

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2702 Session of
1996

INTRODUCED BY KREBS AND BUNT, JUNE 24, 1996

AS AMENDED ON THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES,
NOVEMBER 19, 1996

AN ACT

1 Amending the act of December 7, 1982 (P.L.784, No.225), entitled
2 "An act relating to dogs, regulating the keeping of dogs;
3 providing for the licensing of dogs and kennels; providing
4 for the protection of dogs and the detention and destruction
5 of dogs in certain cases; regulating the sale and
6 transportation of dogs; declaring dogs to be personal
7 property and the subject of theft; providing for the
8 assessment of damages done to livestock, poultry and domestic
9 game birds; providing for payment of damages by the
10 Commonwealth in certain cases and the liability of the owner
11 or keeper of dogs for such damages; imposing powers and
12 duties on certain State and local officers and employees;
13 providing penalties; and creating a Dog Law Restricted
14 Account," further providing for preliminary material, for
15 licenses, tags and kennels, for dogs at large, for duties of
16 officers, FOR DUTIES OF THE DEPARTMENT, for offenses, for <—
17 dangerous dogs, for injuries to dogs, for damages by dogs,
18 for statements and proofs AND for enforcement and penalties; <—
19 PROVIDING FOR STERILIZATION OF DOGS AND CATS; FURTHER
20 PROVIDING for funds, for liability of the Commonwealth, for
21 applicability, for abandonment and for repeals.

22 The General Assembly of the Commonwealth of Pennsylvania
23 hereby enacts as follows:

24 Section 1. The title and section 102 of the act of December
25 7, 1982 (P.L.784, No.225), known as the Dog Law, are amended to
26 read:

27 AN ACT

1 Relating to dogs, regulating the keeping of dogs; providing for
2 the licensing of dogs and kennels; providing for the
3 protection of dogs and the detention and destruction of dogs
4 in certain cases; regulating the sale and transportation of
5 dogs; declaring dogs to be personal property and the subject
6 of theft; PROVIDING FOR THE ABANDONMENT OF ANIMALS; providing <—
7 for the assessment of damages done to [livestock, poultry and
8 domestic game birds] animals; providing for payment of
9 damages by the Commonwealth in certain cases and the
10 liability of the owner or keeper of dogs for such damages;
11 imposing powers and duties on certain State and local
12 officers and employees; providing penalties; and creating a
13 Dog Law Restricted Account.

14 Section 102. Definitions.

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

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

21 "Abandonment." Relinquishment of all rights and claims to an
22 animal by its owner.

23 "Accelerant detection dog." Any dog which is used
24 exclusively for accelerant detection, commonly referred to as
25 arson canines.

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

29 "Animal control officer." Any person appointed to carry out
30 the duties of dog control.

1 "Attack." The deliberate action of a dog, whether or not in
2 response to a command by its owner, to bite, to seize with its
3 teeth or to pursue any human or domestic animal.

4 "Boarding kennel." Any kennel available to the general
5 public where dogs are housed or trained for compensation by the
6 day, week or a specified or unspecified time[; but the]. The
7 term shall not include [those kennels] a kennel where the
8 practice of veterinary medicine is performed [and that the
9 establishment] if the kennel is covered by the provisions of the
10 act of December 27, 1974 (P.L.995, No.326), known as the
11 "Veterinary Medicine Practice Act[," but]. The term shall
12 include any boarding facility operated by a [veterinarian]
13 licensed doctor of veterinary medicine whether or not this
14 facility is on the same premises as a [veterinary hospital.]
15 building or structure subject to the provisions of the
16 "Veterinary Medicine Practice Act."

17 "Breeding kennel." Any kennel operated for the purpose of
18 breeding, buying and selling or in any way transferring dogs for
19 nonresearch purposes.

20 "CAT." THE GENUS AND SPECIES KNOWN AS FELIS CATUS.

<—

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

23 "County treasurer." The elected officer for any county or
24 any county employee assigned to the office of the county
25 treasurer charged with the receipt, custody and disbursements of
26 its moneys or funds. The term county treasurer shall include
27 those officials in home rule charter counties responsible for
28 county treasurer's duties.

29 "Coyote." The genus and species known as canis latrans.

30 "Dangerous dog." A dog determined to be a dangerous dog

1 under section 502-A.

2 "Dealer." Any person who owns or operates a dealer kennel in
3 this Commonwealth or who buys, receives, sells, exchanges,
4 negotiates, barter or solicits the sale, resale, exchange or
5 transfer of a dog in this Commonwealth for the purpose of
6 transferring ownership or possession to a third party.

7 "Dealer kennel." A kennel within the Commonwealth which:

8 (1) publicly or privately sells or offers for sale any
9 dog belonging to another person for a fee, commission or
10 percentage of the sale price;

11 (2) acquires, sells, transfers, exchanges or barter
12 dogs at wholesale for resale to another; or

13 (3) offers or maintains dogs for sale, transfer,
14 exchange or barter at wholesale for resale to another. The
15 term does not include a pound, shelter or common carrier, or
16 a kennel defined elsewhere in this section.

17 "Department." The Pennsylvania Department of Agriculture.

18 "Dog." The genus and species known as Canis familiaris.

19 "Dog control." The apprehending, holding and disposing of
20 stray or unwanted dogs [or activities that reduce the number of
21 dog related problems]. Dog control [activities] may be performed
22 by [agents of incorporated humane organizations] humane society
23 police officers, police officers, State dog wardens or [agents
24 of] animal control [organizations such as municipal dog control]
25 officers.

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

30 ["Domestic game bird." All game birds as defined by the act

1 of June 3, 1937 (P.L.1225, No.316), known as "The Game Law,"
2 which are kept in captivity.]

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

6 "Humane society or association for the prevention of cruelty
7 to animals." A nonprofit society or association duly
8 incorporated pursuant to 15 Pa.C.S. Ch. 53 Subch. A (relating to
9 incorporation generally) for the purpose of the prevention of
10 cruelty to animals.

11 "Humane society police officer." Any person duly appointed
12 pursuant to 22 Pa.C.S. § 501 (relating to appointment by
13 nonprofit corporations) to act as a police officer for a humane
14 society or association for the prevention of cruelty to animals.
15 The term shall include any person who is an agent of a humane
16 society or association for the prevention of cruelty to animals
17 as agent is used in 18 Pa.C.S. § 5511 (relating to cruelty to
18 animals).

19 "Kennel." Any establishment wherein dogs are kept for the
20 purpose of breeding, hunting, training, renting, research or
21 vivisection, buying, boarding, sale, show or any other similar
22 purpose and is so constructed that dogs cannot stray therefrom.

23 "Licensed doctor of veterinary medicine." A person who is
24 currently licensed pursuant to the act of December 27, 1974
25 (P.L.995, No.326), known as the "Veterinary Medicine Practice
26 Act."

27 ["Livestock." Members of the equine, bovine, ovine, caprine,
28 and porcine species, and confined domesticated hares, rabbits
29 and mink.]

30 "Nonprofit kennel." Any kennel operated by [Animal Rescue

1 Leagues, Societies for the Prevention of Cruelty to Animals,
2 Animal Humane Societies, and] an animal rescue league, a humane
3 society or association for the prevention of cruelty to animals
4 or a nonprofit animal control [kennels, which are legally
5 constituted law enforcement agencies and] kennel under sections
6 901 and 1002. The term shall include kennels operated by
7 approved medical and veterinary schools and nonprofit
8 institutions conducting medical and scientific research, which
9 shall be required to register, but shall not be required to pay
10 any of the following license fees, and which may use their own
11 identification tags for dogs within their kennels without being
12 required to attach tags hereinafter prescribed while dogs are
13 within such kennels, if approved by the [Secretary of
14 Agriculture] secretary.

15 "Out-of-state dealer." [Anyone] A person who does not reside
16 in the Commonwealth of Pennsylvania and who buys, [sells or
17 otherwise deals with dogs within the Commonwealth of
18 Pennsylvania.] receives, sells, exchanges, negotiates, barter
19 or solicits the sale, resale, exchange or transfer of a dog in
20 this Commonwealth for the purpose of transferring ownership or
21 possession to a third party.

22 "Owner." When applied to the proprietorship of a dog,
23 includes every person having a right of property in such dog,
24 and every person who keeps or harbors such dog or has it in his
25 care, and every person who permits such dog to remain on or
26 about any premises occupied by him.

27 "Permanent identification" or "permanently identified." Any
28 long-lasting identification designed to be nonremovable, such as
29 a tattoo or microchip, determined by the Department of
30 Agriculture through regulation. Any dog permanently identified

1 shall be required to bear a license tag in accordance with the
2 provisions of this act.

3 "Person with a disability." A person who receives disability
4 insurance or supplemental security income for the aged, blind or
5 disabled under the Social Security Act (49 Stat. 620, 42 U.S.C.
6 § 301 et seq.), or who receives a rent or property tax rebate
7 under the act of March 11, 1971 (P.L.104, No.3), known as the
8 "Senior Citizens Rebate and Assistance Act," on account of
9 disability, or who has a handicapped license plate under 75
10 Pa.C.S. § 1338 (relating to handicapped plate and placard).

11 "Persons." Includes State and local officers, or employees,
12 individuals, corporations, copartnerships and associations.
13 Singular words shall include the plural. Masculine words shall
14 include the feminine and neuter.

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

19 "Police officer." Any person employed or elected by this
20 Commonwealth, or by any municipality and whose duty it is to
21 preserve peace or to make arrests or to enforce the law. The
22 term includes [State constabulary] constables and dog, game,
23 fish and forest wardens.

24 ["Poultry." Includes all domestic fowl.]

25 "Private kennel." A kennel at, in, or adjoining a residence
26 where dogs are kept or bred by their owner, for the purpose of
27 hunting, tracking and exhibiting in dog shows, or field and
28 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 designed to prevent the animal from
3 escaping. Such pen or structure shall have secure sides and a
4 secure top and shall also provide protection from the elements
5 for the dog. If the pen or structure has no bottom secured to
6 the sides, the sides must be embedded at least two feet into the
7 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 "Research." Investigation or experimentation aimed at the
15 discovery and interpretation of facts or procedures, revision of
16 accepted theories or laws in the light of new facts or practical
17 application of such new or revised theories or laws as related
18 to the advancement of medical science and technological
19 treatment of disease or surgical operations, medical procedures,
20 transplants, functions and any form of medical or
21 pharmacological actions on dogs when applied and personally
22 supervised by a qualified scientist with degrees approved by the
23 secretary.

24 "Research[, vivisection or dealer] kennel." [(D kennels)]
25 Any [profit oriented] kennel within the Commonwealth wherein
26 research [or vivisection] is conducted with dogs, or where
27 vivisection is practiced with dogs, or any establishment [that]
28 which breeds, buys, sells, or in any way transfers dogs to
29 laboratories, hospitals, establishments for research or any
30 other similar purpose, or [who] which sells, gives away or in

1 any way transfers dogs to another research[, vivisection] or
2 dealer kennel [(D kennel), or who sells or offers for sale any
3 dog belonging to another person for a fee, commission or
4 percentage of the sales price, either privately or publicly].

5 "Secretary." The Secretary of Agriculture or any person to
6 whom authority has been delegated by the Secretary of
7 Agriculture.

8 "Service dog." Any dog which has been trained as a guide
9 dog, signal dog or has been trained to do work or perform tasks
10 for the benefit of an individual with a disability, including,
11 but not limited to guiding individuals with impaired vision,
12 alerting individuals with impaired hearing to intruders or
13 sounds, ~~providing minimal protection work,~~ pulling a wheelchair <—
14 or fetching dropped items.

15 "Severe injury." Any physical injury that results in broken
16 bones or disfiguring lacerations requiring multiple sutures or
17 cosmetic surgery.

18 "State dog warden." An employee of the department whose
19 primary duty is to enforce this act and the regulations pursuant
20 thereto.

21 "Vivisection." The cutting of or operation on a living
22 animal for physical or pathological investigation or animal
23 experimentation.

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

28 Section 2. The act is amended by adding a section to read:
29 Section 200. Issuance of dog licenses; compensation; proof
30 required; deposit of funds; records; license

1 sales; rules and regulations; failure to comply;
2 unlawful acts; penalty.

3 (a) Issuance of dog licenses.--

4 (1) The county treasurer OR AGENT DESIGNATED BY A CITY <—
5 OF THE THIRD CLASS shall be an agent and shall process
6 applications for dog license certificates and issue dog
7 license certificates and tags.

8 (2) The county treasurer OR AGENT DESIGNATED BY A CITY <—
9 OF THE THIRD CLASS may authorize district justices to be
10 agents and to process applications for dog license
11 certificates and to issue dog license certificates and tags.

12 (3) The county treasurer OR AGENT DESIGNATED BY A CITY <—
13 OF THE THIRD CLASS may authorize other agents within the
14 county AS THE CASE MAY BE to process dog license certificates <—
15 and to issue dog license certificates and tags. At least half
16 of the agents appointed in each county shall have hours of
17 operation after 5 p.m. at least one weekday and shall be open
18 at least one day of each weekend. The agents shall be <—
19 required to post a bond or other security in a form
20 satisfactory to the secretary in an amount he determines.

21 AGENTS WHO HAVE BEEN APPOINTED BY THEIR RESPECTIVE COUNTY <—
22 TREASURERS UNDER THIS PARAGRAPH SHALL MEET BONDING
23 REQUIREMENTS AS THEIR RESPECTIVE COUNTY TREASURERS MAY
24 REQUIRE.

25 (4) The secretary shall have the authority, after a
26 review of the agents appointed by a county treasurer, to
27 appoint agents within each county to process dog license
28 certificates and to issue dog license certificates and tags.
29 Priority shall be given to licensed doctors of veterinary
30 medicine and kennels licensed under this act. At least half

1 of the agents appointed in each county shall have hours of
2 operation after 5 p.m. at least one weekday and shall be open
3 at least one day of each weekend. ~~The agents~~ AGENTS APPOINTED <—
4 BY THE SECRETARY UNDER THIS PARAGRAPH shall be required to
5 post a bond or other security instrument in a form
6 satisfactory to the secretary in an amount he determines. The
7 secretary may recall the appointment of any agent at any
8 time.

