected thereby and notice thereof shall also be published in
20 at least one issue of a newspaper of general circulation
21 throughout such city, borough, town or township. Any dog
22 suspected of being rabid shall be detained in isolation by the
23 owner, if known, or agent of the secretary. If such detention
24 has incurred costs not collectible by the secretary or his
25 agent, then the secretary shall approve and reimburse the actual
26 cost of such detention to the agent providing facilities for
27 such detention.

28 Section 223. Any police officer may kill any dog running at
29 large in a rabies quarantined area, in violation of such
30 quarantine, without any liability for damages for such killing.

1 ARTICLE III

2 DOGS AT LARGE

3 Section 301. It shall be the duty of every police officer to
4 seize and detain any dog which is found running at large, either
5 upon the public streets or highways of the Commonwealth, or upon
6 the property of a person other than the owner of such dog, and
7 unaccompanied by the owner or keeper. [It shall be the privilege
8 of every police officer to kill any dog which is found running
9 at large and is deemed after due consideration by the police
10 officer to constitute a threat to the public health and
11 welfare.] The chief of police or his agents of any city,
12 borough, town and township, the constable of any borough, and
13 the constable of any incorporated town or township, shall cause
14 any dog bearing a proper license tag or legible tattoo and so
15 seized and detained to be properly kept and fed, and shall cause
16 immediate notice, either personal or by registered mail, to be
17 given to the person in whose name the license was procured, or
18 his agent, to claim such dog within ten days. The owner or
19 claimant of a dog so detained shall pay a penalty of [five
20 dollars (\$5)] fifteen dollars (\$15) to the political subdivision
21 whose police officers make such seizures and detention, and all
22 reasonable expenses incurred by reason of its detention to the
23 detaining parties before the dog is returned.

24 If, after ten days from the giving of such notice, such dog
25 has not been claimed, such chief of police, or his agent, or a
26 constable, shall dispose of such dog by sale or by destruction
27 in some humane manner. No dog so caught and detained shall be
28 sold, given freely, or in any manner conveyed for the purpose of
29 research or vivisection. [All] For these purposes, all moneys
30 derived from the sale of such dog, after deducting the expenses

1 of its detention, shall be [paid to the county treasurer, and by
2 him] paid to the State Treasurer through the Department of
3 [Revenue] Agriculture.

4 Except as is otherwise provided by section 501, any police
5 officer, animal control officer, or constable shall cause any
6 unlicensed or untattooed dog to be detained and to be properly
7 fed and kept for a period of forty-eight hours at any legally
8 constituted or authorized kennel approved by the secretary;
9 except any dog seriously ill or injured, or forfeited with the
10 owner's permission. Any person may view such detained dogs
11 during normal business hours. Seriously ill or injured dogs must
12 be viewed by two other persons before euthanasia, neither being
13 a relative or employe of the officer.

14 Any unlicensed dog remaining unclaimed after forty-eight
15 hours may be euthanized in a manner acceptable to the secretary.
16 No dog so caught and detained by any legally constituted law
17 enforcement agency or municipality shall be sold or given freely
18 or in any manner conveyed for the purpose of research or
19 vivisection.

20 The secretary may authorize payment to legally constituted or
21 authorized kennels for detaining such dogs, if all dogs so
22 detained are accounted for and identified in a manner prescribed
23 by the secretary.

24 Costs of detaining any dog running at large which the police
25 officer or agent deems to be vicious or uncontrollable shall be
26 borne by the Commonwealth until the department veterinarian
27 examines said dog and recommends the appropriate disposition. If
28 said dog has symptoms which strongly suggest rabies after
29 examination, said dog may be destroyed and specimens forwarded
30 to a laboratory for examination. If at a future date the owner

1 of said dog is found by a court of law to be responsible, the
2 owner shall pay any costs of detention and a fine of twenty-five
3 dollars (\$25).

