

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 746 Session of 2023

INTRODUCED BY VOGEL, CAPPELLETTI, FLYNN, SCHWANK, PENNYCUICK, BARTOLOTTA, BAKER, FARRY AND KANE, MAY 31, 2023

AS AMENDED ON THIRD CONSIDERATION, JUNE 19, 2023

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 abandonment of animals; providing for the assessment of
9 damages done to animals; providing for payment of damages by
10 the Commonwealth in certain cases and the liability of the
11 owner 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," in short title and definitions, further providing
15 for definitions; in licenses, tags and kennels, further
16 providing for issuance of dog licenses, compensation, proof
17 required, deposit of funds, records, license sales, rules and
18 regulations, failure to comply, unlawful acts and penalty,
19 for applications for dog licenses, fees and penalties, for
20 kennels, for requirements for kennels, for revocation or
21 refusal of kennel licenses, for dogs temporarily in the
22 Commonwealth and for health certificates for importation; in
23 offenses of dogs, further providing for dog bites and
24 detentions and isolation of dogs; in dangerous dogs, further
25 providing for court proceedings, certificate of registration
26 and disposition, for requirements, for public safety and
27 penalties and for construction of article; in injury to dogs,
28 further providing for selling, bartering or trading dogs; in
29 enforcement and penalties, further providing for enforcement
30 of this act by the secretary and provisions for inspections
31 and for enforcement and penalties; in sterilization of dogs
32 and cats, further providing for definitions; and imposing
33 penalties.

1 The General Assembly of the Commonwealth of Pennsylvania
2 hereby enacts as follows:

3 Section 1. The definitions of "humane society or association
4 for the prevention of cruelty to animals," "humane society
5 police officer" and "nonprofit kennel" in section 102 of the act
6 of December 7, 1982 (P.L.784, No.225), known as the Dog Law, is
7 amended and the section is amended by adding definitions to
8 read:

9 Section 102. Definitions.

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

13 * * *

14 "Certificate of vaccination." A certificate verifying
15 vaccination against rabies, containing information consistent
16 with the current version of the National Association of State
17 Public Health Veterinarians Rabies Compendium.

18 * * *

19 "Humane society or association for the prevention of cruelty
20 to animals." A nonprofit society or association duly
21 incorporated pursuant to 15 Pa.C.S. Ch. 53 Subch. A (relating to
22 incorporation generally) for the purpose of the prevention of
23 cruelty to animals[.], which has a licensed physical kennel
24 facility that can house a minimum of ten dogs, and which is not
25 located on a residential property.

26 "Humane society police officer." [Any person duly appointed
27 pursuant to 22 Pa.C.S. § 501 (relating to appointment by
28 nonprofit corporations) to act as a police officer for a humane
29 society or association for the prevention of cruelty to animals.
30 The term shall include any person who is an agent of a humane

1 society or association for the prevention of cruelty to animals
2 as agent is used in 18 Pa.C.S. § 5511 (relating to cruelty to
3 animals).] As defined in 22 Pa.C.S. § 3702 (relating to
4 definitions).

5 "Interstate certificate of veterinary inspection." A legible
6 official document that is:

7 (1) made on a form issued by the chief livestock health
8 official of the state of origin or the United States
9 Department of Agriculture;

10 (2) prepared by an accredited veterinarian of the state
11 of origin certifying the health of the animal described in
12 the certificate; and

13 (3) validated by the chief livestock health official of
14 the state of origin.

15 * * *

16 ["Nonprofit kennel." A kennel registered under the laws of
17 this Commonwealth as a nonprofit entity or a nonprofit animal
18 control kennel under sections 901 and 1002. The term shall
19 include kennels operated by approved medical and veterinary
20 schools and nonprofit institutions conducting medical and
21 scientific research, which shall be required to register, but
22 shall not be required to pay any of the license fees set by this
23 act, and which may use their own identification tags for dogs
24 within their kennels without being required to attach tags
25 hereinafter prescribed while dogs are within such kennels, if
26 approved by the secretary.]

27 * * *

28 "Seller." An individual who:

29 (1) sells or transfers the ownership interest of a dog
30 to another individual for consideration of money; and

1 (2) meets the criteria to be licensed as a kennel.

2 * * *

3 Section 2. Sections 200(a) and (b) and 201 of the act are
4 amended to read:

5 Section 200. Issuance of dog licenses; compensation; proof
6 required; deposit of funds; records; license sales;
7 rules and regulations; failure to comply; unlawful
8 acts; penalty.

9 (a) Issuance of dog licenses.--

10 (1) The county treasurer shall be an agent and shall
11 process applications for dog license certificates and issue
12 dog license certificates and tags.

13 (1.1) The county treasurer shall be permitted and may
14 permit agents to issue vanity or collector tags that are
15 approved by the department, in addition to the license.

16 (2) The county treasurer may authorize magisterial
17 district judges to be agents and to process applications for
18 dog license certificates and to issue dog license
19 certificates and tags.

20 (3) The county treasurer may authorize other agents
21 within the county to process dog license certificates and to
22 issue dog license certificates and tags. At least half of the
23 agents appointed in each county shall have hours of operation
24 after 5 p.m. at least one weekday and shall be open at least
25 one day of each weekend. Agents who have been appointed by
26 their respective county treasurers under this paragraph shall
27 meet bonding requirements as their respective county
28 treasurers may require.

29 (4) The secretary shall have the authority, after a
30 review of the agents appointed by a county treasurer, to

1 appoint agents within each county to process dog license
2 certificates and to issue dog license certificates and tags.
3 Priority shall be given to licensed doctors of veterinary
4 medicine and kennels licensed under this act. At least half
5 of the agents appointed in each county shall have hours of
6 operation after 5 p.m. at least one weekday and shall be open
7 at least one day of each weekend. Agents appointed by the
8 secretary under this paragraph shall be required to post a
9 bond or other security instrument in a form satisfactory to
10 the secretary in an amount he determines. The secretary may
11 recall the appointment of any agent at any time.

12 (5) Agents who have been appointed by their respective
13 county treasurers prior to the effective date of this section
14 may continue to act as agents for the county treasurers under
15 such bonding requirements as the county treasurer may
16 require.

17 (6) The secretary shall establish, operate and maintain,
18 through a vendor or otherwise, a single Statewide dog
19 licensing Internet website capable of selling dog licenses
20 online in each county that has not implemented and made
21 functional online dog licensing as of the effective date of
22 this paragraph.