9 (5) Agents who have been appointed by their respective
10 county treasurers prior to the effective date of this act <—
11 SECTION may continue to act as agents for the county <—
12 treasurers under such bonding requirements as the county
13 treasurer may require., ~~until regulations are promulgated by~~ <—
14 ~~the department which establish the bonding requirements, at~~
15 ~~which time all agents, regardless of the appointing~~
16 ~~authority, shall follow the regulations.~~

17 (b) Compensation.--For services rendered in collecting and
18 paying over dog license fees, agents, for as long as they
19 continue to act in that capacity, may collect and retain a sum
20 ~~not to exceed~~ OF \$1 for each dog license sold, which amount <—
21 shall be full compensation for services rendered by them under
22 this act. The compensation shall be retained by the respective
23 agents and shall cover, among other things, the cost of
24 processing and issuing dog licenses, postage, mailing, returns
25 and bonding of the agents. A district justice authorized by the
26 county treasurer OR CITY OF THE THIRD CLASS to process <—
27 applications for dog license certificates and issue dog license
28 certificates and tags is not authorized to collect compensation
29 under this subsection. Agents under subsection (a)(3) and (5)
30 shall collect an additional 50¢ which shall be remitted to the

county treasurer, for the use of the county, in the same manner as records are forwarded under subsection (e).

(c) Proof required.--Each agent shall secure positive proof of the owner's identification, age and disability, if any, and the dog's spay/neuter status, as may be appropriate, for each dog license sold.

(d) Deposit of funds.--All EXCEPT IN CITIES OF THE THIRD CLASS, WHICH HAVE DESIGNATED AN AGENT TO COLLECT DOG LICENSE FEES, ALL dog license fees paid to an agent under this act, less compensation if collected, shall be paid by those agents into the State Treasury for deposit in the Dog Law Restricted Account at least once a month and they shall be applied to the purposes provided for in this act. An agent shall make a return to the department upon a form to be supplied by the department. IN THE CASE OF CITIES OF THE THIRD CLASS THAT HAVE DESIGNATED AN AGENT TO COLLECT DOG LICENSE FEES, ALL DOG LICENSE FEES SHALL BE PAID TO THE CITY OF THE THIRD CLASS.

(e) Records.--Each agent shall keep on a printed form supplied by the department a correct and complete record of all dog licenses issued. The records shall be available at reasonable hours for inspection by any employee of the department charged with the enforcement of this act or any representative of the Department of Auditor General or Office of Attorney General. Within five days following the first day of each month, each agent shall forward to the secretary and to the county treasurer of the county in which the agent is situated, on forms supplied by the department, a complete report of dog licenses issued, in correct numerical sequence. All money collected from the sale of dog licenses, less compensation if collected, and any other information required by the secretary

1 shall be forward to the secretary with the report.

2 (f) License sales.--Each agent shall process applications
3 and issue dog license certificates on a year-round basis.
4 Nothing in this act shall permit an agent, while acting in that
5 capacity, to suspend license sales during any time.

6 (g) Rules and regulations.--The department may promulgate
7 such rules and regulations as it deems necessary to control and
8 supervise the issuance of dog licenses by agents.

9 (h) Failure to comply.--An agent who fails to comply with
10 this act or regulations adopted under this act relating to the
11 issuance, recording of data or remitting of costs for dog
12 licenses issued shall not be entitled to retain the sum under
13 subsection (b) for his services but shall pay the sum to the
14 State Treasury for deposit into the Dog Law Restricted Account.
15 Delinquent agents are subject to a penalty of 10% per month on
16 any outstanding balance of dog license money due the department,
17 which penalty shall be compounded on a monthly basis. Any money
18 not paid may be recovered by the Commonwealth by suit in the
19 same manner as like amounts are recoverable by law. Delinquent
20 agents shall be recalled after a delinquency period of 60 days.

21 (i) Unlawful acts concerning agents.--It is unlawful for an
22 agent or his representative to knowingly:

23 (1) Issue a dog license at a fee greater than the fee
24 prescribed in this act.

25 (2) Issue a dog license without first securing the
26 proofs required under subsection (c).

27 (3) Falsify the date of a license certificate.

28 (4) Violate any other provision of this section.

29 (j) Penalty.--Any agent who violates this section or the
30 rules or regulations promulgated under it commits a summary

1 offense and, upon conviction, shall be sentenced to pay a fine
2 of not less than \$300 nor more than \$500 and, in addition, may
3 have his agency recalled, at the discretion of the secretary.
4 Each day of violation or each illegal act constitutes a separate
5 offense.

6 Section 3. Sections 201, 202 and 203 of the act are amended
7 to read:

8 Section 201. Applications for dog licenses; fees; [county
9 treasurers as agents] penalties.

10 (a) General rule.--Except as provided in subsection (b), on
11 or before January 1 of each year, unless and until the
12 department promulgates regulations establishing a system of dog
13 license renewal on an annual basis throughout the calendar year,
14 the owner of any dog, [six] three months of age or older, except
15 as hereinafter provided, shall apply to the county treasurer of
16 his respective county or [his authorized] an agent under section
17 200(a), on a form prescribed by the department for a license for
18 such dog. The application and license certificate shall state
19 the breed, sex, age, color and markings of such dog, [and] the
20 name, address and telephone number of the owner and the year of
21 licensure. The application shall be accompanied by [a license
22 fee of \$2.50 for each neutered male dog and for each spayed
23 female dog for which the certificate of a veterinarian or the
24 affidavit of the owner is produced, and by a license fee of
25 \$4.50 for all other male and female dogs. For Pennsylvania
26 residents 65 years of age or older, the license fee shall be
27 \$1.25 for each neutered male dog and for each spayed female dog
28 for which the certificate of a veterinarian or the affidavit of
29 the owner is produced, and the license fee shall be \$2.25 for
30 all other male or female dogs. When the license is issued by the

1 county treasurer, an additional service fee of 50¢ shall be paid
2 by all applicants regardless of age to the county treasurer for
3 the use of the county. The county treasurers of this
4 Commonwealth shall be agents of the Commonwealth for the
5 collection of license fees. All county treasurers shall pay all
6 license fees collected through the Department of Agriculture
7 into the State Treasury for credit to the Dog Law Restricted
8 Account.] the appropriate license fee as follows:

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

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

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

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

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

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

26 (b) Lifetime license.--The owner of any dog [six] three
27 months of age or older which has been [tattooed with
28 identification numbers] permanently identified, may apply to the
29 county treasurer of his respective county or [his authorized] an
30 agent under section 200(a), on a form prescribed by the

1 department for a lifetime license for such a dog. Except as
2 otherwise provided in this act, a dog which has been issued a
3 lifetime license shall be required to wear a license tag. The
4 application and license certificate shall state the breed, sex,
5 age, color and markings of such [a] dog, the [identifying
6 tattoo] type and number of permanent identification, and the
7 name, address and telephone number of the owner. The application
8 shall be accompanied by [a license fee of \$10 for each neutered
9 male dog and for each spayed female dog for which the
10 certificate of a veterinarian or the affidavit of the owner is
11 produced, and by a license fee of \$20 for all other male and
12 female dogs. For Pennsylvania residents 65 years of age or
13 older, the license fee shall be \$5 for each neutered male dog
14 and for each spayed female dog for which the certificate of a
15 veterinarian or the affidavit of the owner is produced, and \$10
16 for all other male and female dogs. When the license is issued
17 by the county treasurer, an additional service fee of 50¢ shall
18 be paid by all applicants regardless of age to the county
19 treasurer for the use of the county. The department shall
20 promulgate regulations to provide for the registration of
21 lifetime tattoo identification numbers with the department.] the
22 appropriate license fee as follows:

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

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

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

1 provided in this act. Dogs which are confined or are actively
2 engaged in shows, obedience or field trials are excluded from
3 wearing a current license tag on a collar or harness, as long as
4 a current tag is in the possession of the owner or handler for
5 each dog. It shall be unlawful for any person, except the owner
6 or his authorized agent, or a State dog warden, to remove any
7 license tag from a dog's collar or harness or to remove any
8 collar or harness with a license tag attached thereto from any
9 dog, except as provided in the act of June 3, 1937 (P.L.1225,
10 No.316), known as "The Game Law," and except as herein or
11 otherwise provided.

12 Section 203. Tags furnished to county treasurers and other
13 agents; lost tags.

14 The department shall furnish to the county treasurers and to
15 other agents under section 200(a) tags to be given to applicants
16 for dog licenses. The department shall furnish to the county
17 treasurers tags to be distributed to agents under section
18 200(a)(3) and (5). Such tags shall bear the name of the county
19 where such dog license is issued, and a serial number
20 corresponding to the number on the issued dog license
21 certificate. Such tags shall not contain more than one square
22 inch of area between the ears or the fastening device and have
23 impressed thereon the calendar year for which the tag is valid.
24 If any tag is lost, it shall be replaced by the county treasurer
25 upon production of the dog license certificate. The cost for the
26 issuance of a tag due to loss shall be [50¢] \$1 paid to the
27 county treasurer for the use of the county.

28 Section 4. Section 204 of the act, amended May 13, 1988
29 (P.L.396, No.63), is amended to read:
30 [Section 204. Who shall issue licenses; fees; records.

1 The county treasurer may authorize agents to process
2 applications for dog license certificates and to issue license
3 certificates and tags. The county treasurer shall establish the
4 bonding requirements for all agents designated for purposes of
5 this section, except for district justices who when authorized
6 by the county treasurer shall not be required to furnish a bond.
7 All persons designated by the county treasurer under this
8 section shall charge \$1 as a service fee for each application
9 processed in addition to the license fees established under
10 section 201. The agent shall retain 50¢ of this service fee and
11 the county treasurer shall retain 50¢ of the service fee for the
12 use of the county except when the agent is a district justice,
13 when the entire service fee shall be remitted to the county
14 treasurer for the use of the county. All records of applications
15 by agents designated by the county treasurer under this section
16 shall be forwarded to the county treasurer who shall maintain
17 all dog license application records for the county.]

18 Section 5. Sections 205, 206, 207, 208, 209, 211, 214, 215
19 and 216 of the act are amended to read:

20 Section 205. Transfer of dog licenses or tags; other licensing
21 requirements.

22 (a) Transfer of dog license.--It is unlawful to transfer a
23 dog license or dog license tag issued for one dog to another
24 dog, except as otherwise provided in this act. Whenever the
25 ownership or possession of any dog is permanently transferred
26 from one person to another within the same county, the license
27 of such dog may be likewise transferred, upon application to
28 [the county treasurer.] an agent under section 200(a). Such
29 application shall be accompanied by a bill of sale or an
30 affidavit from the owner that ownership of the dog is to be

1 transferred. A new dog license, or the transfer of a dog license
2 already secured, is not required when the possession of a dog is
3 temporarily transferred for the purpose of hunting game, or for
4 breeding, boarding and training, trial or show, in this
5 Commonwealth. The [county treasurer] issuing agent shall charge
6 and retain [25¢] \$1 for such transfer application.

7 (b) Dog moved to another county.--Whenever any dog licensed
8 in one county is permanently moved to another county, [the
9 county treasurer] an issuing agent of the county where the dog
10 license was issued shall, upon the application of the owner or
11 keeper of such dog, certify such dog license to [the treasurer]
12 an agent of the county to which the dog is moved. Such
13 [treasurer] agent shall thereupon, and upon the payment of a fee
14 of [50¢] \$1 for the use of the [county to] agent, issue a dog <—
15 license and tag for such dog in the county to which it is moved.

16 (c) Owners of unlicensed dogs.--Any person other than as
17 exempt in section 206, becoming the owner [after January 1 of
18 any year, of any dog, six] of any dog three months old or older,
19 which has not already been licensed[, or any person owning or
20 keeping a dog which becomes six months old after January 1 of
21 any year,] shall forthwith apply for and secure[, from the
22 county treasurer or his agent of the county where such dogs are
23 kept,] a license for such dog [in the same manner as the annual
24 license is obtained] under the provisions of this act.

25 Section 206. Kennels.

26 (a) Applications [and], kennel license classifications and
27 fees.--Any person who keeps or operates [any kennel may] a Class
28 I, Class II, Class III, Class IV or Class V Kennel, Boarding
29 Kennel Class I, Boarding Kennel Class II, Boarding Kennel Class
30 III, or nonprofit kennel shall, on or before January 1 of each

1 year, apply to the [county treasurer] department for a kennel
2 license. [The county treasurer shall forward all applications
3 for a kennel license to the secretary for approval before a
4 kennel license shall be issued.] The application forms and
5 kennel licenses shall be as designated by the secretary. A
6 separate license shall be required for each type of kennel and
7 every location at which a kennel is kept or operated. A kennel
8 license is required to keep or operate any establishment that
9 keeps, harbors, boards, shelters, sells, gives away or in any
10 way transfers a cumulative total of 26 or more dogs of any age
11 in any one calendar year. All kennel licenses shall expire on
12 [January 1] December 31. [The county treasurer shall, after
13 receiving approval on the application from the secretary, issue
14 kennel licenses of the following description, charging the fees
15 indicated for each classification. In addition, the county
16 treasurer shall charge a 50¢ service fee for the use of the
17 county.] When two or more licensed kennels are operated by the
18 same person at the same location, [the] each kennel shall be
19 inspected and licensed for each use [but the license fee charged
20 shall be the highest fee].

21 [Private] Kennel Class I.

22 To keep or operate a private kennel, pet shop kennel,
23 research kennel, dealer kennel or breeding kennel for a
24 cumulative total of 50 dogs or less of any age during a calendar
25 year [for any nonresearch related purpose - \$30] - \$75 per
26 year.

27 [Private] Kennel Class II.

28 To keep or operate a private kennel, pet shop kennel,
29 research kennel, dealer kennel or breeding kennel for a
30 cumulative total of 51 to 100 dogs of any age during a calendar

1 year [for any nonresearch related purpose - \$100] - \$200 per
2 year.

3 [Breeding Kennel Class I.

4 To keep or operate a kennel for a cumulative total of 150
5 dogs of any age or less during a calendar year for any
6 nonresearch related purpose - \$150 per year.

7 Breeding Kennel Class II.

8 To keep or operate a kennel for a cumulative total of 151 or
9 more dogs of any age during a calendar year for any nonresearch
10 related purpose - \$300 per year.

11 Pet Shop-Kennel Class I.

12 To keep or operate, as a pet shop, a kennel involving the
13 sale of 50 dogs or less of any age during a calendar year - \$30
14 per year.

15 Pet Shop-Kennel Class II.

16 To keep or operate, as a pet shop, a kennel involving the
17 sale of 51 to 100 dogs of any age during a calendar year - \$100
18 per year.

19 Pet Shop-Kennel Class III.

20 To keep or operate, as a pet shop, a kennel involving the
21 sale of 101 to 150 dogs of any age during a calendar year - \$150
22 per year.