4 ARTICLE IV

5 DUTY OF OFFICERS

6 Section 401. It shall be unlawful for any police officer to
7 fail or refuse to perform his duties under the provisions of
8 this act, and to refuse to assist in the enforcement of this law
9 [upon request of the Secretary of Agriculture].

10 It shall be unlawful for any person to interfere with any
11 officer or agent in the enforcement of this law.

12 It shall be unlawful for any person to forcibly cut the leash
13 or take a dog away from such officer having it in his
14 possession, when found running at large unaccompanied by the
15 owner or keeper.

16 It shall be unlawful for any person to whom a license
17 certificate has been issued to fail or refuse to produce the
18 license certificate for such dog upon demand of any police
19 officer or agent of the department.

20 ARTICLE V

21 OFFENSES OF DOGS

22 Section 501. (a) Any person may kill any dog which he sees
23 in the act of pursuing, [worrying,] or wounding any livestock,
24 or wounding or killing poultry, wounding or killing other dogs
25 or household pets, or attacking human beings, whether or not
26 such a dog bears the license tag required by the provisions of
27 this act. There shall be no liability on such persons in damages
28 or otherwise for such killing.

29 (b) Any dog that enters any field or inclosure where
30 livestock or poultry are confined, shall constitute a private

1 nuisance and the owner or tenant of such field, or their agent
2 or servant, may detain such dog and turn it over to the local
3 police authority. While so detained, the dog shall be treated in
4 a humane manner.

5 (c) Licensed dogs, when accompanied by their owner or
6 handler, shall not be included under the provisions of this
7 section, unless caught in the act of [worrying] pursuing,
8 wounding or killing any livestock, [or] wounding or killing
9 poultry, wounding or killing other dogs or household pets, or
10 attacking human beings.

11 (d) Any person who has been attacked by a dog, or anyone for
12 such person, or any person whose leashed or confined household
13 pet has been wounded or killed by another dog that was off leash
14 with or without the owner accompanying, may make a complaint
15 before a [magistrate, alderman, or] justice of the peace,
16 charging the owner or keeper of such dog with harboring a
17 vicious dog. A copy of such complaint shall be served upon the
18 person so charged, in the same manner and subject to the same
19 laws regulating the service of summons in civil suits, directing
20 him to appear for a hearing of such complaint at a time fixed
21 therein. If such person shall fail to appear at the time fixed,
22 or if, upon a hearing of the parties and their witnesses, the
23 [magistrate, alderman or] justice of the peace shall find the
24 person so charged is the owner or keeper of the dog in question
25 and that the dog has, viciously and without cause, attacked a
26 human being when off the premises of the owner or keeper, or
27 attacked a leashed or confined household pet, such official
28 shall order the said owner or keeper to henceforth keep such dog
29 securely confined.

30 (e) For his services in such proceedings, the [magistrate,

1 alderman, or] justice of the peace [and the constable] shall be
2 entitled to the same fees they are entitled to for performing
3 similar services in criminal cases. In all proceedings under
4 this section such official shall place the costs upon either
5 party as he may determine.

6 (f) It shall be unlawful for the owner or keeper of any
7 vicious dog, after receiving such order, to permit such dog to
8 run at large, or for the dog to appear on the public highways
9 unless in leash. Any such dog found running at large may be
10 killed by any constable or police officer without liability for
11 damages for such killing.

12 (g) Any owner or keeper who does not keep a vicious dog
13 confined when so ordered shall, upon summary conviction, be
14 sentenced to pay a fine of not less than one hundred dollars
15 (\$100) and not more than three hundred dollars (\$300). The
16 [magistrate, alderman, or] justice of the peace, shall also
17 require the owner or keeper of the vicious dog to post bond with
18 sufficient surety in the amount of five hundred dollars (\$500)
19 to insure payment of damages or injuries caused by the vicious
20 dog.