23 (b) Compensation.--

24 (1) For services rendered in collecting and paying over
25 dog license fees, agents, for as long as they continue to act
26 in that capacity, may collect and retain a sum equal to the
27 cost of a postage stamp plus \$1, EXCEPT AS PROVIDED UNDER <--
28 PARAGRAPH (1.1), for each dog license sold, which amount
29 shall be full compensation for services rendered by them
30 under this act. The compensation shall be retained by the

1 respective agents and shall cover, among other things, the
2 cost of processing and issuing dog licenses, postage,
3 mailing, returns and bonding of the agents.

4 (1.1) BEGINNING ON THE EFFECTIVE DATE OF THIS PARAGRAPH, <--
5 THE COMPENSATION UNDER PARAGRAPH (1) FOR EACH LIFETIME
6 LICENSE SOLD SHALL BE \$3.

7 (2) A magisterial district judge authorized by the
8 county treasurer to process applications for dog license
9 certificates and issue dog license certificates is not
10 authorized to collect compensation under this subsection.

11 (3) Agents under subsection (a)(3) and (5) shall collect
12 an additional 50¢ which shall be remitted to the county
13 treasurer, for the use of the county, in the same manner as
14 records are forwarded under subsection (e).

15 * * *

16 Section 201. Applications for dog licenses; fees; penalties.

17 (a) General rule.--Except as provided in subsection (b), on
18 or before January 1 of each year, the owner of any dog, three
19 months of age or older, or upon transfer to a new owner,
20 whichever comes first, except as hereinafter provided, shall
21 apply to the county treasurer of his respective county or an
22 agent under section 200(a), on a form prescribed by the
23 department, for the appropriate license for the dog. The
24 application and license certificate shall state the breed, sex,
25 age, color and markings of the dog, the name, address and
26 telephone number of the owner and the year of licensure. The
27 application shall be accompanied by the appropriate license fee
28 as follows:

29 [(1) For each neutered male dog and for each spayed
30 female dog for which the certificate of a licensed doctor of

1 veterinary medicine or the affidavit of the owner is
2 produced, the license fee shall be \$5.

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

5 (2.1) For all male and female dogs, the license fee
6 shall be \$7.

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

9 [(i) For each neutered male dog and for each spayed
10 female dog for which the certificate of a licensed doctor
11 of veterinary medicine or the affidavit of the owner is
12 produced, the license fee shall be \$3.]

13 (ii) For all [other] male and female dogs, the
14 license fee shall be \$5.

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

18 (5) All additional costs of a vanity or collector tag
19 issued under this subsection shall be in addition to the
20 required license fee under this section. The additional cost
21 shall be distributed equally between the county treasurer
22 that issued the license and the Dog Law Restricted Account. A
23 vanity or collector tag shall not be issued without approval
24 of the department.

25 (b) Lifetime license.--The owner of any dog three months of
26 age or older which has been permanently identified may apply to
27 the county treasurer of his respective county or an agent under
28 section 200(a), on a form prescribed by the department for a
29 lifetime license for such a dog. Except as otherwise provided in
30 this act, a dog which has been issued a lifetime license shall

1 be required to wear a license tag. The application and license
2 certificate shall state the breed, sex, age, color and markings
3 of such dog, the type and number of permanent identification and
4 the name, address and telephone number of the owner. The
5 application shall be accompanied by the appropriate license fee
6 as follows:

7 [(1) For each neutered male dog and for each spayed
8 female dog for which the certificate of a licensed doctor of
9 veterinary medicine or the affidavit of the owner is
10 produced, the lifetime license fee shall be \$30.]

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

13 (2.1) For all male and female dogs, the license fee
14 shall be \$49.

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,] male and female dog, the license fee shall be
21 [~~\$20~~] \$33.

22 [(ii) For all other male and female dogs, the
23 license fee shall be \$30.]

24 (4) Compensation, if collected under section 200(b),
25 shall also be paid by all applicants, regardless of age or
26 disability. A dog which has been issued a lifetime license
27 prior to the effective date of [~~this act~~] the amendment of
28 this subsection shall not be subject to fees under this
29 subsection.

30 (5) All additional costs of a vanity or collector tag

1 issued under this subsection shall be charged in addition to
2 the fees under this section. The additional cost shall be
3 distributed equally between the county treasurer that issued
4 the tag and the Dog Law Restricted Account. A vanity or
5 collector tag shall not be issued without approval of the
6 department.

7 (b.1) Proof of licensure.--A person owning or keeping a dog
8 that is required to be licensed shall produce proof of licensure
9 within ten days after a police officer, State dog warden,
10 department official or designated municipal animal control
11 officer requests the proof.

12 (b.2) Application.--A seller of dogs at retail to a
13 Pennsylvania resident shall provide the new dog owner with a
14 department-issued dog license application and department-issued
15 letter regarding dog licensing.

16 (c) Penalty.--A person who violates this section commits a
17 summary offense and, upon conviction, shall be sentenced to pay
18 a fine of not less than ~~[\$50]~~ \$100 nor more than ~~[\$300]~~ \$500 for
19 each unlicensed dog. Fraudulent statements, including those
20 related to the breed of the dog, failure to pay the appropriate
21 fee or failure to update records, including address and contact
22 information, within 120 days of moving constitute a violation.
23 The burden of proof shall be the same as under section 802.

24 (d) Increase of fees.--The secretary may increase fees as
25 follows:

26 (1) A fee under subsection (a) (2.1) or (3) may be
27 increased by no more than \$2, to become effective December 1,
28 2025.

29 (2) A fee under subsection (a) (2.1) or (3) may be
30 increased by an additional \$1, to become effective December

1 1, 2027.

2 (3) The secretary shall transmit notice of a fee
3 increase under this subsection to the Legislative Reference
4 Bureau for publication in the next available issue of the
5 Pennsylvania Bulletin.

6 Section 3. Sections 206(a) and (b) and 207(a.1), (a.2)(1),
7 (c.1), (e) and (g) of the act are amended and the sections are
8 amended by adding subsections to read:

9 Section 206. Kennels.

10 (a) Applications, kennel license classifications and fees.--

11 (1) Any person who keeps or operates a kennel shall, on
12 or before January 1 of each year, apply to the department for
13 [a] the appropriate type and class of kennel license. Kennels
14 shall be classified by type, and the fee for the license
15 shall be determined by the kennel type, the number of dogs
16 housed, kept, harbored, boarded, sheltered, sold, given away
17 or transferred in or by the kennel during the previous year.