23 Pet Shop-Kennel Class IV.

24 To keep or operate, as a pet shop, a kennel involving the
25 sale of 151 or more dogs of any age during a calendar year -
26 \$300 per year.

27 Boarding Kennel.

28 To keep or operate a boarding kennel - \$35 per year.

29 D Kennel Class I.

30 To keep or operate a research, vivisection or dealer kennel

1 for a cumulative total of less than 500 dogs of any age during
2 the calendar year - \$150 per year.

3 D Kennel Class II.

4 To keep or operate a research, vivisection or dealer kennel
5 for a cumulative total of 500 to 5,000 dogs of any age during
6 the calendar year - \$300 per year.

7 D Kennel Class III.

8 To keep or operate a research, vivisection or dealer kennel
9 for a cumulative total of more than 5,000 dogs of any age during
10 the calendar year - \$500 per year.]

11 Kennel Class III

12 To keep or operate a private kennel, pet shop-kennel,
13 research kennel, dealer kennel or breeding kennel for a
14 cumulative total of 101 to 150 dogs of any age during a calendar
15 year - \$300 per year.

16 Kennel Class IV

17 To keep or operate a private kennel, pet shop-kennel,
18 research kennel, dealer kennel or breeding kennel for a
19 cumulative total of 151 to 250 dogs of any age during a calendar
20 year - \$400 per year.

21 Kennel Class V

22 To keep or operate a private kennel, pet shop-kennel,
23 research kennel, dealer kennel or breeding kennel for a
24 cumulative total of 251 or more dogs of any age during a
25 calendar year - \$500 per year.

26 Boarding Kennel Class I

27 To keep or operate a boarding kennel having the capacity to
28 accommodate a total of 1 to 10 dogs at any time during a
29 calendar year - \$100 per year.

30 Boarding Kennel Class II

1 To keep or operate a boarding kennel having the capacity to
2 accommodate a total of 11 to 25 dogs at any time during a
3 calendar year - \$150 per year.

4 Boarding Kennel Class III

5 To keep or operate a boarding kennel having the capacity to
6 accommodate 26 or more dogs at any time during a calendar year -
7 \$250 per year.

8 Nonprofit Kennel - [No fee] \$25 per year.

9 (b) Nonprofit kennels.--A nonprofit kennel shall apply for a
10 nonprofit kennel license. Such kennel may use its own
11 identification tags for dogs confined therein. The secretary may
12 approve, upon application, the removal of tags from licensed
13 dogs confined therein.

14 [(c) Prohibition to operate; injunction; fines.--It shall be
15 unlawful for kennels described under this section to operate
16 without first obtaining a kennel license. The secretary may file
17 a suit in equity in the Commonwealth Court to enjoin the
18 operation of any kennel that violates any of the provisions of
19 this act. In addition, the secretary may seek in such suit the
20 imposition of a fine for every day in violation of this act for
21 an amount not to exceed \$50 per day.]

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

30 (e) Kennel removed to another county.--If a person that

1 keeps or operates a kennel permanently removes the kennel to
2 another county, the person shall file an application with the
3 secretary to transfer the license to the county of removal. Upon
4 approval by the secretary, the kennel license shall remain in
5 effect until it has expired pursuant to this section.

6 (F) ADEQUACY OF FEES.--ON OR BEFORE JULY 1, 1998, THE <—
7 DEPARTMENT SHALL SUBMIT A REPORT TO THE CHAIRPERSON AND MINORITY
8 CHAIRPERSON OF THE AGRICULTURE AND RURAL AFFAIRS COMMITTEE OF
9 THE SENATE AND THE CHAIRPERSON AND MINORITY CHAIRPERSON OF THE
10 AGRICULTURE AND RURAL AFFAIRS COMMITTEE OF THE HOUSE OF
11 REPRESENTATIVES COMPARING THE EXPENSES INCURRED BY THE
12 DEPARTMENT FOR ENFORCING THIS ACT WITH REGARD TO KENNELS AND THE
13 REVENUES RECEIVED BY THE DEPARTMENT IN ACCORDANCE WITH THIS
14 SECTION.

15 Section 207. [Transfer of] Requirements for kennels.

16 [(a) Kennel removed to another county.--Whenever any person
17 who keeps or operates a kennel permanently removes the kennel to
18 another county, he shall file an application with the secretary
19 to transfer his license to the county of removal. Upon approval
20 by the secretary, the kennel license shall remain in effect,
21 until it has expired pursuant to section 206.]

22 (a.1) Prohibition to operate; injunction; fines.--It shall
23 be unlawful for kennels described under section 206 to operate
24 without first obtaining a kennel license from the department.
25 The secretary shall not approve any kennel license application
26 unless such kennel has been inspected AND APPROVED by a State <—
27 dog warden or employee of the department. The secretary may file
28 a suit in equity in the Commonwealth Court to enjoin the
29 operation of any kennel that violates any of the provisions of
30 this act. In addition, the secretary may seek in such suit the

1 imposition of a fine for every day in violation of this act for
2 an amount not less than \$100 nor more than \$500 per day.

3 (b) Maintenance of kennels.--All kennels shall be maintained
4 in a sanitary and humane condition in accordance with standards
5 and sanitary codes promulgated by the secretary through
6 regulations.

7 (c) Records to be maintained.--Every keeper of a kennel
8 shall keep, FOR TWO YEARS, a record of each dog at any time kept <—
9 in the kennel [for two years]. Such record shall show: <—

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

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

12 (3) [Where] From where it came [from].

13 (4) To whom it belongs.

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

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

16 (7) How and to whom it is [disposed] dispensed.

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

19 Such record shall be legible and shall be open to inspection and
20 may be copied by any employee of the department, State dog
21 warden or police officer [or agent of any legally constituted
22 law enforcement agency] as defined by this act.

23 (d) Additional requirements.--Every holder of a kennel
24 license shall attach one tag to a collar or harness of each dog
25 [six] three months old or older kept by that person, whenever
26 the dog is not within the kennel except as provided for in
27 section 202.

28 [Section 208. Kennels in first and second class cities.

29 All owners or operators of kennels described in section
30 206(a) in cities of the first class, second class and second

1 class A shall apply for an applicable license. Persons operating
2 and maintaining such kennels shall comply with the provisions of
3 this act and shall be subject to the same penalties for
4 violations of this act. Such persons shall apply to the
5 applicable treasurer who shall process the applications in the
6 same manner as provided herein for county treasurers.]

7 Section 209. Out-of-state [kennel] dealer license; application;
8 fee; prohibitions.

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

19 (b) Unlawful acts.--It shall be unlawful for out-of-state
20 dealers to transport dogs into or within the Commonwealth or to
21 operate or maintain a dealer kennel or to deal in any manner
22 with dogs without first obtaining an out-of-state [kennel]
23 dealer license from the department.

24 Section 211. Revocation, suspension or refusal of kennel
25 licenses.

26 [The secretary shall have the power to revoke or refuse to
27 issue any kennel license for conviction of any violation of this
28 act or the noncompliance with any regulations pursuant to this
29 act or for the conviction for violation of any law relating to
30 cruelty to animals.]

1 (a) General powers of secretary.--The secretary may revoke
2 or suspend a kennel license or out-of-state dealer license or
3 refuse to issue a kennel license or out-of-state dealer license,
4 for any one or more of the following reasons:

5 (1) the person holding or applying for a license has
6 made a material misstatement or misrepresentation in the
7 license application;

8 (2) the person holding or applying for a license has
9 made a material misstatement or misrepresentation to the
10 department or its personnel, regarding a matter relevant to
11 the license;

12 (3) the person holding or applying for a license has
13 been convicted of any violation of this act;

14 (4) the person holding or applying for a license has
15 failed to comply with any regulation promulgated under this
16 act; or

17 (5) the person holding or applying for a license has
18 been convicted of any law relating to cruelty to animals.

19 (b) Notice of action.--

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

30 (2) Written notice of revocation, suspension or refusal

1 shall be served by personal service or by registered or
2 certified mail, return receipt requested, to the person or to
3 a responsible employee of such person whose license is
4 revoked, suspended or refused. Revocation or suspension shall
5 commence upon service of the written notice.

6 (c) Seizure and constructive seizure.--

7 (1) Whenever the secretary revokes, suspends or refuses
8 a kennel license or an out-of-state dealer license, the
9 department may seize and impound any dog in the possession,
10 custody or care of the person whose license is revoked,
11 suspended or refused if there are reasonable grounds to
12 believe that the dog's health, safety or welfare is
13 endangered. Reasonable costs of transportation, care and
14 feeding of a seized and impounded dog shall be paid by the
15 person from whom the dog was seized and impounded.

16 (2) (i) If the person whose kennel license or out-of-
17 state dealer license is revoked, suspended or refused,
18 and whose dog has been seized and impounded, provides the
19 secretary with satisfactory evidence or assurances that
20 the dog will receive adequate care, and has paid all
21 costs of transportation, care and feeding related to the
22 seizure and impoundment of the dog, the person may
23 retrieve the seized and impounded dog.

24 (ii) If the owner of a seized and impounded dog is
25 someone other than the person from whom the dog was
26 seized and impounded, the dog owner may retrieve his dog
27 from impoundment upon payment of all transportation, care
28 and feeding costs applicable to the dog. The person from
29 whom the dog was seized and impounded shall be
30 responsible to reimburse the dog owner for the

1 transportation, care and feeding costs.

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

7 (i) the secretary has no reasonable grounds to
8 believe that the health, safety or welfare of the dog is
9 endangered; or

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

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

16 (5) The secretary may direct that ownership of a
17 particular dog which is seized and impounded pursuant to
18 paragraph (1) is to be forfeited. The department shall serve
19 the owner of the affected dog with written notice of
20 forfeiture. The notice shall indicate that ownership of the
21 dog in question may be forfeited to some entity other than
22 the department. Notice of forfeiture shall be served by
23 personal service, or by registered or certified mail, return
24 receipt requested, to the owner of the affected dog or a
25 responsible person at the kennel from which the dog was
26 seized and impounded. The notice shall specify an effective
27 date of forfeiture, which shall be not less than ten days
28 from service of the notice. The notice shall further inform
29 the dog owner of his right to request an administrative
30 hearing on the issue of forfeiture by delivering a written

1 request to the department prior to the date of forfeiture. A
2 written hearing request shall act as a supersedeas of the
3 forfeiture action. At the administrative hearing, the
4 department shall have the burden of proving that the affected
5 dog owner did not adequately care for the subject dog, or
6 that no satisfactory evidence or assurances have been given
7 to the department that the subject dog will be adequately
8 cared for if it is returned to the owner, or that the owner
9 has abandoned the subject dog. Abandonment shall be presumed
10 if an owner fails to make timely payment of reasonable costs
11 of transportation, care and feeding of the seized and
12 impounded dog after two written requests to do so have been
13 served by personal service or registered or certified mail,
14 return receipt requested, upon a responsible person at the
15 kennel in question or to the dog owner.

16 (d) Reimbursement of transportation, care and feeding
17 costs.--A person described in subsection (c)(1) and (2) who has
18 paid transportation, care and feeding costs with respect to a
19 dog seized under this section may make application to the
20 department for reimbursement of the costs if all persons cited
21 or charged with violations of this act as the result of the
22 conditions at the kennel at issue are acquitted of all charges
23 or violations.

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

29 (1) the kennel has attempted, without success, to obtain
30 payment for transportation, care and feeding costs from the

owner of the dog and the owner of the kennel from which the
dog was seized and impounded; and

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

(f) Prohibition.--No dog seized under this section shall be
sold or given freely for the purpose of vivisection or research
or be conveyed in any manner for these purposes or be conveyed
to a dealer.

Section 214. Health certificates for importation.

It shall be unlawful to transport any dog into this
Commonwealth except under the provisions in section 212 without
a certificate of health prepared by a licensed [graduate
veterinarian] doctor of veterinary medicine, which certificate,
or copy of such, shall accompany such dog while in this
Commonwealth. Such certificate shall state that the dog is at
least seven weeks of age and shows no signs or symptoms of
infectious or communicable disease; did not originate within an
area under quarantine for rabies; and, as ascertained by
reasonable investigation, has not been exposed to rabies within
100 days of importation. All dogs [over three months and under
one year of age shall have been vaccinated against rabies with
an approved rabies vaccine. All dogs over one year of age shall
have been vaccinated or revaccinated against rabies after one
year of age. The vaccination to prevent rabies shall be valid
for a period of three years for dogs vaccinated at more than one
year of age with an approved three-year MLV vaccine or
inactivated vaccine and for a period of one year for all other

1 approved inactivated vaccines.] must have been vaccinated for
2 rabies in accordance with the act of December 15, 1986
3 (P.L.1610, No.181), known as the "Rabies Prevention and Control
4 in Domestic Animals and Wildlife Act." The name of the vaccine
5 manufacturer, the date of administration, and the rabies tag
6 number must appear on health certificates prepared by a licensed
7 [graduate veterinarian] doctor of veterinary medicine.

8 [Section 215. Selling, bartering or trading dogs.

9 It shall be unlawful for any person to buy, sell, transfer,
10 barter, trade, raffle, rent, auction or offer as an inducement
11 to purchase any product, commodity or service, any dog at any
12 public place other than at licensed kennel locations, pet shop-
13 kennels licensed pursuant to this act, dog shows, or field
14 trials sponsored by a recognized breed or kennel association.
15 For purposes of this section the term public place shall mean a
16 place to which the general public has a right to resort; not
17 necessarily a place devoted solely to the uses of the public,
18 but a place which is in point of fact public rather than
19 private, a place visited by many persons and usually accessible
20 to the neighboring public. It shall be unlawful to barter,
21 trade, sell or in any way transfer any dog under seven weeks of
22 age, unless such puppies have been orphaned and it becomes
23 necessary to transfer said orphaned puppies to a nonprofit
24 kennel.