21 Section 502. Any owner or lessee of a guard dog confined
22 within a building or within enclosed grounds, shall not be
23 responsible for dog bites or damages to any individual or
24 individuals breaking or entering grounds or buildings posted in
25 compliance with existing laws. Any owner or lessee of a guard
26 dog confined within a building or within enclosed grounds, shall
27 notify the police department and the fire department that the
28 dog is operating in the authorized area.

29 Section 503. Except when the dog involved is a guide dog for
30 a blind person, a police work dog in the performance of duties

1 or a trained protection dog operating in an authorized area, any
2 dog which bites or attacks a human being shall be confined in
3 quarters approved by the investigating officer or be turned over
4 by the owner to the agents of the secretary or seized by police
5 or investigating agents of the secretary to be detained and
6 isolated in an approved kennel for a period of ten days. Any
7 costs incurred in the detaining and isolating of such dog shall
8 be paid by the owner. Any police officer in the performance of
9 his assigned duties shall not be responsible for any damage
10 caused by a police work dog.

11 Whenever any such dog is not detained or isolated by the
12 owner or police official, the costs of the victim's treatment
13 shall be paid fully by the owner of the dog.

14 ARTICLE VI

15 INJURY TO DOGS

16 Section 601. (a) All dogs are hereby declared to be
17 personal property and subjects of larceny. Except as provided in
18 section 501 of this act and in section 717 of "The Game Law," it
19 shall be unlawful for any person, except a police officer, to
20 kill, injure, or to attempt to kill or injure, any dog which
21 bears a license tag for the current year.

22 (b) It shall be unlawful for any person to place any dog
23 button or any poison or harmful substance of any description in
24 any place, on his own premises or elsewhere, where it may be
25 easily found and eaten by dogs.

26 (c) It shall be unlawful for any person to abandon or
27 attempt to abandon any dog within the Commonwealth. Dog owners,
28 present or past, are required to furnish any information on the
29 disposition or change of ownership of any dog.

30 ARTICLE VII

1 by the person making such complaint, and shall state when, where
2 and how such damage was done, and by whose dog or dogs, if
3 known, or when the animal died from rabies or was killed because
4 of rabies. Claims covering damage due to rabies shall be made
5 immediately following the death of the animal, and shall be
6 supported by a certificate from a licensed and duly qualified
7 veterinarian and a report from any laboratory approved by the
8 Department of Agriculture, to the effect that such animal was
9 affected with rabies. It shall not be necessary to prove that an
10 animal dying from or killed because of rabies was actually
11 bitten by a dog. The presumption shall exist that such animal
12 was so bitten. Upon receipt of such notice, the agent of the
13 Department of Agriculture shall at once examine the place where
14 the alleged loss or damage was sustained and the livestock or
15 poultry or domestic game bird injured or killed, or in case of
16 rabies where it died or was killed. The agent of the Department
17 of Agriculture shall then fix a time for taking testimony
18 relative to such claim and shall give notice of such time to the
19 claimant and to the dog owner, if known. The agent of the
20 Department of Agriculture shall examine under oath or
21 affirmation, any witness called before him. After making
22 diligent inquiry in relation to such claim, such appraiser shall
23 determine whether any damage has been sustained and the amount
24 thereof, and, if possible, who was the owner of the dog or dogs
25 by which such damage was done. If the owner of the dog or the
26 owner of the livestock or poultry does not agree as to the
27 amount of damage allowed by the appraiser, the owner requesting
28 the appraisal and the appraiser may appoint a disinterested
29 qualified citizen to assist in determining the amount of damage
30 sustained. For such services, the said disinterested citizens

1 shall receive five dollars (\$5) and mileage at ten cents (10¢)
2 per mile for the distance traveled, which shall be paid by the
3 owner requesting the appraisal.

4 Any owner or keeper of such dog or dogs except in the case of
5 rabies shall be liable to the Commonwealth to the extent of the
6 amount of damages and costs paid by the Commonwealth as
7 hereinafter provided.