18 (2) A person who did not keep or operate a kennel during
19 the previous year shall apply for the type and class of
20 kennel the person expects to operate during the calendar
21 year.

22 (3) A person operating a kennel who changes the type or
23 classification of kennel due to an increase in the number of
24 dogs housed, kept, harbored, boarded, sheltered, sold, given
25 away or transferred in or by the kennel during any calendar
26 year shall, within seven days of the increase, apply to the
27 department for the appropriate type and class of kennel
28 license.

29 (4) The application forms and kennel licenses shall be
30 as designated by the secretary. A separate license shall be

1 required for each type of kennel and every location at which
2 a kennel is kept or operated. A kennel license is required to
3 keep or operate any kennel. All kennel licenses shall expire
4 on December 31. When two or more licensed kennels are
5 operated by the same person at the same location, each kennel
6 shall be inspected and licensed as required by law. The total
7 number of dogs housed, kept, harbored, boarded, sheltered,
8 sold, given away or transferred in or by all of the kennels
9 operated by that person at that location shall be counted to
10 determine whether those kennels meet the definition of
11 "commercial kennel" in section 102, in which case each kennel
12 must apply for, and be inspected and licensed as, the
13 appropriate Kennel Class C type.

14 (5) The kennel classes and license fees shall be as
15 follows:

16 (i) Kennel Class I.

17 To keep or operate a private kennel, pet shop-kennel,
18 research kennel, rescue network kennel, dealer kennel,
19 out-of-state dealer kennel or kennel for a total of 50
20 dogs or less of any age during a calendar year - ~~[\$75]~~
21 \$100 per year.

22 (ii) Kennel Class II.

23 To keep or operate a private kennel, pet-shop kennel,
24 research kennel, rescue network kennel, dealer kennel,
25 out-of-state dealer kennel or kennel for a total of 51 to
26 100 dogs of any age during a calendar year - ~~[\$200]~~ \$250
27 per year.

28 (iii) Kennel Class III.

29 To keep or operate a private kennel, pet shop-kennel,
30 research kennel, rescue network kennel, dealer kennel,

1 out-of-state dealer kennel or kennel for a total of 101
2 to 150 dogs of any age during a calendar year - [~~\$300~~]
3 \$375 per year.

4 (iv) Kennel Class IV.

5 To keep or operate a private kennel, pet shop-kennel,
6 research kennel, rescue network kennel, dealer kennel, out-of-state dealer kennel or kennel for a total of 151
7 to 250 dogs of any age during a calendar year - [~~\$400~~]
8 \$500 per year.

10 (v) Kennel Class V.

11 To keep or operate a private kennel, pet shop-kennel,
12 research kennel, rescue network kennel, dealer kennel, out-of-state dealer kennel or kennel for a total of 251
13 to 500 dogs of any age during a calendar year - [~~\$500~~]
14 \$625 per year.

16 (vi) Kennel Class VI.

17 To keep or operate a private kennel, pet shop kennel,
18 research kennel, rescue network kennel, [~~kennel or~~]
19 dealer kennel, out-of-state dealer kennel or kennel for a
20 total of more than 500 dogs of any age during a calendar
21 year - [~~\$750~~] \$950 per year.

22 (vii) Boarding Kennel Class I.

23 To keep or operate a boarding kennel having the
24 capacity to accommodate a total of 1 to 10 dogs at any
25 time during a calendar year - [~~\$100~~] \$125 per year.

26 (viii) Boarding Kennel Class II.

27 To keep or operate a boarding kennel having the
28 capacity to accommodate a total of 11 to 25 dogs at any
29 time during a calendar year - [~~\$150~~] \$200 per year.

30 (ix) Boarding Kennel Class III.

1 To keep or operate a boarding kennel having the
2 capacity to accommodate 26 or more dogs at any time
3 during a calendar year - [~~\$250~~] \$325 per year.

4 [~~Nonprofit Kennel~~

5 ~~To keep or operate a nonprofit kennel - \$25 per~~
6 ~~year.]~~

7 (x) Kennel Class C-I.

8 To keep or operate a commercial kennel for a total of
9 50 dogs or less of any age during a calendar year - [~~\$75~~]
10 \$100 per year.

11 (xi) Kennel Class C-II.

12 To keep or operate a commercial kennel for a total of
13 51 to 100 dogs of any age during a calendar year - [~~\$200~~]
14 \$250 per year.

15 (xii) Kennel Class C-III.

16 To keep or operate a commercial kennel for a total of
17 101 to 150 dogs of any age during a calendar year -
18 [~~\$300~~] \$375 per year.

19 (xiii) Kennel Class C-IV.

20 To keep or operate a commercial kennel for a total of
21 151 to 250 dogs of any age during a calendar year -
22 [~~\$400~~] \$500 per year.

23 (xiv) Kennel Class C-V.

24 To keep or operate a commercial kennel for a total of
25 251 to 500 dogs of any age during a calendar year -
26 [~~\$500~~] \$625 per year.

27 (xv) Kennel Class C-VI.

28 To keep or operate a commercial kennel for a total of
29 more than 500 dogs of any age during a calendar year -
30 [~~\$750~~] \$950 per year.

1 (xvi) Humane society or association for the
2 prevention of cruelty to animals.

3 To keep or operate a humane society or association
4 for the prevention of cruelty to animals - \$35 per year.

5 (xvii) Municipal Holding Pens.

6 To keep or operate a municipal holding pen - \$35 per
7 year.

8 (xviii) Rescue Network Kennel.

9 To keep a rescue network kennel during a calendar
10 year, the kennel class license fee is applicable to the
11 number of dogs housed by or transferred through or at the
12 rescue network kennel or rescue network kennel homes
13 registered under the rescue network kennel.

14 [(b) Nonprofit kennels.--A nonprofit kennel shall apply for
15 a nonprofit kennel license. Such kennel may use its own
16 identification tags for dogs confined therein. The secretary may
17 approve, upon application, the removal of tags from licensed
18 dogs confined therein. A rescue network kennel may be a
19 nonprofit kennel if it meets the definition of nonprofit
20 kennel.]

21 (b.1) Rescue network kennels.--

22 (1) No person shall engage in or carry on the business
23 of a rescue network kennel unless the person is duly licensed
24 by the department.

25 (2) An application for a rescue network kennel must be
26 made on a form furnished by the department. The form shall
27 contain such information as the department may reasonably
28 require to determine the applicant's identity, competency and
29 eligibility.