25 Section 216. County and city treasurer records, licenses and
26 transfers.

27 The county or city treasurer shall keep a record of all dog
28 licenses for a period of two years or more as directed by the
29 secretary and all kennel licenses and all transfers issued
30 during the year. Such record shall contain the name and address

1 of the person to whom each license is issued. In the case of an
2 individual license, the record shall also state the breed, sex,
3 age, color and markings of the dog licensed; and in the case of
4 a kennel license, it shall state the place where the business is
5 conducted. The record shall be a public record and open to
6 persons interested during business hours. Whenever the ownership
7 or possession of any dog licensed under the provisions of this
8 act is transferred from one person to another, as provided in
9 section 205, except the temporary transfer of dogs for hunting
10 purposes or for breeding, trial, or show, such transfer shall be
11 noted on the record of the county or city treasurer and be so
12 reported to the department. The county or city treasurer shall
13 keep an accurate record for two years of all license fees
14 collected by him or paid over to him by any district justice or
15 authorized agent of the treasurer. License fees as herein
16 provided shall be remitted by the county or city treasurer to
17 the State Treasurer through the Department of Agriculture for
18 credit to the Dog Law Restricted Account on or before the 15th
19 day of each calendar month together with a report of each payer
20 on forms furnished by the department.]

21 Section 6. Section 217 of the act, amended May 31, 1990
22 (P.L.211, No.45), is amended to read:

23 Section 217. [Guide dogs, hearing dogs, aid dogs for the
24 handicapped] Service dogs and dogs used by
25 municipal or State Police departments.

26 (a) Fee exemptions.--The provisions of this act relating to
27 the payment of fees and other charges shall not apply to any
28 [blind person owning a guide dog or any deaf person owning a
29 hearing dog or any handicapped] person who uses a service dog
30 for aid or any municipal or State Police department or agency

1 using a dog in the performance of the functions or duties of
2 such department or agency. License tags for [dog guides for the
3 blind, hearing dogs for the deaf, aid dogs for the handicapped]
4 service dogs and dogs used by any municipal or State agency in
5 the performance of the functions or duties of such department or
6 agency shall be issued without charge.

7 (b) Licensing exemption for puppies being trained to be [dog
8 guides for the blind] service dogs.--Notwithstanding the
9 provisions of section 201 or any other provisions of this act,
10 puppies that are brought into this Commonwealth for a period of
11 less than 18 months as part of a formalized training to be [dog
12 guides for the blind] service dogs shall be exempt from the
13 licensing requirements of this act.

14 Section 7. ~~Sections 218, 301, 302 and 303 of the act are~~ <—

15 SECTION 218 OF THE ACT IS amended to read: <—

16 Section 218. Inspections of premises and dogs.

17 State dog wardens and other employees of the department are
18 hereby authorized to inspect all kennels and [individually
19 licensed] dogs within the Commonwealth [and] to enforce the
20 provisions of this act and regulations promulgated by the
21 department pursuant to this act[: Provided, however, That].
22 State dog wardens and employees of the department shall inspect
23 all licensed kennels within the Commonwealth at least once per
24 calendar year to enforce the provisions of this act and
25 regulations promulgated by the department under this act. State
26 dog wardens and only regular, full-time employees of the
27 department shall be authorized to enter upon the premises of
28 approved medical, dental[,] or veterinary schools, hospitals,
29 clinics[,] or other medical or scientific institutions,
30 organizations or persons where research is being conducted or

1 where pharmaceuticals, drugs or biologicals are being produced.
2 Research facilities in the Commonwealth that are currently under
3 Federal Government inspection shall be exempt from State
4 inspection if they have undergone no less than one Federal
5 Government inspection within the past 12 months. Submission of
6 such evidence of Federal inspection by documentation to the
7 department may be established by regulation subject to
8 legislative review. It shall be unlawful for any person to
9 refuse admittance to such State dog wardens and employees of the
10 department for the purpose of making inspections and enforcing
11 the provisions of this act.

12 SECTION 8. THE ACT IS AMENDED BY ADDING A SECTION TO READ: <—

13 SECTION 219. ADDITIONAL DUTIES OF THE DEPARTMENT.

14 (A) ENFORCEMENT OF LICENSURE REQUIREMENT; DEVELOPMENT OF
15 PLAN.--BY NO LATER THAN JUNE 30, 1997, THE DEPARTMENT SHALL
16 DEVELOP AND BEGIN TO IMPLEMENT A WRITTEN PLAN TO INCREASE THE
17 NUMBER OF DOG LICENSES ISSUED IN THIS COMMONWEALTH. SUCH PLAN
18 SHALL BE DEVELOPED IN CONSULTATION WITH THE SEVERAL COUNTIES AND
19 MUNICIPALITIES WHICH ENFORCE THE PROVISIONS OF THIS ACT AND IN
20 CONSULTATION WITH THE DOG LAW ADVISORY BOARD AND SHALL AT LEAST
21 INCLUDE METHODOLOGY FOR INCREASING THE NUMBER OF DOG LICENSES
22 ISSUED AND ASSURING THE ANNUAL RENEWAL OF SUCH LICENSES. THE
23 METHODOLOGY MAY INCLUDE THE PERIODIC USE OF PUBLIC SERVICE
24 ADVERTISEMENTS, NEWSPAPER ADVERTISEMENTS, SCHOOL AND SPECIAL
25 EVENTS-BASED EDUCATIONAL PROGRAMS CONDUCTED IN CONJUNCTION WITH
26 COUNTIES AND ORGANIZATIONS CONCERNED WITH THE HUMANE CARE AND
27 TREATMENT OF DOGS, AND LITERATURE DESIGNED TO INCREASE AWARENESS
28 OF THIS ACT WHICH MAY BE PROVIDED TO PURCHASERS OF DOGS AT THE
29 POINT-OF-SALE.

30 (B) ANALYSIS OF PLAN; REPORT.--BY NO LATER THAN JUNE 30,

1 1998, THE DEPARTMENT SHALL SUBMIT TO THE CHAIRPERSON AND
2 MINORITY CHAIRPERSON OF THE AGRICULTURE AND RURAL AFFAIRS
3 COMMITTEE OF THE SENATE AND THE CHAIRPERSON AND MINORITY
4 CHAIRPERSON OF THE AGRICULTURE AND RURAL AFFAIRS COMMITTEE OF
5 THE HOUSE OF REPRESENTATIVES A REPORT ANALYZING THE ACTIVITIES
6 ADOPTED BY THE DEPARTMENT TO IMPLEMENT THE PLAN AND THE RESULTS
7 OF SUCH ACTIVITIES.

8 SECTION 9. SECTIONS 301, 302 AND 303 OF THE ACT ARE AMENDED
9 TO READ:

10 Section 301. Quarantines.

11 A quarantine may be established by any State dog warden
12 [employed by the department, accredited veterinarian], licensed
13 doctor of veterinary medicine having the approval of a State dog
14 warden or [veterinarian] any licensed doctor of veterinary
15 medicine employed by the department or State or county health
16 department. Any State dog warden [employed by the department,
17 accredited veterinarian], licensed doctor of veterinary medicine
18 having the approval of a State dog warden or [veterinarian] any
19 licensed doctor of veterinary medicine employed by the
20 department or State or county health department may enforce a
21 quarantine whenever it is deemed necessary or advisable by the
22 department to examine, test, treat, control or destroy any dog,
23 or examine, disinfect[,] or regulate the use of any premises,
24 materials or products for the purpose of preventing or
25 controlling the spread of any disease. Until a quarantine is
26 officially revoked by the secretary or his employee, it shall be
27 unlawful for any owner or person, without a special permit in
28 writing from the department to sell, exchange, lease, lend, give
29 away, allow to stray, remove or allow to be removed any dog or
30 dogs, or any products, goods, materials, containers, vehicles[,]

1 or other articles or property named or described in the notice
2 of quarantine. When a general rabies quarantine is established,
3 at least ten notices thereof shall be posted throughout the area
4 affected thereby and notice thereof shall also be published in
5 at least one issue of a newspaper of general circulation
6 throughout such city, borough, town or township. Any dog
7 suspected of being rabid shall be detained in isolation by the
8 owner, if known, and if such facilities are approved by the
9 department, or by an employee of the department. If such
10 detention has incurred costs not collectible by the employee of
11 the department, then the employee of the department shall
12 approve and reimburse the actual cost of such detention to the
13 person providing facilities for such detention. Any police
14 officer or State dog warden may humanely kill any dog running at
15 large in a rabies quarantined area without any liability for
16 damages for such killing.

17 Section 302. Seizure and detention of [licensed] dogs; costs;
18 destruction of dogs.

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

1 [The] (b) Licensed dogs.--The State dog warden or employee
2 of the department, the animal control officer, or the chief of
3 police or his agents of any city, borough, town or township, the
4 constable of any borough and the constable of any incorporated
5 town or township shall cause any dog bearing a proper license
6 tag [or legible tattoo] OR PERMANENT IDENTIFICATION and so <—
7 seized and detained to be properly kept and fed AT ANY LICENSED <—
8 KENNEL APPROVED BY THE SECRETARY FOR SUCH PURPOSES and shall
9 cause immediate notice, by registered or certified mail with
10 return receipt requested, to the person in whose name the
11 license was procured, or his agent, to claim such dog within
12 five days after receipt thereof. The owner or claimant of a dog
13 so detained shall pay a penalty of \$15 to the political
14 subdivision whose police officers make such seizures and
15 detention and all reasonable expenses incurred by reason of its
16 detention to the detaining parties before the dog is returned.
17 If five days after obtaining the postal return receipt, such dog
18 has not been claimed, such chief of police, or his agent, or a
19 constable, or State dog warden or employee of the department
20 shall [dispose of] dispense such dog by sale or by [destruction
21 in some humane manner] giving it to a humane society or
22 association for the prevention of cruelty to animals. No dog so
23 caught and detained shall be sold for the purpose of
24 vivisection, or research, or be conveyed in any manner for these
25 purposes. All moneys derived from the sale of such dog, after
26 deducting the expenses of its detention, shall be paid through
27 the Department of Agriculture to the State Treasurer for credit
28 to the Dog Law Restricted Account.

29 (c) Unlicensed dogs.--Except as otherwise provided by
30 section 305, any police officer, State dog warden, EMPLOYEE OF <—

1 THE DEPARTMENT or animal control officer shall cause any
2 unlicensed dog to be seized, detained, kept and fed for a period
3 of 48 hours at any licensed kennel approved by the secretary for
4 such purposes, except any dog seriously ill or injured, or
5 forfeited with the owner's permission. Any person may view such
6 detained dogs during normal business hours. Any unlicensed dog
7 remaining unclaimed after 48 hours may be humanely killed or
8 given to a humane society or association for the prevention of
9 cruelty to animals. No dog so caught and detained shall be sold
10 for the purpose of vivisection, or research, or be conveyed in
11 any manner for these purposes.

12 [Section 303. Seizure and detention of unlicensed dogs; costs;
13 destruction of dogs.

14 Except as is otherwise provided by section 305, any police
15 officer, State dog warden, animal control officer or constable
16 shall cause any unlicensed or untattooed dog to be seized,
17 detained, kept and fed for a period of 48 hours at any legally
18 constituted or authorized kennel approved by the secretary;
19 except any dog seriously ill or injured, or forfeited with the
20 owner's permission. Any person may view such detained dogs
21 during normal business hours. Any unlicensed dog remaining
22 unclaimed after 48 hours may be euthanized in a humane manner.
23 No dog so caught and detained by any legally constituted law
24 enforcement agency or municipality shall be sold or given freely
25 for the purpose of vivisection or research or be conveyed in any
26 manner for any such purposes.]

27 Section 8 10. The act is amended by adding a section to <—
28 read:

29 Section 402. Notice requiring examination of dog.

30 (a) Authority.--A State dog warden may issue a written

notice requiring that a dog be examined by a licensed doctor of veterinary medicine within a maximum of 72 hours if:

(1) the State dog warden personally observes the condition of the dog in the course of an inspection of a kennel or other facility at which a dog is kept; and

(2) the dog exhibits signs of illness, injury or neglect.

(b) Contents of notice.--The written notice requiring that a dog be examined by a veterinarian within 72 hours shall set forth:

(1) information sufficient to identify the person or persons to whom the notice is directed;

(2) information sufficient to identify the dog which must be examined;

(3) the specific signs of illness or injury exhibited by the dog and observed by the State dog warden;

(4) the date and time by which a veterinary examination of the dog must be conducted;

(5) the manner and time in which a report of the results of the veterinary examination shall be delivered to the State dog warden;

(6) a requirement that the report of the results of the veterinary examination address the specific signs of illness or injury observed by the State dog warden; and

(7) a reference to the authority pursuant to which the written notice is issued.

(c) Issuance and service of notice.--The written notice requiring that a dog be examined by a veterinarian within 72 hours shall be issued upon the kennel licensee or the owner of the facility at which the dog is kept. Service of the notice may

1 be accomplished by the State dog warden's leaving a copy of the
2 notice with an employee or other responsible person at the
3 kennel or facility.

4 (d) Illegal to fail to respond to notice.--It shall be
5 unlawful for a kennel licensee or the owner of a facility at
6 which the dogs are kept to fail to comply with a written notice
7 issued under authority of this section.

8 Section 9 11. Section 501 of the act, repealed in part May <—
9 31, 1990 (P.L.213, No.46), is amended to read:

10 Section 501. Killing dogs; [complaints in trespass before
11 district justice; vicious] dogs as nuisances; [fines;
12 bonds].

13 (a) Legal to kill certain dogs.--Any person may kill any dog
14 which he sees in the act of pursuing or wounding or killing any
15 [livestock, or wounding or killing poultry] domestic animal,
16 wounding or killing other dogs, CATS or household pets, or <—
17 pursuing, wounding or attacking human beings, whether or not
18 such a dog bears the license tag required by the provisions of
19 this act. There shall be no liability on such persons in damages
20 or otherwise for such killing.

21 (b) Private nuisance.--Any dog that enters any field or
22 enclosure where [livestock or poultry] domestic animals are
23 confined, provided that the enclosure is adequate for the
24 purpose intended, shall constitute a private nuisance and the
25 owner or tenant of such field, or their agent or servant, may
26 detain such dog and turn it over to the local police authority
27 or State dog warden or employee of the department. While so
28 detained, the dog shall be treated in a humane manner.

29 (c) Licensed dogs not included.--Licensed dogs, when
30 accompanied by their owner or handler, shall not be included

1 under the provisions of this section, unless caught in the act
2 of pursuing, wounding or killing any [livestock, wounding or
3 killing poultry] domestic animal, wounding or killing any dogs, <—
4 CATS or household pets, or pursuing, wounding or attacking human
5 beings.

6 Section ~~40~~ 12. Section 502 of the act is amended to read: <—
7 Section 502. Dog bites; detention and isolation of dogs.