8 When the inhabitants of any city, borough, town, or township,
9 or of any part thereof, have suffered an excessive amount of
10 damage by dogs to livestock or poultry or domestic game birds, a
11 petition may be presented to the [Secretary of Agriculture]
12 secretary, signed by twenty or more of such residents who are
13 owners of livestock or poultry or domestic game birds, alleging
14 such excessive damage and requesting that a quarantine be placed
15 on all dogs within the limits of such city, borough, town, or
16 township, or such part thereof. Upon receipt of such petition,
17 the [Secretary of Agriculture] secretary may, through his
18 authorized agents, have an investigation made of the facts
19 alleged therein and, if convinced that conditions in such city,
20 borough, town, or township, or such designated area, demand such
21 stringent measures, he may establish a dog control quarantine
22 therein.

23 [When such quarantine is established, at least ten notices
24 thereof shall be posted throughout the area affected thereby,
25 and notice thereof shall also be published in at least one issue
26 of a newspaper of general circulation throughout such city,
27 borough, town, or township.

28 It shall be unlawful for any person, residing in the area
29 affected by such quarantine, to permit a dog, owned or harbored
30 by him to run at large in such quarantined area, or to leave the

1 premises where it is kept, unless accompanied by and under the
2 control of himself or a handler.

3 Any police officer may kill any dog running at large in a
4 quarantined area, in violation of such quarantine, without any
5 liability for damages for such killing.]

6 Section 802. If upon receiving such report as set forth in
7 section 801, it appears that a certain amount of damage has been
8 sustained by the claimant, the [Secretary of Agriculture]
9 secretary shall immediately draw a requisition in favor of the
10 claimant for the amount of loss or damage such claimant has
11 sustained according to such report, together with necessary and
12 proper costs incurred. Such amount shall be paid from the
13 appropriations to the Department of Agriculture made for this
14 purpose. No payment shall be made for any item which has already
15 been paid by the owner of the dog or dogs doing the injury or
16 damage. The fact that no such payment shall be made shall be
17 certified by the appraiser. If such report is not approved, and
18 it is deemed advisable, a further investigation may be made by
19 the [Secretary of Agriculture] secretary, through his officers
20 or agents to ascertain the amount of damage sustained. No person
21 shall receive payment for any claim until the appraiser, before
22 whom the claim was made, has certified that due diligence was
23 made to ascertain whose dog or dogs did the damage, and the
24 claimant has certified that the carcasses of the livestock or
25 poultry killed or dying from or killed because of rabies and for
26 which damages have been assessed were buried within twenty-four
27 hours after the assessment of damages. The owners of any
28 livestock or poultry killed by dogs, or livestock dying from or
29 killed because of rabies, or livestock necessarily destroyed
30 because of having been bitten by a dog other than a dog harbored

1 by such persons, may be paid a disposal fee, as follows: For
2 each equine or bovine animal, [one dollar and fifty cents
3 (\$1.50)] ten dollars (\$10); for each ovine, caprine or porcine
4 animal, one dollar (\$1) each for the first three animals, and
5 [fifty cents (50¢)] two dollars (\$2) for each additional animal;
6 for each head of poultry or domestic game bird, domestic hare or
7 rabbit, [ten cents (10¢)] fifty cents (50¢) each, to be included
8 in said report and paid as other damages under this section.

9 Upon payment by the State of damages to livestock or poultry
10 or domestic game bird by dogs, the rights of the owner of such
11 livestock or poultry or domestic game bird against the owner of
12 a dog, to the extent of the amount of damages so paid by the
13 State, shall inure to the benefit of the State. The owner of any
14 dog, if known, causing such damage shall be liable for all
15 damages and costs.