30 (3) A person that applies for or holds a rescue network

1 kennel license shall identify the location of any home where
2 dogs are kept on behalf of the rescue network kennel.

3 * * *

4 Section 207. Requirements for kennels.

5 (a.1) Prohibition to operate; injunction; fines.--

6 (1) It shall be unlawful for kennels described under
7 section 206 to operate without first obtaining a kennel
8 license from the department.

9 (2) The secretary shall not approve any kennel license
10 application unless such kennel has been inspected and
11 approved by a State dog warden or employee of the department.

12 (3) The secretary may file a suit in equity in the
13 Commonwealth Court to enjoin the operation of any kennel that
14 violates any of the provisions of this act.

15 (4) It shall be no defense to any civil penalty or
16 criminal prosecution under this act that a person operating a
17 kennel failed to properly obtain the appropriate type and
18 class of license.

19 (5) A kennel operator that is applying for a different
20 type or class of license because of an increase in the total
21 number of dogs or due to birth of additional dogs housed,
22 kept, harbored, boarded, sheltered, sold, given away or
23 transferred in or by the kennel during a calendar year shall
24 not be in violation, provided the application is filed within
25 seven days of the increase.

26 (6) A person who is required to file for a Kennel Class
27 C license pursuant to this subsection and has complied with
28 paragraph (5) shall have an additional 365 days from the date
29 of filing of the Kennel Class C license application to come
30 into compliance with the additional requirements for Kennel

1 Class C license holders. The secretary may grant an extension
2 of time for a person to come into compliance with the Kennel
3 Class C requirements if the secretary determines the person
4 is making a good-faith effort to comply with the requirements
5 and makes a showing of reasonable expectation that compliance
6 can be achieved through the granting of an extension. A
7 person who has not complied with paragraph (5) may be
8 assessed a civil penalty under subsection (a.2), in addition
9 to any penalty under section 903, of not less than \$1,000 nor
10 more than \$5,000 each day a kennel operates in violation of
11 paragraph (5). The penalty shall be premised on the gravity
12 and willfulness of the violation, the potential harm to the
13 health and safety of the animals and the public, previous
14 violations and the economic benefit to the violator for
15 failing to comply with this act.

16 (7) A person who operates a kennel without first
17 obtaining the appropriate type and class of kennel license
18 from the department commits a misdemeanor of the third
19 degree.

20 (a.2) Civil penalties and remedies.--The following shall
21 apply to civil penalties and remedies for unlicensed kennels:

22 (1) In addition to proceeding under any other remedy
23 available at law or in equity for a violation of a provision
24 of this act or a rule or regulation adopted or order issued
25 under this act, the secretary may assess a civil penalty, in
26 addition to any penalty under section 903(c), against an
27 unlicensed kennel of not less than ~~[\$500]~~ \$1,000 nor more
28 than ~~[\$1,000]~~ \$5,000 for each day it operates in violation of
29 this act. The penalty shall be premised on the gravity and
30 willfulness of the violation, the potential harm to the

1 health and safety of the animals and the public, previous
2 violations and the economic benefit to the violator for
3 failing to comply with this act.

4 * * *

5 (c.1) [~~Nonprofit kennels.--All nonprofit kennels~~] Humane
6 societies or associations for the prevention of cruelty to
7 animals.--A humane society or association for the prevention of
8 cruelty to animals shall be required to keep all records
9 required to be kept under this section, except that, in the case
10 of a dog running at large, it shall not be a violation of
11 subsection (c) (3) or (4) for the [~~nonprofit kennel~~] humane
12 society or association for the prevention of cruelty to animals
13 to list only the location from which a dog was retrieved if the
14 information required to be maintained under subsection (c) (3)
15 and (4) is unknown and not available to the [~~nonprofit kennel~~]
16 humane society or association for the prevention of cruelty to
17 animals.

18 (c.2) Display of information by pet shop kennels and kennels
19 offering dogs directly to the public.--Notwithstanding the
20 provisions of subsection (c), a dog offered for sale or adoption
21 directly to the public shall have the following information
22 posted conspicuously on its primary enclosure, to the extent the
23 information is known:

24 (1) The breed, age and date of birth of the dog.

25 (2) The state in which the breeder of the dog is
26 located.

27 (3) The United States Department of Agriculture license
28 number of the breeder, if applicable.

29 (4) The Department of Agriculture license number of the
30 breeder, if applicable.

1 (5) Documentation of all inoculations, vaccinations,
2 worming treatments and other medical treatments, if any,
3 including the date of the treatment, the diagnosis and the
4 name and title of the treatment provider.

5 (6) Bite attacks on a human being or domestic animal,
6 dog or cat.

7 * * *

8 (e) Display of kennel license.--The following shall apply:

9 (1) A person operating a kennel required to be licensed
10 under this act shall display, in a place conspicuous to
11 persons authorized to enter, a current and valid kennel
12 license certificate issued by the department. The kennel
13 license certificate shall show all of the following:

14 (i) The year for which it was issued.

15 (ii) The kennel class and type.

16 (iii) The number of dogs allowed to be housed in
17 that class of kennel per calendar year.

18 (1.1) An individual required to possess a Federal, State
19 or local license to sell or offer for sale a dog shall
20 prominently include the individual's name and address as
21 registered with the licensing agency and each applicable
22 Federal, State or local license number in the text of an
23 advertisement offer for the sale of a dog by the individual
24 through a newspaper, posting, the mail, an Internet website
25 or another form of media placed by the individual or anyone
26 acting on the individual's behalf. For puppies under four
27 months of age, the kennel license certificate must include
28 the license number of the dam from which the puppy was born,
29 excluding situations involving humane society or association
30 for the prevention of cruelty to animals where the dam

1 information is unknown.

2 (1.2) An individual who violates paragraph (1.1) shall
3 be subject to a civil penalty of \$100 for each advertisement
4 offer.

5 (2) Rescue network kennel homes associated with a dealer
6 or rescue kennel network shall display a copy of the dealer's
7 or the rescue kennel network's kennel license.

8 (3) If the secretary revokes or denies a kennel license,
9 the department shall issue a notice of revocation or denial.
10 The notice shall be posted in a place conspicuous to persons
11 authorized to enter and approved by the department for a
12 period of time as provided in this subsection. In the case of
13 a revocation or denial of a kennel license, the kennel shall
14 display the notice of revocation or denial until such time as
15 the kennel has ceased to operate or as the department
16 determines and sets forth in the order. In the case of an
17 appeal of revocation or denial, the notice of revocation or
18 denial shall remain posted until the final disposition of
19 appeal or the department has reissued a valid kennel license.

