

THE GENERAL ASSEMBLY OF PENNSYLVANIA

**HOUSE BILL**

**No. 1454** Session of  
2007

INTRODUCED BY BOBACK, BASTIAN, CLYMER, DENLINGER, EVERETT,  
FABRIZIO, FLECK, GEIST, GEORGE, GILLESPIE, GINGRICH, HELM,  
HENNESSEY, HERSHEY, HESS, HORNAMAN, M. KELLER, KORTZ, KOTIK,  
MAHONEY, MAJOR, R. MILLER, MOUL, MOYER, MURT, NAILOR,  
O'NEILL, PEIFER, PHILLIPS, PICKETT, REICHLLEY, RUBLEY,  
SIPTROTH, SOLOBAY, STERN, SURRA, SWANGER, WATSON AND  
YOUNGBLOOD, SEPTEMBER 26, 2007

REFERRED TO COMMITTEE ON AGRICULTURE AND RURAL AFFAIRS,  
SEPTEMBER 26, 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 definitions, for harboring unlicensed dogs and for damages by  
16 coyotes.

17 The General Assembly of the Commonwealth of Pennsylvania

18 hereby enacts as follows:

19 Section 1. Section 102 of the act of December 7, 1982  
20 (P.L.784, No.225), known as the Dog Law, is amended by adding a  
21 definition to read:

22 Section 102. Definitions.

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

4 \* \* \*

5 "Commission." The Pennsylvania Game Commission.

6 \* \* \*

7 Section 2. Sections 705 and 706 of the act, amended December  
8 11, 1996 (P.L.943, No.151), are amended to read:

9 Section 705. Harboring unlicensed dogs; forfeiture of rights of  
10 reimbursement.

11 Any person who owns or harbors an unlicensed dog required to  
12 be licensed under this act shall forfeit any right to be  
13 reimbursed by the department or the commission for any damages  
14 to his domestic animal by dogs or coyotes.

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

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

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

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

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

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

30 (c) Limitation.--A written complaint under subsection (b)

1 must be filed within five business days of discovery of the  
2 damage.

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

8 (e) Determination.--

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

12 (i) A dismissal of the complaint.

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

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

20 (f) Arbitration.--

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

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

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

30 (g) Administrative appeal.--

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

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

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

7 (i) Affirming the original determination.

8 (ii) Modifying the original determination.

9 (4) Failure to act within the time period under  
10 paragraph (3) shall be deemed a modification of the original  
11 determination to grant an award in the amount claimed in the  
12 complaint under subsection (b)(3).

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

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

20 (i) Payment of claims.--All damage claims shall be paid from  
21 the [Dog Law Restricted Account] Game Fund. No payment shall be  
22 made for any claim which has already been paid by the claimant's  
23 insurance carrier. The claimant shall certify to the department  
24 that he has not received payment for any damages under this  
25 section by any person. Claims paid under this section shall not  
26 exceed [\$20,000] \$30,000 annually.

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

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