8 (a) Confinement.--Any dog which bites or attacks a human
9 being shall be confined in quarters approved by a designated
10 employee of the Department of Health, a State dog warden or
11 employee of the Department of Agriculture, an animal control
12 officer or a police officer. Such dog may be detained and
13 isolated in an approved kennel or at the dog owner's property.
14 Where such dog is detained is at the discretion of the
15 investigating officer. All dogs so detained must be isolated for
16 a minimum of ten days. Any costs incurred in the detaining and
17 isolation of such dog shall be paid by the offending dog's
18 owner. When the dog's owner is not known, the Commonwealth is
19 responsible for all reasonable costs for holding and detaining
20 such dog.

21 (b) Bite victims.--The investigating officer shall be
22 responsible for notifying the bite victim of the medical results
23 of the offending dog's confinement. Any cost to the victim for
24 medical treatment resulting from an attacking or biting dog must
25 be paid fully by the owner of such dog. The Commonwealth shall
26 not be liable for medical treatment costs to the victim.

27 (c) Exception.--When a dog that bites or attacks a human
28 being is a [guide dog for the blind, a hearing dog for the deaf,
29 an aid dog for the handicapped] service dog or a police work dog
30 in the performance of duties, said dog need not be confined if

1 it is under the active supervision of [an accredited
2 veterinarian] a licensed doctor of veterinary medicine.

3 Section ~~11~~ 13. Sections 501-A, 502-A and 505-A of the act, <—
4 added May 31, 1990 (P.L.213, No.46), are amended to read:

5 [Section 501-A. Definitions.

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

9 "Attack." The deliberate action of a dog, whether or not in
10 response to a command by its owner, to bite, to seize with its
11 teeth or to pursue any human, animate or inanimate object, with
12 the obvious intent to destroy, kill, wound, injure or otherwise
13 harm the object of its action.

14 "Dangerous dog." A dog determined to be a dangerous dog
15 under section 502-A.

16 "Domestic animal." Any dog, cat, equine animal, bovine
17 animal, sheep, goat or porcine animal.

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

27 "Severe injury." Any physical injury that results in broken
28 bones or disfiguring lacerations requiring multiple sutures or
29 cosmetic surgery.]

30 Section 502-A. Registration.

1 (a) [Determination] Summary offense of harboring a dangerous
2 dog.--Any person who has been attacked by [a dog] one or more
3 dogs, or anyone on behalf of such person, a person whose
4 domestic animal has been killed or injured without provocation,
5 the State dog warden or the local police officer may [make] file
6 a complaint before a district justice, charging the owner or
7 keeper of such a dog with harboring a dangerous dog. [The
8 determination of a dog as a dangerous dog shall be made by the
9 district justice upon evidence of a dog's history or propensity
10 to attack without provocation based upon an incident in which
11 the] The owner or keeper of the dog shall be guilty of the
12 summary offense of harboring a dangerous dog if the district
13 justice finds beyond a reasonable doubt that the following
14 elements of the offense have been proven:

15 (1) The dog has done one or more of the following:

16 [(1)] (i) Inflicted severe injury on a human being
17 without provocation on public or private property.

18 [(2)] (ii) Killed or inflicted severe injury on a
19 domestic animal without provocation while off the owner's
20 property.

21 [(3)] (iii) Attacked a human being without
22 provocation.

23 [(4)] (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 without provocation.

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

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

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

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

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

18 (d) Disposition of dog during court proceedings.--An owner
19 or keeper of any dog who has been charged with harboring a
20 dangerous dog shall keep such dog or dogs confined in a proper
21 enclosure OR, WHEN OFF THE PROPERTY OF THE OWNER OR KEEPER FOR <—
22 PURPOSES OF VETERININARY CARE, MUZZLED AND ON A LEASH until such
23 time a report is made under subsection (b). If an appeal of a
24 decision under subsection (b) is filed, such dog or dogs shall
25 remain so confined until such proceedings are completed. It
26 shall be unlawful for an owner or keeper of a dog who has been
27 charged with harboring a dangerous dog to dispense the dog in
28 any manner except to be humanely killed. A violation of this
29 subsection shall constitute a summary offense accompanied by a
30 fine of not less than \$200.

1 Section 505-A. Public safety and penalties.

2 (a) Failure to register and restrain.--A dangerous dog shall
3 be immediately confiscated by a State dog warden or a police
4 officer upon the occurrence of any of the following:

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

6 (2) The owner does not secure and maintain the liability
7 insurance coverage required under section 503-A.

8 (3) The dog is not maintained in the proper enclosure.

9 (4) The dog is outside of the dwelling of the owner or
10 outside of the proper enclosure and not under physical
11 restraint of the responsible person.

12 In addition, an owner violating this subsection commits a
13 misdemeanor of the third degree.

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

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

1 humane] manner, with costs of quarantine and destruction to be
2 borne by the dog's owner.

3 (d) Dog owned by a minor.--If the owner of the dangerous dog
4 is a minor, the parent or guardian of the minor shall be liable
5 for injuries and property damages caused by an unprovoked attack
6 by the dangerous dog under section 4 of the act of July 27, 1967
7 (P.L.186, No.58), entitled "An act imposing liability upon
8 parents for personal injury, or theft, destruction, or loss of
9 property caused by the willful, tortious acts of children under
10 eighteen years of age, setting forth limitations, and providing
11 procedure for recovery."

12 (e) Mandatory reporting.--

13 (1) All known incidents of dog attacks shall be reported
14 to the State dog warden, who shall investigate each incident
15 and notify the department if a dog has been determined to be
16 dangerous.

17 (2) ~~A State dog warden, police officer or licensed~~ <—
18 ~~doctor of veterinary medicine~~ OR POLICE OFFICER who has <—
19 knowledge of a dog which has attacked a person shall file a
20 written report summarizing the circumstances of the attack
21 with the police in the municipality where the owner of the
22 dog resides or if the attack occurred outside the owner's
23 municipality of residence, with the police having
24 jurisdiction in the municipality where the attack occurred.
25 The report shall be available for public inspection.

26 Section ~~12~~ 14. Section 601 of the act is amended to read: <—
27 Section 601. Theft; poison; abandonment of animals by owner.

28 (a) Dogs to be personal property.--All dogs are hereby
29 declared to be personal property and subjects of theft. [Except
30 as provided in sections 301, 302, 303, 501 and 704 and in the

1 act of June 3, 1937 (P.L.1225, No.316), known as "The Game Law,"
2 it shall be unlawful for any person, except a police officer,
3 State dog warden or accredited veterinarian to kill, injure, or
4 to attempt to kill or injure, any dog.]

5 (b) 【Poison】 PLACEMENT OF POISON illegal.--~~†~~It shall be <—
6 unlawful for a person to place any poison or harmful substance
7 of any description in any place, on his own premises or
8 elsewhere, where it may be easily found and eaten by dogs.† <—
9 ANYONE CONVICTED OF VIOLATING THIS SUBSECTION COMMITS A SUMMARY <—
10 OFFENSE.

11 (B.1) INTENTIONAL POISONING OF DOGS ILLEGAL.--It shall be
12 unlawful for any person to place any poison or harmful substance
13 of any description in any place, on his own premises or
14 elsewhere, with the intent that the poison or substance be eaten
15 by dogs. Anyone convicted of violating this subsection commits a
16 misdemeanor of the second degree and shall be sentenced to pay a
17 fine of not less than \$1,000 nor more than \$2,000 or to
18 imprisonment for not more than two years, or both. A subsequent
19 conviction under this subsection shall constitute a felony of
20 the third degree.

21 (c) Abandonment [~~illegal~~] of animals by owner.--

22 (1) It shall be unlawful for any person to abandon or
23 attempt to abandon any dog within the Commonwealth. Anyone
24 convicted of abandoning or attempting to abandon any dog
25 within the Commonwealth [~~will~~] shall pay a fine of not less
26 than \$300 [~~to~~] and not more than \$1,000, plus costs.

27 (2) Any ~~dog~~ ANIMAL placed in the custody of a licensed <—
28 doctor of veterinary medicine for treatment, boarding or
29 other care, or placed in the custody of a licensed boarding
30 kennel for board or other care, which shall be abandoned by

its owner or his representative for a period of more than ten days after written notice by personal service or registered mail, return receipt requested, is given to the owner or his representative at his last known address and return receipt is received by the doctor or the licensed boarding kennel, may be turned over to the custody of the nearest humane society or association for the prevention of cruelty to animals or dog pound in the area. After 48 hours of receipt, such custodian may humanely kill such ~~dog~~ ANIMAL OR PLACE IT FOR ADOPTION. During such 48-hour period, the ~~dog~~ ANIMAL may be released only to the owner or his representative. If the owner claims the animal, he shall be liable for room and board charges for the ~~dog~~ ANIMAL during the abandonment period.

(3) The giving of notice to the owner, or the representative of the owner, of such ~~dog~~ ANIMAL by the licensed doctor of veterinary medicine or licensed boarding kennel as provided in paragraph (2) and receipt of return receipt by the doctor or licensed boarding kennel, which shall be retained for 12 days, shall relieve the doctor of veterinary medicine, licensed boarding kennel, and any custodian to whom such ~~dog~~ ANIMAL may be given, of any further liability for disposal. It is further provided that such procedure by the licensed doctor of veterinary medicine or licensed boarding kennel shall not constitute grounds for disciplinary procedure under this act.

Section ~~13~~ 15. Section 602 of the act, amended May 31, 1990 (P.L.211, No.45), is amended to read:

Section 602. Dogs used for law enforcement.

(a) Illegal to taunt law enforcement dogs.--It shall be

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

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

30 (c) Illegal to deny facilities or service due to police dog

1 use.--It shall be unlawful for the proprietor, manager or
2 employee of a theater, hotel, motel, restaurant or other place
3 of entertainment, amusement or accommodation to refuse, withhold
4 from or deny to any person, due to the use of a working police
5 dog used by any State or county or municipal police or sheriff's
6 department or agency, either directly or indirectly, any of the
7 accommodations, advantages, facilities or privileges of the
8 theater, hotel, motel, restaurant or other place of public
9 entertainment, amusement or accommodation. Any person who
10 violates any of the provisions of this subsection commits a
11 misdemeanor of the third degree.

12 (d) Quarantine of certain dogs not required.--Quarantine of
13 dogs as required by law shall not apply to dogs owned by any
14 municipal or State police department or agency when such dogs
15 are under the direct supervision and care of a police officer
16 and subject to routine veterinary care.

17 Section ~~14~~ 16. The act is amended by adding a section to <—
18 read:

19 Section 603. Selling, bartering or trading dogs.

20 (a) Illegal transfers.--It shall be unlawful for a person to <—
21 raffle or auction a dog unless the dog is awarded as a prize
22 under 18 Pa.C.S. § 5511.1(b) (relating to live animals as prizes
23 prohibited). It shall be unlawful to offer a dog as an
24 inducement to purchase a product, commodity or service. The sale
25 of a dog by a licensed kennel shall not be considered to be an
26 inducement.

27 (b) Illegal to transfer ownership of certain puppies.--It
28 shall be unlawful to barter, trade, raffle, sell, AUCTION or in <—
29 any way transfer ownership of a dog under seven weeks of age,
30 unless the dog has been orphaned and it becomes necessary to

1 transfer ownership of the orphaned dog to a nonprofit kennel, or
2 from a nonprofit kennel with approval by a licensed doctor of
3 veterinary medicine.

4 (c) Illegal for certain persons to transfer dogs.--It shall
5 be unlawful for any person to buy, sell, transfer, barter,
6 trade, raffle, AUCTION or rent a dog at any public place in this <—
7 Commonwealth other than a kennel licensed pursuant to this act,
8 or a dog show or field trial sponsored by a recognized breed or
9 kennel association. ~~or in a game conducted in connection with an~~ <—
10 ~~agricultural, educational or vocational program sponsored or~~
11 ~~sanctioned by the department in accordance with 18 Pa.C.S. §~~
12 ~~5511.1(b).~~ If a purchase, sale, transfer, barter, trade, raffle, <—
13 AUCTION or rental of a dog occurs at or on the premises of a
14 kennel, the transaction shall be unlawful unless one of the
15 parties to the transaction is an employee, volunteer or other
16 person acting as an authorized representative of the kennel.

17 Section ~~15~~ 17. Section 701 of the act, amended May 16, 1986 <—
18 (P.L.194, No.59), is amended to read:

19 Section 701. [Damages] Reimbursement for damages; complaints[;
20 examination of claims; liability; quarantines].

21 [(a) General rule.--Whenever any person sustains any loss by
22 dogs to livestock or poultry or to game birds raised in
23 captivity, and while confined within an enclosure, or if any
24 person sustains loss of livestock from rabies, or if any
25 livestock or poultry or game bird raised in captivity, and while
26 confined within an enclosure, is necessarily destroyed because
27 of having been bitten by a dog, except when such loss,
28 destruction or damage, with the exception of loss by rabies,
29 shall have been caused by a dog harbored by the owner of such
30 livestock or poultry or domestic game bird, such person or his

1 agent or attorney may, immediately after the damage was done,
2 complain to a State dog warden or employee of the department and
3 may make application to the department for reimbursement of such
4 loss or damage. Such complaint shall be in writing, shall be
5 signed by the person making such complaint, and shall state
6 when, where and how such damage was done, and by whose dog or
7 dogs, if known, or when the animal died from rabies or was
8 killed because of rabies. Claims covering damage due to rabies
9 shall be made immediately following the death of the animal, and
10 shall be supported by a certificate from a licensed and duly
11 qualified veterinarian and a report from any laboratory approved
12 by the department, to the effect that such animal was affected
13 with rabies. It shall not be necessary to prove that an animal
14 dying from or killed because of rabies was actually bitten by a
15 dog. The presumption shall exist that such animal was so bitten.
16 Upon receipt of such notice, the State dog warden shall at once
17 examine the place where the alleged loss or damage was sustained
18 and the livestock or poultry or domestic game bird injured or
19 killed, or in case of rabies where it died or was killed. The
20 State dog warden may examine under oath or affirmation any
21 witness called before him. After making diligent inquiry in
22 relation to such claim, such investigating officer 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. After making diligent inquiry in
26 relation to such claim, such appraiser shall determine whether
27 any damage has been sustained and the amount thereof, and, if
28 possible, who was the owner of the dog or dogs by which such
29 damage was done. If the owner of the dog or the owner of the
30 livestock or poultry does not agree as to the amount of damage

1 allowed by the appraiser, the owner requesting the appraisal and
2 the appraiser may appoint a disinterested qualified citizen to
3 assist in determining the amount of damage sustained. For such
4 services, the said disinterested citizens shall receive
5 appropriate compensation which shall be paid by the owner
6 requesting the appraisal. Any owner or keeper of such dog or
7 dogs, except in the case of rabies, shall be liable to the
8 Commonwealth for the damages paid by the Commonwealth and the
9 costs incurred as hereinafter provided. There shall be a maximum
10 allowable claim loss on each occurrence of \$10,000 per animal;
11 however, in no instance shall the payment exceed 90% of the
12 appraised value. The secretary shall promulgate rules and
13 regulations to enforce the provisions of this section. All
14 claims shall be paid from the Dog Law Restricted Account.

