
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 188

Session of
1981

INTRODUCED BY BURNS, JANUARY 26, 1981

REFERRED TO COMMITTEE ON PROFESSIONAL LICENSURE,
JANUARY 26, 1981

AN ACT

1 Regulating the ownership, leasing, acquiring, importing,
2 training, handling, housing and sale of guard dogs in the
3 Commonwealth of Pennsylvania.

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17 The General Assembly of the Commonwealth of Pennsylvania

1 hereby enacts as follows:

2 Section 1. Short title.

3 This act shall be known and may be cited as the "Guard Dog
4 Law."

5 Section 2. Definitions.

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

9 "Department." The Department of Agriculture of the
10 Commonwealth of Pennsylvania.

11 "Guard dog." Any dog trained to attack, threaten or guard
12 upon command, signal or reflex, and shall include any dog
13 trained to guard, protect or patrol premises, industrial or
14 commercial, or private residence.

15 "Handler." An owner or any other person who has the care or
16 custody of a guard dog or has purchased, rented, leased,
17 received as a gift, or otherwise acquired a guard dog.

18 "Licensee." Any person licensed as a trainer or handler, or
19 owner pursuant to the provisions of this act.

20 "Person." Any individual, partnership, firm, joint stock
21 company, corporation, association, or employees thereof, or
22 other legal entity, unless otherwise stated.

23 "Secretary." The Secretary of Agriculture of the
24 Commonwealth of Pennsylvania.

25 "Seller." Any person engaged in the practice of importation,
26 sale, rental or lease of guard dogs as a commercial enterprise.

27 "Trainer." Any person who engages in the practice of
28 training a guard dog.

29 Section 3. Governing body.

30 (a) A governing board shall be established who will

1 promulgate regulations for the guard dog industry. This board
2 shall consist of ten members appointed by the secretary for a
3 two-year term of office. Board members selected by the secretary
4 shall be as follows:

5 (1) Two recognized dog trainers.

6 (2) Two veterinarians currently engaged in the private
7 practice of veterinary medicine (small animal practice) in
8 the Commonwealth of Pennsylvania.

9 (3) Two officers of a board of a humane society duly
10 incorporated under the Laws of the Commonwealth of
11 Pennsylvania.

12 (4) Two private animal advocates known for their active
13 interest in the welfare of domestic animals.

14 (5) Two officials of a municipality within the
15 Commonwealth of Pennsylvania.

16 (b) Each of the above appointments shall be restricted to
17 persons never convicted of cruelty to or neglect of any animal,
18 under any jurisdiction within or without the Commonwealth of
19 Pennsylvania or any violation of the act of December 22, 1965
20 (P.L.1124, No.437), known as the "Dog Law of 1965."

21 (c) The members of the board shall serve without
22 compensation other than to be reimbursed for reasonable and
23 necessary expenses incurred in the performance of their duties,
24 such reimbursements to be approved by the secretary and by the
25 board.

26 Section 4. Powers of the board.

27 (a) The board shall establish minimum standards for the
28 training and licensing of:

29 (1) Guard dog trainers.

30 (2) Guard dog training facilities.

1 (3) Guard dog handlers.

2 (4) Guard dog sellers or lessors.

3 (5) Guard dog lessees or owners.

4 (b) The board will define and classify guard dogs by sex,
5 species or breed, size, power, training degree and activities
6 for which the animal is trained.

7 (c) The board shall meet every three months to reassess
8 these standards for fairness and practicality and to hear
9 complaints about such standards.

10 (d) The board shall undertake such studies, make
11 recommendations to the secretary and take such other actions as
12 may be deemed proper.

13 Section 5. Licensing of guard dogs.

14 (a) It shall be unlawful for any person to sell, lease, rent
15 or give any guard dog to any person unless such animal meets the
16 minimum standards as promulgated by the board. Upon meeting the
17 minimum standards, the department shall register the animal and
18 issue a tag, to be worn by such animal, having stamped or
19 printed thereon "GUARD DOG." Lost or stolen tags shall be
20 reported to the department within ten calendar days and shall be
21 immediately replaced by said department at a reasonable cost.
22 Each registered animal shall be given an identification number,
23 which must be tattooed on the dog, according to regulations as
24 promulgated by the board.

25 (b) The secretary shall keep a permanent file of such
26 identification numbers, to be kept current and available for
27 inspection by the public upon proper identification. Such file
28 shall contain complete information as follows:

29 (1) Sex and breed of dog.

30 (2) Tattoo number.

1 (3) License number of trainer, handler or lessor.

2 (4) Color and markings of dog.

3 (5) Age.

4 (6) Weight.

5 (7) Where and when dog was acquired.

6 (8) Present ownership.

7 (9) Degree of training and by whom.

8 (c) As any guard dog changes ownership, such transfer shall
9 be recorded with the department within ten calendar days of such
10 transfer of ownership.

11 (d) All guard dog owners shall pay an annual \$10 fee for the
12 licensing of said animal. This fee shall be in addition to any
13 other licensing fee or fees required by applicable local, State
14 or Federal law.

15 Section 6. Licensing of guard dog trainers.

16 (a) It shall be unlawful for any person to hold themselves
17 out to the public or act as a guard dog trainer without first
18 obtaining and holding a license in the manner described by this
19 section and meeting the minimum standards as determined by the
20 board.