16 Section 803. If, in the report of the appraiser, the name of
17 the owner of any dog or dogs having caused loss or damage to any
18 livestock or poultry is definitely and conclusively shown, or if
19 a written complaint is shown to have been filed with the
20 [Secretary of Agriculture] secretary by any owner of livestock
21 or poultry against any dog or dogs, stating that such dog or
22 dogs has or have been seen pursuing [or worrying] livestock or
23 poultry, and if such charge is proven by investigation on the
24 part of the [Secretary of Agriculture] secretary, he may notify
25 the owner or keeper of such dog or dogs, to immediately kill the
26 same; whereupon it shall be unlawful and a violation of this act
27 for such owner or keeper to permit or cause such dog or dogs,
28 while alive, to leave or be removed from such premises except by
29 agents of the secretary to a veterinarian or shelter for
30 euthanasia purposes only. The killing of such dogs does not

1 remove the liability of the owner of such damage done by his dog
2 or dogs.

3 Upon failure, however, of such owner to comply with such
4 order within a period of ten days, the [Secretary of
5 Agriculture] secretary may authorize the killing of such dog or
6 dogs wherever found.

7 Any person who owns or harbors an unlicensed dog or dogs
8 required to be licensed as hereinbefore provided, shall forfeit
9 any right to be reimbursed for any damage to his livestock or
10 poultry by dogs.

11 ARTICLE IX

12 STATEMENTS AND PROOF

13 Section 901. It is unlawful for any person knowingly to make
14 any false statement or to conceal any fact required to be
15 disclosed under any of the provisions of this act.

16 Section 902. In any proceeding under this act, the burden of
17 proof of the fact that a dog has been licensed, or has been
18 imported for breeding, trial, or show purposes, or that a dog is
19 under the [age of six months,] required licensed age of four
20 months as hereinbefore provided, shall be on the owner of such
21 dog. Any dog not bearing a license tag shall prima facie be
22 deemed to be unlicensed.

23 It is unlawful for any individual, partnership or
24 corporation, dealing in and with dogs, to use a false or
25 fictitious name unless registered with the Commonwealth.

26 ARTICLE X

27 ENFORCEMENTS AND PENALTIES

28 Section 1001. The [Secretary of Agriculture] secretary,
29 through his officers and agents, shall be charged with the
30 general enforcement of this law, [To this end, the Secretary of

1 Agriculture may employ all proper means for the enforcement of
2 this act,] and may enter into agreements with local [agencies
3 and] organizations, humane societies or municipalities to that
4 end. The said officers and agents of the [Secretary of
5 Agriculture] secretary, in the enforcement of this act, are
6 hereby authorized to enter upon the premises of any persons for
7 the purpose of investigation upon displaying his badge of
8 identification furnished by the Department of Agriculture [:
9 Provided, however, That only regular, full time employes of the
10 Department of Agriculture shall be authorized to enter upon the
11 premises owned, operated or controlled by medical or scientific
12 institutions, or premises which are primarily devoted to medical
13 or scientific research or premises where pharmaceutical or
14 biological products are being produced for the cure, treatment
15 or prevention of disease, provided that all such research and
16 production shall be conducted by, or under the supervision of,
17 graduates of reputable scientific schools]. The secretary,
18 officers and agents of the secretary and any organization
19 including humane societies (SPCA), or municipalities under
20 agreement with the secretary, shall have all powers necessary,
21 including the power of investigation, arrest and prosecution
22 where necessary, to enforce the provisions of this act. The
23 provisions of this section shall not be suspended by any rule of
24 court.

25 Section 1002. The secretary shall have the power, and his
26 duty shall be, to make, alter, amend and repeal rules,
27 regulations and all standards affecting kennels, enclosures,
28 grooming facilities or carriers used to transporting dogs of all
29 ages. Any person violating, or failing or refusing to comply
30 with any of the provisions of this act or any rules and

1 regulations covering kennels, grooming facilities or carriers as
2 may be promulgated by the secretary, shall, for the first or
3 second offense upon conviction thereof in a summary proceeding
4 before a [magistrate, alderman, or] justice of the peace, be
5 sentenced to pay a fine of not less than ten dollars (\$10), nor
6 more than three hundred dollars (\$300), and costs of
7 prosecution, and in default of the payment thereof, to undergo
8 imprisonment not exceeding thirty days; and for a third or
9 subsequent offense, shall be guilty of a misdemeanor, and shall,
10 upon conviction thereof, be sentenced to pay a fine of not less
11 than five hundred dollars (\$500) nor more than one thousand
12 dollars (\$1,000) or to undergo imprisonment in the county jail
13 not exceeding one year, or both, in the discretion of the court.