15 (b) Excess damages.--If the owner of the livestock or
16 poultry or domestic game bird feels that he has sustained
17 damages, including consequential and future damages, beyond the
18 amount of damage as finally appraised or paid by the
19 Commonwealth, he may commence a civil action for the excess
20 amount against the owner or keeper of the dog by which such
21 damage was done. The receipt of payment from the owner of the
22 dog of the appraised amount or the receipt of payment from the
23 Commonwealth shall not preclude such an action, but shall be
24 considered in determining the total amount of damages sustained
25 and recoverable.]

26 (a) Reimbursement.--A person may make application to the
27 department for reimbursement for damage to a domestic animal by
28 a dog, whether or not the domestic animal is directly damaged by
29 the dog or is necessarily destroyed due to damage caused by the
30 dog, if the all of the following apply:

1 (1) The damage occurs when the domestic animal is
2 confined in a field or other enclosure, adequate for
3 confinement of such animal.

4 (2) The damage was not caused by a dog owned or harbored
5 by the owner of such damaged domestic animal.

6 (3) The owner of the offending dog is unknown.

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

10 (1) The time, place and manner of the damage.

11 (2) The number and type of domestic animals damaged.

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

14 (c) Limitation.--A WRITTEN complaint under subsection (b)
15 must be filed within five business days of discovery of the
16 damage.

17 (d) Investigation.--Within 48 hours of receipt of a
18 complaint under subsection (b), a State dog warden shall
19 investigate the complaint by examining the site of the
20 occurrence. The State dog warden may examine witnesses under
21 oath or affirmation.

22 (e) Determination.--

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

26 (i) A dismissal of the complaint.

27 (ii) A damage award. The amount under this
28 subparagraph is limited to \$10,000 for each domestic
29 animal and in no instance shall the award exceed 90% of
30 the appraised value of the domestic animal.

<—

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

4 (f) Arbitration.--

5 (1) If the complainant does not agree to the damage
6 award under subsection (e)(1)(ii), the complainant and the
7 State dog warden shall appoint a disinterested, qualified
8 citizen to act as arbitrator.

9 (2) The arbitrator shall determine the damage award. The
10 amount under this paragraph is limited to \$10,000 for each
11 domestic animal and shall not exceed 90% of the appraised
12 value of the animal.

13 (3) The arbitrator shall receive appropriate
14 compensation, paid by the complainant.

15 (g) Administrative appeal.--

16 (1) A complainant may appeal to the department a
17 determination under subsection (e)(1)(i) or (f)(2).

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

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

22 (i) Affirming the original determination.

23 (ii) Modifying the original determination.

24 (4) Failure to act within the time period under
25 paragraph (3) shall be deemed a modification of the original
26 determination to grant an award in the amount claimed in the
27 complaint under subsection (b)(3).

28 (5) This subsection is subject to 2 Pa.C.S. Ch. 5 Subch.
29 A (relating to practice and procedure of Commonwealth
30 agencies).

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

5 (i) Payment of claims.--All damage claims shall be paid from
6 the Dog Law Restricted Account. No payment shall be made for any
7 claim which has already been paid by the claimant's insurance
8 carrier. The claimant must certify to the department that he has
9 not received payment for any damages under this section by any
10 person.

11 (j) Rules and regulations.--The secretary may promulgate any
12 rules and regulations deemed necessary to enforce the provisions
13 of this section.

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

16 Section 701.1. Reimbursement for rabies.

17 (a) Reimbursement.--

18 (1) Any person may make application to the department
19 for loss of a domestic animal from rabies, if the rabies is
20 the result of the animal being attacked by a dog, if all of
21 the following apply:

22 (i) The damage occurs when the damaged animal is
23 confined in a field or other enclosure, adequate for
24 confinement of such animal.

25 (ii) The damage was not caused by a dog owned or
26 harbored by the owner of such damaged domestic animal.

27 (iii) The owner of the offending dog is unknown.

28 (2) For the purposes of this section, a domestic animal
29 is presumed to have been attacked by a dog where the owner
30 provides to the department a certificate from a licensed

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doctor of veterinary medicine and a report from any laboratory approved by the department to the effect that the domestic animal was affected with rabies.

(b) Complaint.--To claim reimbursement from the department for loss of a domestic animal due to rabies, a person must file a written, signed complaint with the department. The complaint must state all of the following:

(1) The time, place and manner of the damage.

(2) The number and type of domestic animal damaged.

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

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

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

(e) Determination.--

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

(i) A dismissal of the complaint.

(ii) A damage award. In the case of the Commonwealth paying the award for damage, the amount under this subparagraph is limited to \$10,000 for each domestic animal; and, in no instance, shall the award exceed 90% of the appraised value of the domestic animal.

(2) Failure to act within the time period under

paragraph (1) shall be deemed a damage award in the amount claimed in the complaint under subsection (b)(3), to be paid by the department from the Dog Law Restricted Account.

(f) Arbitration.--

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

(2) The arbitrator shall determine the damage award.

(3) The arbitrator shall receive appropriate compensation, paid by the complainant.

(g) Administrative appeal.--

(1) A person may appeal to the department a determination under subsection (e)(1)(i) or (f)(2).

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

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

(i) Affirming the original determination.

(ii) Modifying the original determination.

(4) Failure to act within the time period under paragraph (3) shall be deemed a modification of the original determination to grant an award in the amount claimed in the complaint under subsection (b)(3), to be paid by the department, from the Dog Law Restricted Account.

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

(h) Judicial review.--A person may appeal to Commonwealth Court an adjudication under subsection (g)(3). This subsection

1 is subject to Pa.C.S. Ch. 7 Subch. A (relating to judicial
2 review of Commonwealth agency action).

3 (i) Payment of claims.--All damage claims shall be paid from
4 the Dog Law Restricted Account. No payment shall be made for any
5 claim which has already been paid by the claimant's insurance
6 carrier. The claimant must certify to the department that he has
7 not received payment for any damages under this section by any
8 person.

9 (j) Rules and regulations.--The secretary may promulgate any
10 rules and regulations deemed necessary to enforce the provisions
11 of this section.

12 Section ~~17~~ 19. Section 702 of the act is amended to read: <—

13 Section 702. Quarantines due to damages.

14 When the inhabitants of any city, borough, town or township,
15 or any part thereof, have suffered an excessive amount of damage
16 by dogs to [livestock or poultry or domestic game birds]
17 domestic animals, a petition may be presented to the secretary,
18 signed by 20 or more of such residents who are owners of
19 [livestock or poultry or domestic game birds] domestic animals,
20 alleging such excessive damage and requesting that a quarantine
21 be placed on all dogs within the limits of such city, borough,
22 town or township, or such part thereof. Upon receipt of such
23 petition, the secretary may, through his State dog wardens, have
24 an investigation made of the facts alleged therein and, if
25 convinced that [condition] conditions in such city, borough,
26 town or township, or such designated area, demand such stringent
27 measures, he may establish a dog control quarantine therein.
28 When such quarantine is established, at least ten notices
29 thereof shall be posted through the area affected thereby and
30 notice thereof shall also be published in at least one issue of

1 a newspaper of general circulation throughout such city,
2 borough, town or township. It shall be unlawful for any person,
3 residing in the area affected by such quarantine, to permit a
4 dog, owned or harbored by him to run at large in such
5 quarantined area, or to leave the premises where it is kept,
6 unless accompanied by and under the control of himself or a
7 handler. Any police officer or State dog warden may kill any dog
8 running at large in a quarantined area, in violation of such
9 quarantine, without any liability for damages for such killing.

10 Section ~~18~~ 20. Sections 703 and 704 of the act, amended May <—
11 16, 1986 (P.L.194, No.59), are amended to read:

12 [Section 703. Payments of claims out of Dog Law Restricted
13 Account; rights against dog owners inuring to the
14 Commonwealth.]

15 The owner of any dog or dogs known to have caused any damage
16 to livestock, poultry or domestic game birds shall be liable for
17 all damages and costs. If the owner cannot be found or is
18 unknown, then the secretary shall issue a requisition for the
19 payment of the amount of the allowable claim. All such payments
20 shall be from funds in the Dog Law Restricted Account. No
21 payment shall be made for any item which has already been paid
22 by the claimant's insurance carrier. The claimant shall certify
23 to the department that he has not received payment for any
24 damages under section 701(a) by any person. Upon payment by the
25 State of damages under section 701(a), the rights of the owner
26 of such livestock, poultry or domestic game bird against the
27 owner of the dog or dogs causing the damages shall, to the
28 extent of the damages so paid, inure to the benefit of the
29 Commonwealth.]

30 Section 704. Killing of dogs causing damages.

1 If the identity of the owner of the dog or dogs has been
2 established under [sections 701 and 703] Section 701 or 701.1,
3 the secretary may notify the owner or keeper of such dog or dogs
4 to immediately kill it or them. It shall be unlawful and a
5 violation of this act for the owner or keeper, after
6 notification by the secretary, to allow to leave or to remove
7 such dog or dogs from the premises, while they are alive, except
8 to a State dog warden or to a veterinarian or animal shelter for
9 euthanasia purposes. The killing of such dog or dogs does not
10 remove the liability of the owner for damages caused by the dog
11 or dogs. Upon failure, however, of such owner to comply with
12 such order within a period of ten days, the secretary may
13 authorize the killing of such dog or dogs wherever found. In
14 addition, upon failure of such owner or keeper to comply with
15 such order within a period of ten days, the owner or keeper
16 shall, upon summary conviction, be sentenced to pay a fine of
17 not less than \$100 and not more than \$500.

18 Section ~~19~~ 21. Sections 705 and 706 of the act, amended or <—
19 added May 13, 1988 (P.L.396, No.63), are amended to read:
20 Section 705. Harboring unlicensed dogs; forfeiture of rights of
21 reimbursement.

22 Any person who owns or harbors an unlicensed dog required to
23 be licensed under this act shall forfeit any right to be
24 reimbursed by the department for any damages to his [livestock,
25 poultry or domestic game birds] domestic animal by dogs or
26 coyotes.

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

28 [(a) General rule.--Whenever any person sustains any loss by
29 coyote to livestock or poultry, or to game birds raised in
30 captivity, and while confined within a field or other enclosure,

1 provided that the enclosure is adequate for the purpose
2 intended, such person or his agent or attorney may, immediately
3 after the damage was done, complain to a State dog warden or
4 employee of the department and may make application to the
5 department for reimbursement of such loss or damage. The
6 complaint shall be in writing, shall be signed by the person
7 making the complaint and shall state when, where and how the
8 damage was done. Upon receipt of such notice, the State dog
9 warden shall at once examine the place where the alleged loss
10 was sustained and the livestock or poultry or domestic game bird
11 injured or killed. The State dog warden may examine under oath
12 or affirmation any witness called before him. After making
13 diligent inquiry in relation to such claim, the investigating
14 officer shall determine whether any damage has been sustained
15 and the amount of the damage. If the owner of the livestock or
16 poultry or domestic game bird does not agree as to the amount of
17 damage allowed by the appraiser, the owner requesting the
18 appraisal and the appraiser may appoint a disinterested
19 qualified citizen to assist in determining the amount of damage
20 sustained. For such services, the said disinterested citizen
21 shall receive appropriate compensation which shall be paid by
22 the owner requesting the appraisal. There shall be a maximum
23 allowable claim loss on each occurrence of \$10,000 per animal;
24 however, in no instance shall the payment exceed 90% of the
25 appraised value. All claims shall be paid from the Dog Law
26 Restricted Account; however, in no instance shall the sum total
27 of paid claims for the purpose of this section exceed \$20,000
28 per annum. The secretary shall have the power to promulgate such
29 rules and regulations as may be necessary to implement this
30 section.

(b) Definition.--As used in this section, the term "coyote" means the genus and species known as canis latrans.]

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

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

(1) The time, place and manner of the damage.

(2) The number and type of domestic animal damaged.

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

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

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

(e) Determination.--

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

(i) A dismissal of the complaint.

(ii) A damage award. The amount under this

1 subparagraph is limited to \$10,000 for each domestic
2 animal, and the award shall not exceed 90% of the
3 appraised value of the domestic animal.

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

7 (f) Arbitration.--

8 (1) If the complainant does not agree to the damage
9 award under subsection (e)(1)(ii), the complainant and the
10 State dog warden shall appoint a disinterested, qualified
11 citizen to act as arbitrator.

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

15 (3) The arbitrator shall receive appropriate
16 compensation paid by the complainant.

17 (g) Administrative appeal.--

18 (1) A complainant may appeal to the department a
19 determination under subsection (e)(1)(i) or (f)(2).

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

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

24 (i) Affirming the original determination.

25 (ii) Modifying the original determination.

26 (4) Failure to act within the time period under
27 paragraph (3) shall be deemed a modification of the original
28 determination to grant an award in the amount claimed in the
29 complaint under subsection (b)(3).

30 (5) This subsection is subject to 2 Pa.C.S Ch. 5 Subch.

1 A (relating to practice and procedure of Commonwealth
2 agencies).

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

7 (i) Payment of claims.--All damage claims shall be paid from
8 the Dog Law Restricted Account. No payment shall be made for any
9 claim which has already been paid by the claimant's insurance
10 carrier. The claimant shall certify to the department that he
11 has not received payment for any damages under this section by
12 any person. Claims paid under this section shall not exceed
13 \$20,000 annually.

14 (j) Rules and regulations.--The secretary shall promulgate
15 rules and regulations to enforce the provisions of this section.

16 Section ~~20~~ 22. Section 802 of the act is amended to read: <—

17 Section 802. Burdens of proof.

18 In any proceeding under this act, the burden of proof of the
19 fact that a dog has been licensed, or has been imported for
20 breeding, trial, or show purposes, or that a dog is under the
21 required licensed age of [six] three months as hereinbefore
22 provided, shall be on the owner of such dog. Any dog not bearing
23 a license tag shall prima facie be deemed to be unlicensed. It
24 is unlawful for any person dealing in and with dogs, to use a
25 false or fictitious name unless such name is registered with the
26 Commonwealth.