21 (b) Any advertisements, paid or free, flyers or notices of
22 guard dog training, renting or selling placed in any publication
23 or on any public bulletin board offering such services, must
24 bear the license number held by such trainer, seller or lessor.

25 (c) All applications for licenses shall be submitted on
26 forms provided by the department and shall be accompanied by an
27 annual fee of \$100. Each application for a license shall set
28 forth the name, residence and business addresses of the
29 applicant, and supporting data concerning his or her
30 qualifications for the license as the board may require.

(d) Qualifications of applicant:

(1) Each applicant for a license must be at least 21 years of age.

(2) Only a natural person may obtain a trainer's license.

(3) The applicant shall reside and have an established place of business within the Commonwealth of Pennsylvania.

(4) The applicant shall never have been convicted of cruelty to or neglect of any animal in this or any other jurisdiction, within or without the Commonwealth of Pennsylvania.

(e) No licensee shall authorize, consent to or permit the use of his or her license by or on behalf of any other person doing business as a guard dog trainer.

(f) It shall be unlawful on or after the effective date of this act for any person to engage in or carry on the business of teaching and training guard dogs for protection or otherwise without first having obtained a license from the department, as provided herein, to conduct such business.

(g) In the matter of guard dogs already owned, trained, leased or in training on the date this act becomes effective, such owner, lessee or trainer shall within 30 days of the effective date of this act, apply for the proper license, registration and data record for the record of each such dog.

Section 7. Licensing of handlers and sellers.

(a) Anyone wishing to own a guard dog or sell a guard dog shall conform to the standards set by the board.

(b) The initial fee for a handler's or seller's license shall not be less than \$25 and the subsequent annual fee shall not be less than \$15.

1 (c) Every trainer, seller, handler or owner shall keep
2 conspicuously displayed on premises where any guard dog is kept,
3 a sign of not less than 12 inches by 12 inches in size, clearly
4 warning the public of the presence of such guard dog or dogs.
5 Such signs shall contain the name of the trainer, seller or
6 handler and a telephone number of a place that person may be
7 reached at all times, in event of emergency.

8 (d) It shall be the duty of the guard dog trainer, handler,
9 lessor and/or lessee to assure that the presence of any guard
10 dog at any premises, industrial, commercial or private, is
11 recorded with the police department in the municipality,
12 together with name and telephone number of the person to call in
13 any emergency and it shall further be the duty of the licensee
14 and person upon whose property the dog is kept to see that this
15 information is kept current at all times.

16 (e) Premises used for training or sale of attack-trained
17 dogs shall be open for inspection at reasonable hours by any
18 person delegated by the secretary, with the duty of making
19 inspections for purpose of inspecting said premises or records
20 to insure compliance with the requirements of this act and the
21 rules and regulations pursuant thereto. The records kept by each
22 trainer, lessor or handler shall include the names, addresses
23 and telephone numbers of each buyer or lessee of a guard dog and
24 the classification of such dog, together with its tattoo number.

25 (f) Before any license may be issued or renewed, inspection
26 must be made of the premises to insure there is adequate fencing
27 to insure confinement of the dog both while in training and on
28 duty. This requirement must be met by any trainer, lessor,
29 handler or individual owner or renter who keeps a guard-trained
30 dog on his property at any time.

1 Initial application for license must be accompanied by an
2 inspection report furnished by an agent of a recognized humane
3 society, incorporated in the Commonwealth of Pennsylvania,
4 having jurisdiction in that area, stating that the facility has
5 been inspected and housing has been found adequate at time of
6 inspection.

7 Further, any humane society having jurisdiction in that area
8 may go on record with the department as requesting to accompany
9 the inspecting officer as each renewal inspection is made to
10 insure conditions are kept adequate. Such request must be made
11 in writing and by certified mail.

12 Section 8. Suspension and revocation of licenses.

13 A trainer, handler, seller, lessor, lessee or owner is
14 subject to suspension or revocation of his or her license if
15 such person:

16 (1) makes any false statements in any application for a
17 license;

18 (2) uses fraud or bribery in obtaining said license; or

19 (3) has ever been convicted of cruelty or neglect of any
20 animal, as provided in 18 Pa.C.S. § 5511 (relating to cruelty
21 to animals), or the act of December 22, 1965 (P.L.1124,
22 No.437), known as the "Dog Law of 1965," or any animal
23 regulating laws in any other state.

24 Section 9. Scope.

25 This act shall cover every municipality within the
26 Commonwealth of Pennsylvania, and there shall be no exceptions
27 from the requirements of this act extended to cities of the
28 first and second class.

29 Section 10. Applicability.

30 The provisions of this act shall apply to all commercial and

1 private users of guard dogs with the exception of all government
2 law enforcement agencies and the dogs owned or leased by such
3 law enforcement agency in the performance of crime prevention
4 within their municipality. However, if such law enforcement
5 officer is also engaged in training, handling, renting or
6 selling guard-trained dogs as a private enterprise, he will not
7 enjoy such exemption.

8 Section 11. Regulations.

9 Any individual or business having a guard-trained dog on
10 their premises must meet the requirements to be promulgated by
11 the board as to the type and height of fence required to insure
12 that such dog cannot escape. The board also shall promulgate
13 such rules and regulations as shall be deemed necessary to
14 effectuate the purposes of this act within six months after the
15 effective date.

16 Section 12. Effective date.

17 This act shall take effect in 60 days.