14 All fines collected under the provisions of this act, shall
15 be forthwith paid [to the county treasurer, and shall be paid by
16 him] to the city, borough, town or township in which the offense
17 occurred, for the sole use of dog law enforcement in such city,
18 borough, town or township. The [county treasurer] official
19 before whom charges are brought shall submit an annual report to
20 the Department of Agriculture setting forth the amounts of fines
21 paid to him and the amount paid by him to each city, borough,
22 town or township. All fines not used by the municipality, for
23 dog law enforcement shall be returned to the Dog Law Account.

24 In any case brought by any agent of the Department of
25 Agriculture, where a conviction results, and the costs are not
26 paid by the defendant committed, the costs of the justice of the
27 peace, [magistrate, or alderman] and of the officer serving the
28 warrant or process, shall be paid by the Commonwealth.

1 on the collar, as hereinbefore described. Any dog owner whose
2 dog has been tattooed as provided herein may make application to
3 his county treasurer for a life time license. The county
4 treasurer will prepare forms furnished by the secretary and each
5 dog owner will be furnished a special tag along with tattoo
6 forms describing manner in which dog shall be tattooed. Each dog
7 owner shall pay the county treasurer fifty cents (50¢) for use
8 of the county for administering, completing form and eight
9 dollars (\$8) for each neutered male dog and for each spayed
10 female dog for which the certificate of a veterinarian or the
11 affidavit of the owner is produced; all others at a cost of ten
12 dollars (\$10). All replacement tags will be furnished by the
13 county treasurer at a cost of fifty cents (50¢) in a manner
14 prescribed by the secretary. It shall be unlawful to change or
15 alter any tattoo unless approved in writing by the secretary;
16 any person convicted of defacing or altering any tattoo shall be
17 guilty of a summary offense and upon conviction thereof, shall
18 be sentenced to pay a fine of three hundred dollars (\$300) or to
19 imprisonment for not less than ninety days or both. A bill of
20 sale shall accompany all tattooed dogs when sold.

21 ARTICLE XII

22 MISCELLANEOUS PROVISIONS

23 Section 1201. Nothing in this act shall interfere with any
24 law for the protection and preservation of game or the killing
25 of licensed and unlicensed dogs under the provisions of the game
26 laws of this Commonwealth, nor does this act repeal or affect
27 any acts or parts of acts relating to rabid dogs or dogs
28 affected with any disease, nor prohibit the killing of licensed
29 or unlicensed dogs in accordance with the provisions of any of
30 said acts or any quarantine regulations made in accordance with

1 the provisions of said act.

2 Section 1202. In so far as this act provides for the
3 licensing of dogs and the payment of damages for livestock or
4 poultry injured by dogs or for licensed dogs illegally killed,
5 or for unlicensed or untattooed dogs illegally killed, it shall
6 not apply to cities of the first and second class. Such
7 licensing and payment of damages and detention, in cities of the
8 first and second class shall [continue to be carried on under
9 the provisions of existing laws] be solely maintained under the
10 jurisdiction of said cities except that dealers, commission
11 dealers, boarding facilities, pet shops, research/vivisection
12 kennels, grooming facilities and organizations described in
13 section 208 shall be required to register and comply with the
14 provisions of this act, and rules, regulations or standards as
15 may be promulgated by the secretary. In cities of the first and
16 second class, valid dog license numbers for identification
17 purposes shall be available to police officers and animal
18 shelters twenty-four hours a day including weekends and
19 holidays.