20 (4) If the secretary finds a kennel operating without a
21 license, the kennel, upon notice of violation or order, shall
22 display a notice of violation issued by the department. The
23 notice shall be posted in a place conspicuous to persons
24 authorized to enter and approved by the department until the
25 time as the kennel has ceased to operate or as the department
26 determines and sets forth in the order or until such time as
27 the kennel has come into compliance and the secretary has
28 issued a valid kennel license.

29 (5) Failure to display a current and valid kennel
30 license certificate or a notice of revocation, suspension or

1 denial as provided in this subsection constitutes a violation
2 of this act.

3 * * *

4 (f.1) Isolation plan for imported dogs.--All kennels shall
5 have and implement a plan for the isolation of dogs imported
6 from another state or country to minimize the possibility of
7 transmission of disease. The plan shall be approved by a
8 licensed doctor of veterinary medicine and must include
9 protocols for diagnosis, testing, treatment, prevention and
10 disinfection for contagious, infectious, communicable and
11 zoonotic diseases. The plan shall be made available for review
12 by dog wardens and employees of the department.

13 (g) Additional requirements for boarding kennels, [nonprofit
14 kennels] humane societies or associations for the prevention of
15 cruelty to animals and Kennel Class I through VI license
16 holders.--The following shall apply to boarding kennels,
17 [nonprofit kennels] humane societies or associations for the
18 prevention of cruelty to animals and Kennel Class I through VI
19 license holders:

20 (1) Kennels under this subsection must develop and
21 follow an appropriate plan to provide dogs with the
22 opportunity for exercise. The plan shall be approved by a
23 veterinarian.

24 (2) All kennels for dogs shall be equipped with smoke
25 alarms or fire extinguishers. Housing facilities shall be
26 equipped with fire extinguishers on the premises. An indoor
27 housing facility may have a sprinkler system.

28 (3) Primary enclosures must be designed and constructed
29 so that they are structurally sound and must be kept in good
30 repair.

1 (4) Primary enclosures may not have gaps or openings on
2 the sides of the enclosure that would allow for a dog's limbs
3 to extend into another primary enclosure.

4 * * *

5 Section 4. Sections 211(a), 212, 214, 502(a), 502-A, 503-
6 A(b), 505-A, 507-A(f) (1), 603(b), 901(b.5) and 903(b) (1) and (2)
7 of the act are amended to read:

8 Section 211. Revocation or refusal of kennel licenses.

9 (a) General powers of secretary.--The secretary shall revoke
10 a kennel license, dealer license or out-of-state dealer license
11 if a licensee is convicted of a violation of 18 Pa.C.S. [§ 5511]
12 § 3129 (relating to sexual intercourse with an animal) or Ch. 55
13 Subch. B (relating to cruelty to animals) or of substantially
14 similar conduct pursuant to a cruelty law of another state. The
15 secretary shall not issue a kennel license, dealer license or
16 out-of-state dealer license to a person that has been convicted
17 of a violation of 18 Pa.C.S. [§ 5511] § 3129 or Ch. 55 Subch. B
18 within the last ten years. The secretary may revoke or refuse to
19 issue a kennel license, dealer license or out-of-state dealer
20 license for any one or more of the following reasons:

21 (1) the person holding or applying for a license has
22 made a material misstatement or misrepresentation in the
23 license application;

24 (2) the person holding or applying for a license has
25 made a material misstatement or misrepresentation to the
26 department or its personnel regarding a matter relevant to
27 the license;

28 (3) the person holding or applying for a license has
29 failed to comply with this act;

30 (4) the person holding or applying for a license has

1 failed to comply with any regulation promulgated under this
2 act;

3 (5) the person holding or applying for a license has
4 been convicted of any law relating to cruelty to animals and
5 the conviction is more than ten years old, if there is
6 evidence the person has not been rehabilitated and granting a
7 license would jeopardize the health, safety and welfare of
8 the dogs;

9 (6) the person holding or applying for a license has
10 been convicted of a felony;

11 (7) the person holding or applying for a license has:

12 (i) within the last ten years, been found to have
13 violated section 9.3 of the act of December 17, 1968
14 (P.L.1224, No.387), known as the "Unfair Trade Practices
15 and Consumer Protection Law," or been required to cease
16 and desist from operating a kennel or owning, selling or
17 caring for dogs, or both; or

18 (ii) within the last ten years, entered into an
19 agreement with the Office of Attorney General which
20 requires the person to cease and desist from operating a
21 kennel or owning, selling or caring for dogs, or both;

22 (8) the location of the kennel for which the license is
23 sought is subject to a final, binding order, which is not
24 subject to a pending legal challenge, declaring the kennel is
25 not a permitted use under the applicable zoning ordinance;

26 (9) the person holding or applying for a license has
27 acted or is acting in concert with a person who has violated
28 the act of December 15, 1986 (P.L.1610, No.181), known as the
29 "Rabies Prevention and Control in Domestic Animals and
30 Wildlife Act";

1 (10) the person holding or applying has had a kennel
2 license, dealer license or out-of-state dealer license
3 refused or revoked within the past ten years; [or]

4 (11) the person holding or applying for a license has a
5 person who does or will play a role in the ownership of the
6 kennel or caring for the dogs, and such other person would be
7 refused a license if that person had been the applicant. A
8 role shall include ownership of a financial interest in the
9 kennel operation, caring for the dogs or participation in the
10 management of the kennel[.]; or

11 (12) the person holding or applying for a license has
12 violated section 214.

13 * * *

14 Section 212. Dogs temporarily in the Commonwealth.

15 (a) General rule.--Any person may bring, or cause to be
16 brought into the State, for a period of 30 days, one or more
17 dogs for show, trial, or breeding purposes or as a household pet
18 without securing a Pennsylvania license, and any person holding
19 a Pennsylvania nonresident hunting license may, without securing
20 a license or licenses therefor, bring or cause to be brought
21 into the State one or more dogs for the purpose of hunting game
22 during any hunting season when hunting with dogs is permitted by
23 law, if a similar exemption from the necessity of securing dog
24 licenses is afforded for hunting purposes to residents of
25 Pennsylvania by the state of such person's residence; but each
26 dog shall be equipped with a collar bearing a name plate giving
27 the name and address of the owner.