27 Section ~~21~~ 23. Sections 901 and 903 of the act, amended May <—
28 31, 1990 (P.L.213, No.46), are amended to read:

29 Section 901. Enforcement of this act by the [Secretary of
30 Agriculture] secretary; provisions for

1 inspections.

2 (a) General rule.--The secretary, through State dog wardens,
3 employees of the department and police officers, shall be
4 charged with the general enforcement of this law. The secretary
5 may employ all proper means for the enforcement of this act and
6 may enter into agreements [with local agencies and
7 organizations] pursuant to section 1002, which shall be filed
8 with the department, for the purpose of dog control. State dog
9 wardens and employees of the department are hereby authorized to
10 enter upon the premises of any persons for the purpose of
11 investigation. A dog warden or employee of the department may
12 enter into a home or other building only with the permission of
13 the occupant or with a duly issued search warrant.

14 (b) Training for dog wardens.--The secretary shall establish
15 training requirements for dog wardens and other employees of the
16 department charged with the enforcement of this act which shall
17 include dog handling and humane capture, preliminary recognition
18 of dog pathology, knowledge of proper dog sanitation, kennel
19 inspection procedures and shelter and dog law 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 hours of instruction, in accordance with paragraphs (1), (2) and
24 (3).

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.

30 (iii) Pennsylvania criminal law and criminal

1 procedure.

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

5 (i) Dog handling and humane capture.

6 (ii) Preliminary recognition of dog pathology.

7 (iii) Proper dog sanitation and shelter.

8 (iv) Kennel inspection procedures.

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

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

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

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

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

26 (4) Any other firearms program which has been determined
27 by the Commissioner of the Pennsylvania State Police to be of
28 sufficient scope and duration to provide the participant with
29 basic training in the use and handling of firearms. The
30 department may provide for such firearms training for dog

wardens.

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

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

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

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

(1) Failed to satisfy the training requirements of

1 subsection (b.1).

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

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

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

12 (1) Made a false or misleading statement in the
13 application for employment.

14 (2) Carried or possessed a firearm in the performance of
15 his or her duties without certification pursuant to
16 subsection (b.2).

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

19 (4) Knowingly failed to enforce any of the provisions of
20 this act.

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

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

28 (c) Advisory board.--The secretary shall appoint a Dog Law
29 Advisory Board to advise him in the administration of this act.
30 The board shall consist of [one representative from each of the

1 following: Pennsylvania Veterinarian Medical Association,
2 Federation of Humane Societies, Sportsmen's Association, dog
3 clubs, animal research establishments, dog dealers, Pennsylvania
4 Farmers Association, State Grange, lamb and wool growers and
5 poultry farmers associations. The board shall be chaired by the
6 secretary or his designee and shall convene when called by the
7 secretary.] the following:

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.

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

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

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

11 (g) Recommendations.--The board may make nonbinding
12 recommendations to the secretary on all matters related to the
13 provisions of this act.

14 Section 903. Violations.

15 Unless heretofore provided, any person found in violation of
16 any provision of Article II through Article VIII of this act
17 shall be guilty of a summary offense for the first [and second]
18 violation and for a [third] second and subsequent violation
19 which occurs within one year of sentencing for the first
20 violation shall be guilty of a misdemeanor of the third degree.

21 Section ~~22~~ 24. Section 904 of the act is amended to read: <—

22 Section 904. [Tattoos] Permanent identification altered.

23 It shall be unlawful to change or alter any [tattoo] form of
24 permanent identification of a dog. Any person convicted of
25 defacing or altering any [tattoo] form of permanent
26 identification of a dog shall be guilty of a summary offense and
27 upon conviction thereof shall be sentenced to pay a fine of \$300
28 or to imprisonment for not less than 90 days, or both. A bill of
29 sale shall accompany all [tattooed] permanently identified dogs
30 when sold.

1 Section ~~23~~ 25. The act is amended by adding a ~~section~~ <—

2 SECTIONS to read: <—

3 Section 906. Reports to General Assembly.

4 On or before March 1, 1997, and on or before March 1 of each
5 subsequent year, the secretary shall provide a report to the
6 Agriculture and Rural Affairs Committee of the Senate and the
7 Agriculture and Rural Affairs Committee of the House of
8 Representatives which shall describe all relevant activities of
9 the department for the preceding calendar year under this act.

10 The report shall contain, at a minimum, the following:

11 (1) The number of State dog wardens by county.

12 (2) The number of dog licenses issued by county.

13 (3) The number of kennel licenses issued in each kennel
14 class by county.

15 (4) The number of out-of-state dealer licenses issued by
16 the department.

17 (5) The total moneys collected from license fees.

18 (6) The number of kennel inspections performed, which
19 shall include the number of kennels inspected by kennel
20 class, the number of dogs kept at each inspected kennel and
21 the county of location.

22 (7) The number of kennel licenses and out-of-state
23 dealer licenses refused, revoked or suspended and the reasons
24 for such refusals, revocations or suspensions.

25 (8) The number of citations issued by county and the
26 disposition of each citation.

27 (9) The number of dogs seized and impounded and the
28 total reimbursements made by the department for the
29 transportation, care and feeding of such dogs.

30 (10) The total payments made by the department from the

1 Dog Law Restricted Account and the reasons for such payments.

2 (11) Recommendations to improve the administration and
3 enforcement of this act, if applicable.

4 SECTION 907. STATE DOG WARDENS; PLAN FOR APPOINTMENT. <—

5 (A) DEVELOPMENT OF PLAN.--ON OR BEFORE MARCH 1, 1997, THE
6 DEPARTMENT, IN CONSULTATION WITH THE DOG LAW ADVISORY BOARD,
7 SHALL DEVELOP A PLAN TO PROVIDE FOR THE APPOINTMENT OF AN
8 ADEQUATE NUMBER OF STATE DOG WARDENS TO SERVE IN EACH OF THE
9 DEPARTMENT'S DOG LAW ENFORCEMENT REGIONS. THE PLAN SHALL PROVIDE
10 FOR THE APPOINTMENT OF STATE DOG WARDENS TO EACH DOG LAW
11 ENFORCEMENT REGION AS SPECIFIED IN THE PLAN NO LATER THAN
12 JANUARY 1, 1998. UPON COMPLETION, THE PLAN SHALL BE FORWARDED TO
13 THE CHAIRMAN AND MINORITY CHAIRMAN OF THE AGRICULTURE AND RURAL
14 AFFAIRS COMMITTEE OF THE SENATE AND THE CHAIRMAN AND MINORITY
15 CHAIRMAN OF THE AGRICULTURE AND RURAL AFFAIRS COMMITTEE OF THE
16 HOUSE OF REPRESENTATIVES.

17 (B) RESTRICTION ON USE OF SURPLUS FUNDS.--NOTWITHSTANDING
18 ANY OTHER PROVISION OF THIS ACT TO THE CONTRARY, THE DEPARTMENT
19 SHALL NOT MAKE ANY PAYMENTS OF SURPLUS FUNDS PURSUANT TO SECTION
20 1002(B) TO COUNTIES, MUNICIPALITIES, HUMANE SOCIETIES OR
21 ASSOCIATIONS FOR THE PREVENTION OF CRUELTY TO ANIMALS UNLESS AND
22 UNTIL IT HAS DEVELOPED AND IMPLEMENTED A PLAN TO APPOINT AN
23 ADEQUATE NUMBER OF STATE DOG WARDENS TO SERVE IN EACH OF ITS DOG
24 LAW ENFORCEMENT REGIONS IN ACCORDANCE WITH SUBSECTION (A).
25 NOTHING IN THIS SUBSECTION SHALL BE CONSTRUED TO PROHIBIT A
26 COUNTY OR MUNICIPALITY, AS THE CASE MAY BE, FROM APPOINTING
27 COUNTY DOG WARDENS TO PERFORM THE DUTIES AND FUNCTIONS OF DOG
28 LAW ENFORCEMENT ALONE OR IN CONJUNCTION WITH A STATE DOG WARDEN
29 IN ANY DOG LAW ENFORCEMENT REGION.

30 SECTION 26. THE ACT IS AMENDED BY ADDING AN ARTICLE TO READ:

1 ARTICLE IX-A

2 STERILIZATION OF DOGS AND CATS

3 SECTION 901-A. DEFINITIONS.

4 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS ARTICLE
5 SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE
6 CONTEXT CLEARLY INDICATES OTHERWISE:

7 "ADOPT" OR "ADOPTION." THE TRANSFER OF OWNERSHIP OF A DOG OR
8 CAT FROM A RELEASING AGENCY TO A NEW OWNER.

9 "LICENSED DOCTOR OF VETERINARY MEDICINE." A PERSON LICENSED
10 TO PRACTICE VETERINARY MEDICINE UNDER THE ACT OF DECEMBER 27,
11 1974 (P.L.995, NO.326), KNOWN AS THE VETERINARY MEDICINE
12 PRACTICE ACT OR LICENSED UNDER SIMILAR LAWS AND QUALIFICATIONS
13 IN OTHER STATES.

14 "NEUTER." A PROCEDURE TO RENDER A MALE DOG OR CAT UNABLE TO
15 REPRODUCE.

16 "NEW OWNER." A PERSON WHO ENTERS INTO A BINDING AGREEMENT
17 PURSUANT TO SECTION 902-A AND WHO ADOPTS A DOG OR CAT FROM A
18 RELEASING AGENCY.

19 "RELEASING AGENCY." A PUBLIC OR PRIVATE POUND, ANIMAL
20 SHELTER, HUMANE SOCIETY, SOCIETY FOR THE PREVENTION OF CRUELTY
21 TO ANIMALS OR OTHER SIMILAR ENTITY THAT RELEASES A DOG OR CAT
22 FOR ADOPTION.

23 "SPAY." A PROCEDURE TO RENDER A FEMALE DOG OR CAT UNABLE TO
24 REPRODUCE.

25 "STERILIZE" OR "STERILIZATION." THE SPAYING OR NEUTERING OF
26 A DOG OR CAT.

27 SECTION 902-A. SPAYING OR NEUTERING AS CONDITION FOR RELEASE OF
28 CERTAIN ANIMALS.

29 NO DOG OR CAT MAY BE ADOPTED BY A NEW OWNER FROM A RELEASING
30 AGENCY UNLESS THE ANIMAL HAS BEEN STERILIZED BY A LICENSED

DOCTOR OF VETERINARY MEDICINE OR UNLESS THE NEW OWNER SIGNS AN
AGREEMENT TO HAVE THE ANIMAL STERILIZED BY OR UNDER THE
SUPERVISION OF A LICENSED DOCTOR OF VETERINARY MEDICINE AND
DEPOSITS FUNDS WITH THE RELEASING AGENCY TO ENSURE THAT THE
ADOPTED ANIMAL WILL BE STERILIZED. THE AMOUNT OF THE DEPOSIT
REQUIRED SHALL BE DETERMINED BY EACH RELEASING AGENCY. IN NO
EVENT SHALL THE REQUIRED DEPOSIT BE LESS THAN \$30 FOR A DOG OR
\$20 FOR A CAT.

SECTION 903-A. REFUND OF DEPOSIT UPON PROOF OF STERILIZATION.

THE FUNDS DEPOSITED WITH THE RELEASING AGENCY SHALL BE
REFUNDED TO THE NEW OWNER UPON THE PRESENTATION OF A WRITTEN
STATEMENT SIGNED BY A LICENSED DOCTOR OF VETERINARY MEDICINE
THAT THE SUBJECT ANIMAL HAS BEEN STERILIZED. HOWEVER, NO REFUNDS
SHALL BE MADE UNLESS THE ANIMAL WAS STERILIZED WITHIN 60 DAYS OF
ACQUISITION IN THE CASE OF A MATURE ANIMAL OR, IN THE CASE OF AN
IMMATURE ANIMAL, WITHIN 30 DAYS OF THE DATE THE ANIMAL ATTAINED
THE AGE OF SIX MONTHS.

SECTION 904-A. RULES AND STERILIZATION AGREEMENT.

RELEASING AGENCIES MAY ESTABLISH ANY ADDITIONAL RULES TO IMPLEMENT THIS ARTICLE, PROVIDED THAT SUCH RULES ARE NOT IN CONFLICT WITH THE PROVISIONS OR PURPOSE OF THIS ARTICLE TO REQUIRE THE STERILIZATION OF ALL DOGS AND CATS ADOPTED FROM RELEASING AGENCIES. THE STERILIZATION AGREEMENT TO BE USED BY RELEASING AGENCIES SHALL BE IN SUBSTANTIALLY THE FOLLOWING FORM:

STERILIZATION AGREEMENT

THIS AGREEMENT IS MADE AND ENTERED INTO THIS DAY OF

19 BY AND BETWEEN:

(RELEASING AGENCY)

(NEW OWNER)

NAME

NAME

ADDRESS

ADDRESS

1 CITY TELEPHONE CITY TELEPHONE
2 IN CONSIDERATION OF THE ADOPTION OF THIS ANIMAL, AND IN
3 FURTHER CONSIDERATION OF MUTUAL OBLIGATIONS HEREIN, THE
4 RELEASING AGENCY AUTHORIZES THE ADOPTION OF THE FOLLOWING
5 ANIMAL TO THE NEW OWNER:
6 (DESCRIBE ANIMAL)
7 1. THE RELEASING AGENCY AGREES TO RELEASE THE ABOVE-
8 LISTED ANIMAL INTO THE CARE OF THE NEW OWNER AND REFUND
9 THE NEW OWNER'S STERILIZATION DEPOSIT PROVIDED THAT:
10 (1) THE ANIMAL IS STERILIZED BY A LICENSED DOCTOR OF
11 VETERINARY MEDICINE BY _____ (GIVE DATE).
12 (2) A WRITTEN STATEMENT SIGNED BY THE LICENSED DOCTOR OF
13 VETERINARY MEDICINE PERFORMING THE STERILIZATION THAT THE
14 ANIMAL HAS BEEN STERILIZED BY THE STATED DATE IS GIVEN TO
15 THE RELEASING AGENCY.
16 2. THE NEW OWNER ACCEPTS THE ABOVE-LISTED ANIMAL AND
17 AGREES:
18 (1) TO HAVE THE ANIMAL STERILIZED BY A LICENSED DOCTOR
19 OF VETERINARY MEDICINE BY _____ (GIVE DATE).
20 (2) TO PROVIDE WRITTEN EVIDENCE TO THE RELEASING AGENCY
21 FROM THE LICENSED DOCTOR OF VETERINARY MEDICINE
22 PERFORMING THE STERILIZATION THAT THE ANIMAL HAS BEEN
23 STERILIZED BY THE ABOVE DATE LISTED. THIS AGREEMENT SHALL
24 BE BINDING UPON THE ASSIGNS, HEIRS, EXECUTORS AND
25 ADMINISTRATORS OF THE RESPECTIVE PARTIES. THE PARTIES
26 HERETO HAVE HEREUNTO SET THEIR HANDS THE DAY AND YEAR
27 FIRST ABOVE WRITTEN.
28 AMOUNT OF DEPOSIT _____
29 _____ RELEASING AGENCY
30 _____ (SIGNATURE OF AGENT)

1 NEW OWNER

2 (SIGNATURE OF)

3 WRITTEN STATEMENT OF LICENSED DOCTOR OF

4 VETERINARY MEDICINE

5 I HEREBY CERTIFY THAT THE ABOVE-DESCRIBED

6 ANIMAL HAS BEEN STERILIZED ON

7 (GIVE DATE).