20 Section 1203. The provisions of this act shall be severable,
21 and, if any of its provisions shall be held to be
22 unconstitutional, the decision of the court shall not affect or
23 impair any of the remaining provisions of the act. It is hereby
24 declared as a legislative intent that this act would have been
25 adopted had such unconstitutional provisions not been included
26 therein.

27 Section 1204. This act does not repeal or in any [wise] way
28 affect any of the provisions of the following acts:

29 (1) The act of July 22, 1913 (P.L.928, No.441), entitled "An
30 act relating to domestic animals; defining domestic animals so

1 as to include poultry; providing methods of improving the
2 quality thereof, and of preventing, controlling and eradicating
3 diseases thereof; imposing certain duties upon practitioners of
4 veterinary medicine in Pennsylvania; regulating the manufacture,
5 use and sale of tuberculin, mallein and other biological
6 products for use with domestic animals; defining the powers and
7 duties of the State Livestock Sanitary Board, and the officers
8 and employees thereof; fixing the compensation of the Deputy
9 State Veterinarian and providing penalties for the violation of
10 this act."

11 (2) The act of June 3, 1937 (P.L.1225, No.316), known as
12 "The Game Law."

13 Section 1205. The act of May 11, 1921 (P.L.522, No.242),
14 known as the "Dog Law of 1921" is hereby repealed.

15 Section 1206. [The sum of six hundred thousand dollars
16 (\$600,000), or as much thereof as is necessary, is hereby
17 appropriated to the Department of Agriculture for the fiscal
18 year beginning July 1, 1965,] All fees collected under this act
19 and remitted to the Commonwealth shall be paid into the Treasury
20 of the Commonwealth into a restricted revenue account hereby
21 created within the General Fund to be known as the "Dog Law
22 Account." Moneys in the Dog Law Account shall be used for the
23 purpose of carrying out the provisions of this act, to wit: for
24 the administration of [the Dog Law of 1965,] this act for
25 payment of dog law enforcement officers, necessary dog law
26 enforcement equipment and shelters and research pertinent to
27 care and housing of dogs and dog law enforcement, and to
28 reimburse legally constituted law enforcement agencies for
29 reasonable expenses incurred in their assistance rendered to the
30 Department of Agriculture in the matter of the enforcement of

1 [the Dog Law of 1965] this act and for the payment of livestock
2 and poultry damage under said law.

3 The Department of Agriculture shall be allocated the entire
4 sum collected by the State Treasurer to be used only for
5 purposes expressed herein before and after: Provided, however,
6 That nothing set forth herein shall be construed to limit the
7 budgetary and expenditure control powers assigned to the Budget
8 Secretary under law.

9 A sum of up to two hundred fifty thousand dollars (\$250,000)
10 annually may be used for shelter subsidies to humane societies
11 and municipalities; except that no more than thirty thousand
12 dollars (\$30,000) may be expended for this purpose between the
13 period July 1, 1980 and April 30, 1981.

14 Any funds in the Dog Law Account not used or set aside for
15 purposes mentioned herein are to be returned to various counties
16 in proportion to the amount contributed at the end of each
17 fiscal year. All funds so received by the counties shall be used
18 for dog law purposes as enumerated herein, including subsidies
19 to societies for the prevention of cruelty to animals provided
20 such societies have neutering requirements approved by the
21 department.

22 Section 1207. This act shall take effect [on January 15,
23 1966, but the county treasurers may issue licenses for the year
24 1966 in accordance with the fee schedules in sections 201 and
25 208 of this act at any time after December 1, 1965] immediately.

26 Section 2. The sum of \$400,000 is hereby appropriated to the
27 Department of Agriculture as temporary working capital for
28 carrying out the provisions of this act. That part of the
29 appropriation as is unexpended, uncommitted and unencumbered as
30 of April 30, 1981 shall lapse as of that date.

1 Section 3. This act shall take effect immediately.