28 (b) Applicability.--This section shall not apply to a dog
29 coming into a kennel.

30 Section 214. Health certificates for importation.

1 (a) Requirements.--It shall be a violation of this act to
2 transport any dog into this Commonwealth except under the
3 provisions in section 212 without [a certificate of health
4 prepared by a licensed doctor of veterinary medicine] an
5 interstate certificate of veterinary inspection, which
6 certificate, or copy of such, shall accompany the dog while in
7 this Commonwealth. The certificate shall state that the dog is
8 at least eight weeks of age and shows no signs or symptoms of
9 infectious or communicable disease; did not originate within an
10 area under quarantine for rabies; and, as ascertained by
11 reasonable investigation, has not been exposed to rabies within
12 100 days of importation.

13 (b) Vaccinations.--

14 (1) All dogs transported into this Commonwealth must
15 have been vaccinated for rabies in accordance with the act of
16 December 15, 1986 (P.L.1610, No.181), known as the "Rabies
17 Prevention and Control in Domestic Animals and Wildlife Act."
18 The name of the vaccine manufacturer, the date of
19 administration, and the rabies tag number must appear on
20 [health certificates prepared by a licensed doctor of
21 veterinary medicine.] a certificate of vaccination and an
22 interstate certificate of veterinary inspection.

23 (2) All dogs transported into this Commonwealth and
24 placed in a kennel, except for a boarding kennel, shall have
25 had an initial dose of Distemper, Adeno, Parainfluenza,
26 Parvovirus (DAPP) vaccine as certified by a licensed doctor
27 of veterinary medicine. A dog subject to this paragraph shall
28 be isolated in accordance with an isolation plan under
29 section 207(f.1) and shall not be dispensed, moved, sold,
30 offered for sale, given away or transferred for a period of

1 14 days.

2 (c) Boarding kennels.--The owner or operator of a boarding
3 kennel shall require the owner of each out-of-state dog for
4 which the boarding kennel is taking control to provide a
5 certificate of vaccination and an interstate certificate of
6 veterinary inspection at the time the dog enters the boarding
7 kennel. The certificate of vaccination and the interstate
8 certificate of veterinary inspection shall be kept on file at
9 the boarding kennel for seven days following the dog's departure
10 from the boarding kennel.

11 Section 502. Dog bites; detention and isolation of dogs.

12 (a) Confinement.--

13 (1) Any dog which bites or attacks a human being shall
14 be immediately confined in [quarters] a primary enclosure
15 approved by a designated employee of the Department of
16 Health, a State dog warden or employee of the Department of
17 Agriculture, an animal control officer or a police officer.
18 The dog may be detained and isolated in an approved kennel or
19 in a primary enclosure at the dog owner's property or at
20 another location approved by the investigating officer. Where
21 the dog is detained is at the discretion of the investigating
22 officer.

23 (2) All dogs [so] detained under paragraph (1) must be
24 isolated for a minimum of ten days to determine the medical
25 results of the offending dog's confinement.

26 (3) When a dog detained under this subsection is outside
27 of the primary enclosure for veterinary care or relief, it
28 shall be muzzled, on a leash and under physical restraint by
29 a responsible person.

30 (4) Any costs incurred in the detaining and isolation of

1 the dog shall be paid by the offending dog's owner or keeper
2 or both. If the dog's owner or keeper is not known, the
3 Commonwealth is responsible for all reasonable costs for
4 holding and detaining the dog.

5 * * *

6 Section 502-A. Court proceedings, certificate of registration
7 and disposition.

8 [(a) Summary offense of harboring a dangerous dog.--Any
9 person who has been attacked by one or more dogs, or anyone on
10 behalf of the person, a person whose domestic animal, dog or cat
11 has been killed or injured without provocation, the State dog
12 warden or the local police officer may file a complaint before a
13 magisterial district judge, charging the owner or keeper of the
14 a dog with harboring a dangerous dog. The owner or keeper of the
15 dog shall be guilty of the summary offense of harboring a
16 dangerous dog if the magisterial district judge finds beyond a
17 reasonable doubt that the following elements of the offense have
18 been proven:

19 (1) The dog has done any of the following:

20 (i) Inflicted severe injury on a human being without
21 provocation on public or private property.

22 (ii) Killed or inflicted severe injury on a domestic
23 animal, dog or cat without provocation while off the
24 owner's property.

25 (iii) Attacked a human being without provocation.

26 (iv) Been used in the commission of a crime.

27 (2) The dog has either or both of the following:

28 (i) A history of attacking human beings and/or
29 domestic animals, dogs or cats without provocation.

30 (ii) A propensity to attack human beings and/or

1 domestic animals, dogs or cats without provocation. A
2 propensity to attack may be proven by a single incident
3 of the conduct described in paragraph (1) (i), (ii), (iii)
4 or (iv).

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

6 (a.1) Effect of conviction.--A finding by a magisterial
7 district judge that a person is guilty under subsection (a) of
8 harboring a dangerous dog shall constitute a determination that
9 the dog is a dangerous dog for purposes of this act.]

10 (a.2) Summary offense of harboring a dangerous dog.--

11 (1) A State dog warden or a local police officer may
12 file a complaint before a magisterial district judge,
13 charging the owner or keeper of the dog with harboring a
14 dangerous dog on behalf of:

15 (i) A person, including the person's legal guardian
16 or personal representative, who has been attacked by one
17 or more dogs.

18 (ii) A person whose domestic animal, dog or cat has
19 been killed or injured by a dog.

20 (2) The owner or keeper of the dog shall be guilty of
21 the summary offense of harboring a dangerous dog if the
22 magisterial district judge finds beyond a reasonable doubt
23 that the dog has done any of the following:

24 (i) Inflicted severe injury without provocation on a
25 human being on public or private property.

26 (ii) Killed or inflicted severe injury without
27 provocation on a domestic animal, dog or cat while off
28 the owner's property.

29 (iii) Attacked a human being without provocation.

30 (iv) Been used in the commission of a crime.

1 (v) Has a history of attacking, without provocation,
2 a human being, domestic animal, dog or cat.

3 (3) The provisions of paragraph (2)(i) and (iii) shall
4 not apply if a human being has violated 18 Pa.C.S. § 3503
5 (relating to criminal trespass).

6 (4) For the purposes of this subsection, the term
7 "owner" or "keeper of the dog" shall not include a
8 veterinarian licensed by the Commonwealth or a veterinary
9 technician certified by the Commonwealth while acting in the
10 scope of the duties or employment of the veterinarian or
11 veterinary technician, respectively.

