

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL
No. 1574 Session of
1987

INTRODUCED BY RUDY, MORRIS, NOYE, SHOWERS, MERRY, HERSHEY,
CALTAGIRONE, BUNT, PRESSMANN, RITTER AND BELARDI,
JUNE 16, 1987

AS AMENDED ON THIRD CONSIDERATION, IN SENATE, APRIL 11, 1988

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 service fees AND GRANTS FOR <—
15 JOINT MUNICIPAL DOG LAW ENFORCEMENT AGENCIES; AND PROVIDING
16 FOR DAMAGES CAUSED BY COYOTES.

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

19 Section 1. ~~Section 204~~ SECTIONS 204 AND 705 of the act of <—
20 December 7, 1982 (P.L.784, No.225), known as the Dog Law, ~~is~~ ARE <—
21 amended to read:

22 Section 204. Who shall issue licenses; fees; records.

23 The county treasurer may authorize agents to process

1 applications for dog license certificates and to issue license
2 certificates and tags. The county treasurer shall establish the
3 bonding requirements for all agents designated for purposes of
4 this section, except for district justices who when authorized
5 by the county treasurer shall not be required to furnish a bond.
6 All persons designated by the county treasurer under this
7 section shall charge [75¢] \$1 as a service fee for each
8 application processed in addition to the license fees
9 established under section 201. The agent shall retain [25¢] 50¢
10 of this service fee and the county treasurer shall retain 50¢ of
11 the service fee for the use of the county except when the agent
12 is a district justice, when the entire service fee shall be
13 remitted to the county treasurer for the use of the county. All
14 records of applications by agents designated by the county
15 treasurer under this section shall be forwarded to the county
16 treasurer who shall maintain all dog license application records
17 for the county.

18 SECTION 705. HARBORING UNLICENSED DOGS; FORFEITURE OF RIGHTS OF <—
19 REIMBURSEMENT.

20 ANY PERSON WHO OWNS OR HARBORS AN UNLICENSED DOG REQUIRED TO
21 BE LICENSED UNDER THIS ACT[,] SHALL FORFEIT ANY RIGHT TO BE
22 REIMBURSED BY THE DEPARTMENT FOR ANY DAMAGES TO HIS LIVESTOCK,
23 POULTRY OR DOMESTIC GAME BIRDS BY DOGS OR COYOTES.

24 SECTION 2. THE ACT IS AMENDED BY ADDING A SECTION TO READ: <—
25 SECTION 706. DAMAGES CAUSED BY COYOTES; COMPLAINTS; LIABILITY.

26 (A) GENERAL RULE.--WHENEVER ANY PERSON SUSTAINS ANY LOSS BY
27 COYOTE TO LIVESTOCK OR POULTRY, OR TO GAME BIRDS RAISED IN
28 CAPTIVITY, AND WHILE CONFINED WITHIN A FIELD OR OTHER ENCLOSURE,
29 PROVIDED THAT THE ENCLOSURE IS ADEQUATE FOR THE PURPOSE
30 INTENDED, SUCH PERSON OR HIS AGENT OR ATTORNEY MAY, IMMEDIATELY

