

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 365 Session of
2007

INTRODUCED BY CASORIO, BUXTON, CALTAGIRONE, CAPPELLI, CREIGHTON,
CURRY, DeLUCA, FABRIZIO, GEORGE, GRUCELA, HESS, KENNEY,
KOTIK, LEACH, LENTZ, MAHONEY, MANN, MELIO, MUNDY, NAILOR,
O'NEILL, PAYNE, READSHAW, REICHLEY, RUBLEY, SCAVELLO,
SCHRODER, SHAPIRO, TANGRETTI, J. WHITE AND YOUNGBLOOD,
FEBRUARY 13, 2007

REFERRED TO COMMITTEE ON AGRICULTURE AND RURAL AFFAIRS,
FEBRUARY 13, 2007

AN ACT

1 Amending the act of December 7, 1982 (P.L.784, No.225),
2 entitled, as amended, "An act relating to dogs, regulating
3 the keeping of dogs; providing for the licensing of dogs and
4 kennels; providing for the protection of dogs and the
5 detention and destruction of dogs in certain cases;
6 regulating the sale and transportation of dogs; declaring
7 dogs to be personal property and the subject of theft;
8 providing for the abandonment of animals; providing for the
9 assessment of damages done to animals; providing for payment
10 of damages by the Commonwealth in certain cases and the
11 liability of the owner or keeper of dogs for such damages;
12 imposing powers and duties on certain State and local
13 officers and employees; providing penalties; and creating a
14 Dog Law Restricted Account," further providing for
15 revocation, suspension or refusal of kennel licenses.

16 The General Assembly of the Commonwealth of Pennsylvania
17 hereby enacts as follows:

18 Section 1. Section 211(a) and (c)(1) and (3) of the act of
19 December 7, 1982 (P.L.784, No.225), known as the Dog Law,
20 amended December 11, 1996 (P.L.943, No.151), are amended and the
21 section is amended by adding a subsection to read:

22 Section 211. Revocation, suspension or refusal of kennel

1 licenses.

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

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

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

13 (3) the person holding or applying for a license has
14 been convicted of any violation of this act[;] or any rules
15 or regulations set by the department governing the humane
16 handling, transportation, veterinary care, housing, breeding,
17 socialization, feeding, watering or other humane treatment of
18 animals unless the secretary makes a written finding that the
19 violations were minor and inadvertent, that the violations
20 did not pose a threat to the animals or that revocation is
21 inappropriate for other good cause. In the event that the
22 secretary does make such a written finding, he or she shall
23 suspend a kennel license for a period of at least 30 days; or

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

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

29 (a.1) Noncompliance with regulation.--The secretary may
30 revoke or suspend a license or refuse to issue a kennel license

1 or out-of-state dealer license if the person holding or applying
2 for a license has failed to comply with any regulation
3 promulgated under this act other than those for the humane
4 handling, transportation, veterinary care, housing, breeding,
5 socialization, feeding, watering or other humane treatment of
6 animals.

7 * * *

8 (c) Seizure and constructive seizure.--

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

18 * * *

19 (3) The secretary shall allow a dog to remain in the
20 physical possession, custody or care of the person whose
21 kennel license or out-of-state dealer license is revoked,
22 suspended or refused upon any one or more of the following
23 findings, which he or she shall outline in a written letter
24 to the person, a copy of which shall be posted on the front
25 door of the facility:

26 (i) the secretary has no reasonable grounds to
27 believe that the health, safety or welfare of the dog is
28 endangered; or

29 (ii) the person whose license is revoked, suspended
30 or refused has provided satisfactory evidence or

1 assurances that the dog will receive adequate care.

2 * * *

3 Section 2. This act shall take effect in 60 days.