8 SIGNATURE OF

9 LICENSED DOCTOR OF VETERINARY

10 MEDICINE

11 ADDRESS

12 CITY STATE ZIP

13 SECTION 905-A. EXTENSION OF TIME TO STERILIZE.

14 UPON PRESENTATION OF A WRITTEN REPORT FROM A LICENSED DOCTOR

15 OF VETERINARY MEDICINE STATING THAT THE LIFE OR HEALTH OF AN

16 ADOPTED ANIMAL MAY BE JEOPARDIZED BY STERILIZATION. THE

17 RELEASING AGENCY SHALL GRANT A 30-DAY EXTENSION OF THE PERIOD

18 WITHIN WHICH STERILIZATION WOULD OTHERWISE BE REQUIRED. FURTHER

19 EXTENSIONS SHALL BE GRANTED UPON ADDITIONAL VETERINARY REPORTS

20 STATING THEIR NECESSITY.

21 SECTION 906-A. EXEMPTION FROM STERILIZATION; REFUND OF

22 DEPOSITED FUNDS.

23 UPON PRESENTATION OF A WRITTEN REPORT FROM A LICENSED DOCTOR

24 OF VETERINARY MEDICINE STATING THAT THE ADOPTED ANIMAL HAS

25 ALREADY BEEN STERILIZED OR CAN NEVER BE STERILIZED DUE TO OLD

26 AGE OR A HEALTH CONDITION THAT WOULD LIKELY RESULT IN THE DEATH

27 OF THE ANIMAL, THE STERILIZATION DEPOSIT SHALL BE REFUNDED.

28 SECTION 907-A. DEATH OF ADOPTED ANIMAL.

29 UPON REQUEST. THE RELEASING AGENCY SHALL REFUND DEPOSITED

30 FUNDS TO THE NEW OWNER UPON REASONABLE PROOF BEING PRESENTED TO

1 THE RELEASING AGENCY BY THE NEW OWNER THAT THE ADOPTED ANIMAL
2 DIED BEFORE THE EXPIRATION OF THE PERIOD DURING WHICH THE
3 STERILIZATION WAS REQUIRED TO BE COMPLETED.

4 SECTION 908-A. FORFEITURE OF DEPOSITED FUNDS AND ADOPTED DOG OR
5 CAT.

6 FAILURE OF A NEW OWNER TO COMPLY WITH PROVISIONS OF THIS
7 ARTICLE SHALL RESULT IN THE FORFEITURE OF THE DEPOSITED FUNDS TO
8 THE RELEASING AGENCY. THE RELEASING AGENCY MAY RECLAIM THE DOG
9 OR CAT FROM THE NEW OWNER.

10 SECTION 909-A. DISPOSITION OF FORFEITED FUNDS; RECORD OF
11 ACCOUNTS.

12 FUNDS WHICH HAVE BEEN FORFEITED BY NEW OWNERS SHALL BE PLACED
13 IN AN INTEREST-BEARING ACCOUNT BELONGING TO THE RELEASING
14 AGENCY. THE RELEASING AGENCY MAY ALLOCATE THE UNUSED FUNDS FROM
15 SUCH ACCOUNT TO PROGRAMS WHICH DIRECTLY PROMOTE, SUBSIDIZE OR
16 OTHERWISE REDUCE THE COST OF STERILIZATION OF ANIMALS OF THE
17 RELEASING AGENCY. FUNDS MAY ALSO BE USED TO PROVIDE FOR THE
18 HEALTH AND WELFARE OF ANIMALS BEING CARED FOR BY THE RELEASING
19 AGENCY. THE RELEASING AGENCY SHALL MAINTAIN AN ACCURATE
20 ACCOUNTING OF THESE FORFEITED FUNDS.

21 SECTION 910-A. CONSTRUCTION OF ARTICLE.

22 THE PROVISIONS OF THIS ARTICLE SHALL NOT BE CONSTRUED TO
23 REQUIRE THE STERILIZATION OF DOGS AND CATS WHICH ARE BEING HELD
24 IN RELEASING AGENCIES WHICH MIGHT BE CLAIMED BY THEIR RIGHTFUL
25 OWNERS. FURTHER, THIS ARTICLE SHALL NOT BE CONSTRUED TO
26 INTERFERE WITH MUNICIPAL ORDINANCES OR THE POLICIES AND PROGRAMS
27 OF RELEASING AGENCIES THAT MEET OR EXCEED THE STERILIZATION
28 REQUIREMENTS SET FORTH IN THIS ARTICLE.

29 SECTION 911-A. PENALTY.

30 FAILURE TO COMPLY WITH THE PROVISIONS OF THIS ARTICLE

1 RELATING TO THE STERILIZATION OF ANIMALS CONSTITUTES A SUMMARY
2 OFFENSE.

3 Section ~~24~~ 27. Section 1001 of the act is amended to read: <—
4 Section 1001. Dog Law Restricted Account; disposition and
5 appropriation of funds accruing under the
6 provisions of this act.

7 (a) Dog Law Restricted Account created.--All moneys paid
8 into the State Treasury under the provisions of this act shall
9 be paid into a restricted account hereby created and to be known
10 as the Dog Law Restricted Account. Any interest accrued on the
11 account shall be credited to the account for the purposes of
12 meeting the requirements of this act.

13 (b) Appropriation.--As much as may be necessary of such
14 moneys and interest in the Dog Law Restricted Account are hereby
15 appropriated to pay:

16 (1) all salaries of the employees of the department in
17 administering their duties under this act;

18 (2) all expenses of the secretary and the department in
19 administering their duties under this act;

20 (3) all payments of all allowable damage claims pursuant
21 to sections 701, [702] 701.1 and [703] 706, and the
22 maintenance of a [\$100,000] \$50,000 indemnity fund;

23 (4) all payments to counties pursuant to section 1002(a)
24 and (a.1)(3); [and]

25 (5) all payments from surplus moneys declared to be
26 available by the secretary pursuant to section 1002(b)[.] ;

27 (6) all payments for promotion and educational
28 activities; and

29 (7) all training required under section 901.

30 (c) Subsidized services.--No funds credited to the

1 restricted account created by this section shall be used for
2 government subsidized veterinary services.

3 Section ~~25~~ 28. Section 1002 of the act, amended May 16, 1986 <—
4 (P.L.194, No.59) and May 13, 1988 (P.L.396, No.63), is amended
5 to read:

6 Section 1002. County dog law programs.

7 (a) Dog control facilities.--Any county except counties of
8 the first class, two or more counties which form a joint dog
9 control agency or any [incorporated] humane [organization]
10 society or association for the prevention of cruelty to animals
11 may submit requests for funding to establish and maintain dog
12 control facilities or other functions of dog control within the
13 county to complement the Commonwealth dog law enforcement
14 program. [If three or more municipalities join to form one dog
15 law enforcement agency, the joint agency shall be eligible for
16 50% of the total grant moneys that the municipalities would be
17 entitled to if each applied individually, without the current
18 restrictions imposed by the regulations of the department
19 regarding the usage of the moneys.] Any county or humane society
20 or association for the prevention of cruelty to animals which
21 receives funding under this section shall appoint one or more
22 animal control officers who shall be subject to the training
23 requirements under section 901(b.1) and (b.2). If a joint [dog
24 law enforcement] dog control agency is created, one of the
25 [municipalities] counties shall act as a lead agency for the
26 purposes of meeting the requirements of the program, including,
27 but not limited to, recordkeeping, supervision of employees and
28 other administrative duties as required by this act.

29 (a.1) County dog law enforcement.--

30 (1) A county may request the secretary to be authorized

1 to perform any or all of the duties and functions of dog law
2 enforcement under Article I; Article II, except sections 206,
3 207, 209, 211 and 218, as it pertains to kennel inspections;
4 Article III, except section 301; Articles V through IX; this
5 article; Article XI and Article XII.

6 (2) The secretary may also authorize a municipality
7 within a county, except counties of the first class, which
8 has been designated by the county to act as its
9 representative, to perform any or all of the duties and
10 functions of dog law enforcement as outlined in this
11 subsection, provided that the municipality agrees to accept
12 all obligations imposed upon the county by the guidelines and
13 conditions of the department and the applicable regulations.

14 (3) A county which the secretary authorizes to perform
15 the duties and functions of dog law enforcement under this
16 subsection shall appoint one or more officers to be known as
17 county animal wardens who shall have the power to enforce the
18 portions of the dog law enumerated in paragraph (1) in the
19 county.

20 (4) County animal wardens shall be subject to the
21 training requirements under section 901.

22 (5) No dealer nor any humane society police officer
23 shall be appointed as a county animal warden in any county.

24 (6) Nothing in this act shall be construed as
25 authorizing a county to delegate or assign any powers or
26 duties conferred upon counties or municipalities under this
27 subsection to any private corporation, association or
28 organization or any other nongovernmental entity.

29 (7) The secretary and a county shall agree upon the
30 amount of funds available to a county for the purpose of this

1 subsection, except that no agreement shall authorize the
2 county to receive an annual amount greater than the total
3 annual contributions to the Dog Law Restricted Account for
4 the previous year resulting from the issuance of individual
5 dog licenses within the county.

6 (8) Any agreement between the secretary and a county
7 under this subsection shall be set forth within a memorandum
8 of understanding which shall be reviewed annually.

9 (9) The secretary may recall the county program
10 authorization at any time, when such county shall
11 subsequently revert to State jurisdiction.

12 (b) Surplus funds.--The secretary may declare that there is
13 a surplus of money in the Dog Law Restricted Account. The
14 secretary may authorize additional payments to the counties,
15 except to counties of the first class, municipalities and to
16 [incorporated] humane [organizations] societies or associations
17 for the prevention of cruelty to animals from any amount
18 declared to be surplus. [The secretary may also authorize such
19 payments to any municipality within a county, except counties of
20 the first class, which has been designated by the county to act
21 as its agent in requesting the funds, provided that the
22 municipality agrees to accept all obligations imposed upon the
23 county by the guidelines and conditions of the department and
24 the applicable regulations.] Such payments shall be based on the
25 secretary's evaluation pursuant to rules and regulations
26 promulgated under this act.

27 Section ~~26~~ 29. Sections 1101, 1201, 1202 and 1205 of the act <—
28 are amended to read:

29 Section 1101. Liability of the State.

30 Nothing in this act shall be construed to prevent the owner

1 of a licensed dog from recovering by action at law the value of
2 any dog which has been illegally killed by any person, provided
3 the Commonwealth shall be liable to the owner of any legally
4 licensed dog, for the value thereof, if illegally killed by any
5 police officer or employee of the Commonwealth and the
6 Commonwealth may thereupon recover the amount so paid to such
7 owner from the police officer or employee of the Commonwealth
8 doing the illegal killing, by an action at law. Whenever the
9 Commonwealth shall be liable for any killing, the value of said
10 dog shall be ascertained in the same manner as provided in
11 section 701, for assessing the damage done to [livestock]
12 domestic animals by dogs.

13 Section 1201. Applicability to cities of the first class,
14 second class and second class A.

15 Insofar as this act provides for the individual licensing of
16 dogs and the payment of damages for [livestock or poultry]
17 domestic animals injured by dogs or for licensed dogs illegally
18 killed, it shall not apply to cities of the first class, second
19 class and second class A. Such individual dog licensing and
20 payment of damages in cities of the first class, second class
21 and second class A shall continue to be carried on under the
22 provisions of existing laws.

23 [Section 1202. Abandonment of animals by owner.

24 (a) Disposal.--Any animal placed in the custody of a
25 licensed doctor of veterinary medicine for treatment, boarding,
26 or other care which shall be abandoned by its owner or his agent
27 for a period of more than ten days after written notice by
28 registered return receipt mail is given to the owner or his
29 agent at his last known address and return receipt is received
30 by the doctor, may be turned over to the custody of the nearest

1 Humane Society or dog pound in the area for disposal after 48
2 hours as such custodian may deem proper. During such 48-hour
3 period, the animal may be released only to the owner or his
4 agent. If the owner claims the animal, he shall be liable for
5 room and board charges for the animal during the abandonment
6 period.

7 (b) Notice.--The giving of notice to the owner, or the agent
8 of the owner, of such animal by the licensed doctor of
9 veterinary medicine as provided in subsection (a) and receipt of
10 return receipt by the doctor, which he shall retain for 12 days,
11 shall relieve the doctor of veterinary medicine, and any
12 custodian to whom such animal may be given, of any further
13 liability for disposal. It is further provided that such
14 procedure by the licensed doctor of veterinary medicine shall
15 not constitute grounds for disciplinary procedure under this
16 act.

17 (c) Definition.--For the purpose of this section, the term
18 "abandonment" means to forsake entirely or to neglect or refuse
19 to provide or perform the legal obligations for the care and
20 support of an animal by its owner or his agent. Such abandonment
21 shall constitute relinquishment of all rights and claims by the
22 owner to such animal.]

23 Section 1205. Repealer.

24 (a) The act of December 22, 1965 (P.L.1124, No.437), known
25 as the "Dog Law of 1965," is repealed.

26 (b) Section 34, act of December 27, 1974 (P.L.995, No.326),
27 known as the "Veterinary Medicine Practice Act," is repealed.

28 (c) The act of July 11, 1917 (P.L.818, No.317), known as the
29 "Dog Law of One Thousand Nine Hundred and Seventeen," is
30 repealed.

1 Section ~~27~~ 30. This act shall take effect in 60 days.

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