

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 824

Session of
1987

INTRODUCED BY SIRIANNI, GODSHALL, SHOWERS, SEMMEL, BUSH, TRELLO, WASS, HAYES, BATTISTO, BOWSER, DURHAM, FOX, RUDY, MANMILLER, LaGROTTA, GLADECK, HASAY, BOWLEY, COY, ACOSTA, BRANDT, BALDWIN, BROUJOS, FARGO, PICCOLA, SAURMAN, MAINE, FOSTER, HONAMAN, STABACK, E. Z. TAYLOR, JOHNSON, MAYERNIK, SCHULER, TIGUE, HERSHEY, COLAFELLA, BARLEY, CHADWICK, CARLSON, HALUSKA, YANDRISEVITS AND LLOYD, MARCH 11, 1987

REFERRED TO COMMITTEE ON AGRICULTURE AND RURAL AFFAIRS,
MARCH 11, 1987

AN ACT

1 Providing for the control of transportation of poultry and for
2 the disinfection of conveyances carrying poultry; requiring a
3 license for transportation of live poultry or for dealing in
4 poultry or poultry products; setting fees; authorizing
5 certain powers of enforcement to the Department of
6 Agriculture; and prescribing penalties.

7 The General Assembly of the Commonwealth of Pennsylvania
8 hereby enacts as follows:

9 Section 1. Short title.

10 This act shall be known and may be cited as the Poultry
11 Transportation and Dealer Licensing Act.

12 Section 2. Legislative intent.

13 The General Assembly intends to prevent the introduction and
14 spread of Avian Influenza H5N2 Virus into this Commonwealth and
15 to halt the subsequent spread of this devastating disease into
16 poultry flocks and markets of surrounding states and Canada.

17 Since the flu virus is spread by human contact and

1 transportation equipment, the General Assembly maintains that
2 strict standards of sanitation are crucial to the prevention of
3 Avian Influenza epidemics. Additionally, the General Assembly
4 finds the licensing of poultry haulers and dealers to be a
5 method of determining the source and extent of infection.

6 Section 3. Definitions.

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

10 "Conveyance." Any automobile, truck, tractor trailer, wagon
11 or other vehicle used in the transportation of persons or
12 animate or inanimate items of personal property on public
13 highways of this Commonwealth. The term shall not include any
14 vehicle used by a producer exclusively on a farm or on or
15 between farms operated as part of a single agricultural
16 operation.

17 "Department." The Department of Agriculture of the
18 Commonwealth.

19 "Dealer" or "poultry dealer." Any person engaged in the
20 business of buying or selling poultry or poultry products as
21 principal or agent.

22 "Operator." The licensed driver of a vehicle.

23 "Person." A natural person, corporation, partnership or
24 association.

25 "Poultry." Any live or undressed domesticated or game bird
26 kept or grown for the commercial use of its meat, its eggs or
27 any poultry product.

28 "Producer" or "poultry producer." Any person engaged in the
29 business of growing or keeping poultry for market. This term
30 shall not include a person who, by contract, employs another

1 person to exclusively perform the actual breeding, growing or
2 raising activities relating to the poultry, regardless of
3 whether or not such employer has title in the poultry.

4 "Secretary." The Secretary of Agriculture of the
5 Commonwealth.

6 Section 4. Standards of sanitation required.

7 The department shall:

8 (1) Within six months of the effective date of this act,
9 promulgate and publish regulations for standards of
10 cleanliness and operation for all conveyances used in the
11 transportation of poultry and for all crates, coops, cages or
12 other accessories, whether or not constructed of permeable
13 material, used on conveyances for poultry transportation.

14 (2) Require that a record of all sanitation measures
15 taken by the owner or operator of any conveyance hauling
16 poultry.

17 (3) Conduct periodic inspections of conveyances and
18 accessories used in hauling poultry and ascertain that
19 records are maintained.

20 Section 5. License required.

21 (a) Transportation of poultry.--On and after March 31, 1988,
22 it shall be unlawful for any owner or operator of any
23 conveyance, whether or not contracted by another party, to
24 engage in the business of transportation of poultry within this
25 Commonwealth, unless he shall hold a license issued by the
26 department as provided in this act.

27 (b) Poultry business.--It shall be unlawful, on or after
28 March 31, 1988, for any poultry dealer to engage in business
29 transactions within this Commonwealth, unless he shall hold a
30 license issued by the department as provided in this act.