1 AFTER THE DAMAGE WAS DONE, COMPLAIN TO A STATE DOG WARDEN OR
2 EMPLOYEE OF THE DEPARTMENT AND MAY MAKE APPLICATION TO THE
3 DEPARTMENT FOR REIMBURSEMENT OF SUCH LOSS OR DAMAGE. THE
4 COMPLAINT SHALL BE IN WRITING, SHALL BE SIGNED BY THE PERSON
5 MAKING THE COMPLAINT AND SHALL STATE WHEN, WHERE AND HOW THE
6 DAMAGE WAS DONE. UPON RECEIPT OF SUCH NOTICE, THE STATE DOG
7 WARDEN SHALL AT ONCE EXAMINE THE PLACE WHERE THE ALLEGED LOSS
8 WAS SUSTAINED AND THE LIVESTOCK OR POULTRY OR DOMESTIC GAME BIRD
9 INJURED OR KILLED. THE STATE DOG WARDEN MAY EXAMINE UNDER OATH
10 OR AFFIRMATION ANY WITNESS CALLED BEFORE HIM. AFTER MAKING
11 DILIGENT INQUIRY IN RELATION TO SUCH CLAIM, THE INVESTIGATING
12 OFFICER SHALL DETERMINE WHETHER ANY DAMAGE HAS BEEN SUSTAINED
13 AND THE AMOUNT OF THE DAMAGE. IF THE OWNER OF THE LIVESTOCK OR
14 POULTRY OR DOMESTIC GAME BIRD DOES NOT AGREE AS TO THE AMOUNT OF
15 DAMAGE ALLOWED BY THE APPRAISER, THE OWNER REQUESTING THE
16 APPRAISAL AND THE APPRAISER MAY APPOINT A DISINTERESTED
17 QUALIFIED CITIZEN TO ASSIST IN DETERMINING THE AMOUNT OF DAMAGE
18 SUSTAINED. FOR SUCH SERVICES, THE SAID DISINTERESTED CITIZEN
19 SHALL RECEIVE APPROPRIATE COMPENSATION WHICH SHALL BE PAID BY
20 THE OWNER REQUESTING THE APPRAISAL. THERE SHALL BE A MAXIMUM
21 ALLOWABLE CLAIM LOSS ON EACH OCCURRENCE OF \$10,000 PER ANIMAL;
22 HOWEVER, IN NO INSTANCE SHALL THE PAYMENT EXCEED 90% OF THE
23 APPRAISED VALUE. ALL CLAIMS SHALL BE PAID FROM THE DOG LAW
24 RESTRICTED ACCOUNT; HOWEVER, IN NO INSTANCE SHALL THE SUM TOTAL
25 OF PAID CLAIMS FOR THE PURPOSE OF THIS SECTION EXCEED \$20,000
26 PER ANNUM. THE SECRETARY SHALL HAVE THE POWER TO PROMULGATE SUCH
27 RULES AND REGULATIONS AS MAY BE NECESSARY TO IMPLEMENT THIS
28 SECTION.

29 (B) DEFINITION.--AS USED IN THIS SECTION, THE TERM "COYOTE"
30 MEANS THE GENUS AND SPECIES KNOWN AS CANIS LATRANS.

SECTION 3. SECTION 1002(A) OF THE ACT IS AMENDED TO READ:

SECTION 1002. COUNTY DOG LAW PROGRAMS.

(A) DOG CONTROL FACILITIES.--ANY COUNTY EXCEPT COUNTIES OF THE FIRST CLASS OR ANY INCORPORATED HUMANE ORGANIZATION MAY SUBMIT REQUESTS FOR FUNDING TO ESTABLISH AND MAINTAIN DOG CONTROL FACILITIES OR OTHER FUNCTIONS OF DOG CONTROL WITHIN THE COUNTY TO COMPLEMENT THE COMMONWEALTH DOG LAW ENFORCEMENT PROGRAM. IF THREE OR MORE MUNICIPALITIES JOIN TO FORM ONE DOG LAW ENFORCEMENT AGENCY, THE JOINT AGENCY SHALL BE ELIGIBLE FOR 50% OF THE TOTAL GRANT MONEYS THAT THE MUNICIPALITIES WOULD BE ENTITLED TO IF EACH APPLIED INDIVIDUALLY, WITHOUT THE CURRENT RESTRICTIONS IMPOSED BY THE REGULATIONS OF THE DEPARTMENT REGARDING THE USAGE OF THE MONEYS. IF A JOINT DOG LAW ENFORCEMENT AGENCY IS CREATED, ONE OF THE MUNICIPALITIES SHALL ACT AS A LEAD AGENCY FOR THE PURPOSES OF MEETING THE REQUIREMENTS OF THE PROGRAM, INCLUDING, BUT NOT LIMITED TO, RECORDKEEPING, SUPERVISION OF EMPLOYEES AND OTHER ADMINISTRATIVE DUTIES AS REQUIRED BY THIS ACT.

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Section ~~2-3~~ 4. This act shall take effect in 60 days.

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