12 (a.3) Effect of conviction.--A finding by a magisterial
13 district judge that a person is guilty under subsection (a.2) of
14 harboring a dangerous dog shall constitute a determination that
15 the dog is a dangerous dog for purposes of this act.

16 (b) Report of conviction.--The magisterial district judge
17 shall make a report of a conviction under subsection [(a)] (a.2)
18 to the Bureau of Dog Law Enforcement, identifying the convicted
19 party, identifying and describing the dog or dogs and providing
20 other information as the bureau might reasonably require.

21 (c) Certificate of registration required.--It is unlawful
22 for an owner or keeper to have a dangerous dog without a
23 certificate of registration issued under this article. This
24 article shall not apply to dogs used by law enforcement
25 officials for police work, certified guide dogs for the blind,
26 hearing dogs for the deaf nor aid dogs for the handicapped.

27 (d) Disposition of dog during court proceedings.--An owner
28 or keeper of any dog who has been charged with harboring a
29 dangerous dog shall keep the dog or dogs confined in a proper
30 enclosure or, when off the property of the owner or keeper for

1 purposes of veterinary care, muzzled [and], on a leash and under
2 physical restraint by a responsible person until the time a
3 report is made under subsection (b). If an appeal of a decision
4 under subsection (b) is filed, the dog or dogs shall remain so
5 confined until the proceedings are completed. It shall be
6 unlawful for an owner or keeper of a dog who has been charged
7 with harboring a dangerous dog to dispense, move, sell, offer to
8 sell, give away or transfer the dog in any manner except to have
9 it humanely killed or move the dog to a licensed kennel if
10 approved by the investigating officer. A violation of this
11 subsection shall constitute a summary offense accompanied by a
12 fine of not less than \$500.

13 Section 503-A. Requirements.

14 * * *

15 (b) Registration fee.--The registration fee for a dangerous
16 dog certificate shall be [\$500] \$1,000 per calendar year for the
17 life of the dog plus an additional amount set by the department
18 as may be necessary to cover the costs of issuing this
19 registration and enforcing this section. This registration fee
20 shall be in addition to any other fees collectable under this
21 act and shall be credited to the Dog Law Restricted Account for
22 the purpose of administering and enforcing this act.

23 * * *

24 Section 505-A. Public safety and penalties.

25 (a) Failure to register and restrain.--The owner or keeper
26 of a dangerous dog who violates any of the following provisions
27 on the first occurrence commits a misdemeanor of the third
28 degree if:

29 (1) The dangerous dog is not validly registered under
30 this act.

1 (2) The owner or keeper of the dangerous dog fails to
2 comply with the provisions of section 503-A or 504-A.

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

5 (4) The dangerous dog is outside of the dwelling of the
6 owner or keeper or outside of the proper enclosure and not
7 under physical restraint of the responsible person.

8 (5) The dog is outside the dwelling of the owner without
9 a muzzle, regardless of whether the dog is physically
10 restrained by a leash.

11 (6) The dog is outside the dwelling of the owner or a
12 proper enclosure without a muzzle and unsupervised,
13 regardless of whether the dog is physically restrained by a
14 leash.

15 (a.1) Subsequent violations.--The owner or keeper of a
16 dangerous dog who commits a subsequent violation under
17 subsection (a) commits a misdemeanor of the second degree and,
18 upon conviction, shall pay a fine not to exceed \$5,000, plus the
19 costs of quarantine, kennel charges and destruction of the
20 dangerous dog. [The] A seizure and destruction order shall be
21 issued, and the dangerous dog shall be forfeited immediately by
22 the owner or keeper to a dog warden or police officer and shall
23 be placed in a kennel or, if necessary, quarantined for a length
24 of time to be determined by the department. After a period of
25 ten days, if no appeal of the seizure and destruction order has
26 been filed and the necessary quarantine period has elapsed, the
27 dangerous dog shall be destroyed humanely in an expeditious
28 manner. If an appeal of the seizure and destruction order is
29 filed, the dangerous dog shall remain confined at the owner's or
30 keeper's expense until the proceedings are completed.

1 (a.2) Utilization of fines.--All fines collected under this
2 section shall be deposited into the Dog Law Restricted Account
3 and may be utilized to pay the expenses of the department in
4 administering its duties under this act.

5 (a.3) Collection.--In cases of inability to collect the fine
6 assessed or failure of any person to pay all or a portion of the
7 fine, the secretary may refer the matter to the Office of
8 Attorney General, which shall institute an action in the
9 appropriate court to recover the fine.

10 (b) Attacks by dangerous dog.--If a dangerous dog, through
11 the intentional, reckless or negligent conduct of the dog's
12 owner or keeper, attacks a person or a domestic animal, dog or
13 cat, the dog's owner or keeper shall be guilty of a misdemeanor
14 of the second degree. In addition, a seizure and destruction
15 order shall be issued and the dangerous dog shall be immediately
16 seized by a dog warden or police officer and placed in
17 quarantine for a length of time to be determined by the
18 department. After a period of ten days, if no appeal of the
19 seizure and destruction order has been filed by the owner or
20 keeper of the dangerous dog, and after the quarantine period has
21 expired, the dangerous dog shall be humanely destroyed in an
22 expeditious manner, with costs of kenneling, quarantine and
23 destruction to be borne by the dog's owner or keeper. If an
24 appeal of the seizure and destruction order is filed, the
25 dangerous dog shall remain confined at the owner's or keeper's
26 expense until the proceedings are completed and, if found guilty
27 of the cited offense, the dangerous dog shall thereafter be
28 humanely destroyed in an expeditious manner, with costs of
29 kenneling, quarantine and destruction to be borne by the dog's
30 owner or keeper.

1 (c) Attacks causing severe injury or death.--The owner or
2 keeper of any dog that, through the intentional, reckless or
3 negligent conduct of the dog's owner or keeper, aggressively
4 attacks and causes severe injury or death of any human shall be
5 guilty of a misdemeanor of the first degree. In addition, a
6 seizure and destruction order shall be issued and the dog shall
7 be immediately confiscated by a State dog warden or a police
8 officer and placed in quarantine for a length of time to be
9 determined by the department. After a period of ten days, if no
10 appeal of the seizure and destruction order has been filed by
11 the owner or keeper of the dangerous dog, and after the
12 quarantine period has expired, the dangerous dog shall be
13 humanely destroyed in an expeditious manner, with costs of
14 kenneling, quarantine and destruction to be borne by the dog's
15 owner or keeper. If an appeal of the seizure and destruction
16 order is filed, the dangerous dog shall remain confined at the
17 owner's or keeper's expense until the proceedings are completed
18 and, if found guilty of the cited offense, the dangerous dog
19 shall be humanely destroyed in an expeditious manner, with costs
20 of kenneling, quarantine and destruction to be borne by the
21 dog's owner or keeper.