1 Section 6. Filing procedures.

2 Every poultry dealer and every owner or operator of a
3 conveyance desiring to transport poultry within this
4 Commonwealth shall annually, on or before December 31, file an
5 application for a license with the department. The application
6 shall be on a form furnished by the department and shall contain
7 any information as the department may require.

8 Section 7. Payment of fees.

9 Unless the department refuses the application on one or more
10 grounds as provided in this act, it shall issue to an applicant,
11 upon the payment of proper fees, a license entitling the
12 applicant to conduct transportation of poultry or to act as a
13 dealer in poultry until December 31 of the year next following.
14 The fee for this license shall be \$25 for each dealer's license
15 issued and \$25 for each vehicle used for purposes of
16 transporting poultry.

17 Section 8. Keeping of records.

18 (a) Poultry transportation.--Every owner or operator of a
19 conveyance used to haul poultry shall keep a record for at least
20 two years of all premises where receipt or delivery of poultry
21 was made; the quantity, condition, type and species of poultry
22 received or delivered; the date received or delivered; and any
23 other information which the department by regulation shall
24 require.

25 (b) Poultry dealers.--Every dealer of poultry shall keep a
26 record for at least two years of all transactions conducted,
27 including name and address of each buyer and seller; the
28 quantity and description of goods purchased or sold; the date of
29 each transaction; the nature or condition of goods transacted;
30 the date and nature of payment; and any other information which

1 the department by regulation shall require.

2 Section 9. Revocation or suspension of license.

3 The department may refuse to grant a license or may suspend
4 or revoke a license already granted under this act if it is
5 satisfied that the applicant or licensee has:

6 (1) Failed to maintain adequate records of poultry
7 haulage or transactions or other information required under
8 this act or regulations issued pursuant thereto.

9 (2) Failed to meet the minimum standards of sanitation
10 for conveyances and accessories used for transporting poultry
11 in accordance with regulations adopted by the department.

12 (3) Made any false statement or statements or kept any
13 false records relative to the destination, dates of visit,
14 quantity and condition of birds received or delivered, or any
15 other information required under this act or regulations of
16 the department.

17 (4) Made any false statement in the application for or
18 attempt to procure any license permitted to be issued under
19 this act.

20 Section 10. Hearings and appeals.

21 (a) Hearings.--Before the department shall refuse, suspend
22 or revoke any license, it shall conduct a hearing on the matter.
23 If the department shall find the applicant or licensee in
24 violation of section 8, the department may refuse, suspend or
25 revoke such license and shall notify the applicant or licensee,
26 in writing, within five days of its determination.

27 (b) Procedure.--Hearings under this act and appeals from
28 decisions of the department shall be conducted in the manner
29 provided in Title 2 of the Pennsylvania Consolidated Statutes
30 (relating to administrative law and procedure) and by the Rules

1 of Appellate Procedure.

2 Section 11. Penalties.

3 Any owner or operator of a vehicle or any poultry dealer who
4 violates the provisions of section 5 or interferes with an agent
5 of the department in the enforcement of this act:

6 (1) For a first offense, commits a summary offense and
7 shall, upon conviction, be sentenced to pay a fine of not
8 less than \$100 nor more than \$300 and costs of prosecution,
9 and, in default of payment of such fine and costs, be
10 sentenced to imprisonment for a period not exceeding 60 days.

11 (2) For a subsequent offense, commits a misdemeanor of
12 the third degree and shall, upon conviction, be sentenced to
13 pay a fine of not less than \$500 nor more than \$2,500 or to
14 imprisonment not exceeding one year or both.

15 Section 12. Injunctions.

16 The Attorney General, at the request of the department, may,
17 in the name of the Commonwealth, institute proceedings in equity
18 in the Commonwealth Court for the purpose of enjoining the
19 conduct of business in this Commonwealth contrary to the
20 provisions of this act.

21 Section 13. Rules and regulations.

22 The department shall, in the manner provided by law,
23 promulgate and enforce the rules and regulations deemed
24 necessary to carry out this act.

25 Section 14. Poultry Inspection Account.

26 All moneys received from license fees and fines collected
27 under this act shall be immediately paid by the department into
28 the State Treasury and credited to a restricted receipts
29 account, to be known as the Poultry Inspection Account, to be
30 used for payment of costs to issue licenses and provide for

1 inspections pursuant to section 4. All moneys in this account
2 are hereby appropriated to the department on a continuing basis
3 for this purpose.

4 Section 15. Effective date.

5 This act shall take effect in 60 days.