22 (c.1) Appeal of seizure and destruction order.--

23 (1) The owner or keeper of a dangerous dog may appeal a
24 seizure and destruction order issued under subsections (a.1),
25 (b) or (c) by filing an appeal within ten days of receipt of
26 the seizure and destruction order. The owner or keeper of the
27 dangerous dog shall be responsible for all costs of kenneling
28 and quarantine of the dangerous dog throughout the pendency
29 of the appeal.

30 (2) An appeal may not be granted unless the owner or

1 keeper includes with the request for an appeal a copy of a
2 written agreement with a licensed kennel where the dangerous
3 dog will be kept during the appeal proceedings.

4 (3) If at any time during the appeal proceedings the
5 owner or keeper of the dangerous dog fails to make payments
6 to the kennel where the dangerous dog is kept, or if for any
7 reason the owner or keeper of the dangerous dog is unable to
8 find a licensed kennel to keep the dog, the dangerous dog
9 shall be humanely destroyed in an expeditious manner, with
10 costs of kenneling, quarantine and destruction to be borne by
11 the dog's owner or keeper.

12 (4) The department shall not be liable for any costs of
13 kenneling, quarantine or destruction of the dangerous dog.

14 (d) Dog owned by a minor.--If the owner of the dangerous dog
15 is a minor, the parent or guardian of the minor shall be liable
16 for injuries and property damages caused by an unprovoked attack
17 by the dangerous dog under section 4 of the former act of July
18 27, 1967 (P.L.186, No.58), entitled "An act imposing liability
19 upon parents for personal injury, or theft, destruction, or loss
20 of property caused by the willful, tortious acts of children
21 under eighteen years of age, setting forth limitations, and
22 providing procedure for recovery."

23 (e) Mandatory reporting.--

24 (1) All known incidents of dog attacks shall be reported
25 to the State dog warden, who shall investigate each incident
26 and notify the department if a dog has been determined to be
27 dangerous.

28 (2) A State dog warden or police officer who has
29 knowledge of a dog which has attacked a person shall file a
30 written report summarizing the circumstances of the attack

1 with the police in the municipality where the owner of the
2 dog resides or if the attack occurred outside the owner's
3 municipality of residence, with the police having
4 jurisdiction in the municipality where the attack occurred.

5 The report shall be available for public inspection.

6 Section 507-A. Construction of article.

7 * * *

8 (f) Procedure in certain cities.--In cities of the first
9 class, second class and second class A, the following procedure
10 shall apply:

11 (1) A person who has been attacked by a dog, or anyone
12 on behalf of such person, or a person whose domestic animal,
13 dog or cat has been killed or injured without provocation
14 while the attacking dog was off the owner's property or a
15 police officer or an animal control officer employed by or
16 under contract with the city may make a complaint before a
17 magisterial district judge, charging the owner or keeper of
18 such a dog with harboring a dangerous dog. The magisterial
19 district judge shall make a report of the determination under
20 section [502-A(a)] 502-A(a.2) to the police or an animal
21 control officer employed by or under contract with the city
22 and to the Bureau of Dog Law Enforcement. The Bureau of Dog
23 Law Enforcement shall give notice of this determination to
24 the respective city treasurer.

25 * * *

26 Section 603. Selling, bartering or trading dogs.

27 * * *

28 (b) Illegal to transfer ownership of certain puppies.--It
29 shall be unlawful to barter, trade, raffle, sell, auction or in
30 any way transfer ownership of a dog under eight weeks of age,

1 unless the dog has been orphaned and it becomes necessary to
2 transfer ownership of the orphaned dog to a [nonprofit kennel]
3 humane society or association for the prevention of cruelty to
4 animals, or from a [nonprofit kennel] humane society or
5 association for the prevention of cruelty to animals with
6 approval by a licensed doctor of veterinary medicine.

7 * * *

8 Section 901. Enforcement of this act by the secretary;
9 provisions for inspections.

10 * * *

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

17 (1) Made a false or misleading statement in the
18 application for employment.

19 (2) Carried or possessed a firearm in the performance of
20 his or her duties without certification pursuant to
21 subsection (b.2).

22 (3) Engaged in conduct which constitutes a prima facie
23 violation of 18 Pa.C.S. [§§ 5301 and 5511 (relating to
24 cruelty to animals)] § 5301 or Ch. 55 (relating to riot,
25 disorderly conduct and related offenses).

26 (4) Knowingly failed to enforce any of the provisions of
27 this act.

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

29 * * *

30 Section 903. Enforcement and penalties.

1 * * *

2 (b) Criminal penalties.--Unless otherwise provided under
3 this act, a person who violates a provision of Articles II
4 through VII or a rule or regulation adopted or order issued
5 under this act commits the following:

6 (1) For the first offense, a summary offense and shall,
7 upon conviction, be sentenced for each offense to pay a fine
8 of not less than ~~[\$100]~~ \$500 nor more than ~~[\$500]~~ \$1,000 or
9 to imprisonment for not more than 90 days, or both.

10 (2) For a subsequent offense that occurs within one year
11 of sentencing for the prior violation, a misdemeanor of the
12 third degree and shall, upon conviction, be sentenced for
13 each offense to pay a fine of not less than ~~[\$500]~~ \$1,000 nor
14 more than ~~[\$1,000]~~ \$5,000 plus costs of prosecution or to
15 imprisonment of not more than one year, or both.

16 * * *

17 Section 5. The definition of "releasing agency" in section
18 901-A of the act is amended to read:

19 Section 901-A. Definitions.

20 The following words and phrases when used in this article
21 shall have the meanings given to them in this section unless the
22 context clearly indicates otherwise:

23 * * *

24 "Releasing agency." A public or private pound, animal
25 shelter, humane society~~[, society]~~ or association for the
26 prevention of cruelty to animals, rescue network kennel or other
27 similar entity that releases a dog or cat for adoption.

28 * * *

29 Section 6. This act shall take effect in 90 days.