
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 820 Session of
1989

INTRODUCED BY BRANDT, MORRIS, HERSHEY, BROUJOS, BARLEY, LEH,
LaGROTTA, VROON, ROBINSON, GLADECK, TRELLO, NAHILL, LINTON,
MICOZZIE, VEON, GIGLIOTTI, SAURMAN, TIGUE, HECKLER, HALUSKA,
GEIST, DONATUCCI AND HOWLETT, MARCH 14, 1989

AS AMENDED ON THIRD CONSIDERATION, IN SENATE, APRIL 30, 1990

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," providing for the control of dangerous dogs;
15 further providing for violations of the act; further
16 providing for inspections; and providing penalties.

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

19 Section 1. Section 501(d) of the act of December 7, 1982
20 (P.L.784, No.225), known as the Dog Law, is repealed.

21 Section 2. The act is amended by adding an article to read:

22 ARTICLE V-A

23 DANGEROUS DOGS

1 Section 501-A. Definitions.

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

5 "Attack." The deliberate action of a dog, whether or not in
6 response to a command by its owner, to bite, to seize with its
7 teeth, or to pursue any human, animate or inanimate object, with
8 the obvious intent to destroy, kill, wound, injure or otherwise
9 harm the object of its action.

10 "Dangerous dog." A dog determined to be a dangerous dog
11 under section 502-A.

12 "DOMESTIC ANIMAL." ANY DOG, CAT, EQUINE ANIMAL, BOVINE
13 ANIMAL, SHEEP, GOAT OR PORCINE ANIMAL.

<—

14 "Proper enclosure of a dangerous dog." The secure
15 confinement of a dangerous dog either indoors or in a securely
16 enclosed and locked pen or structure, suitable to prevent the
17 entry of young children and designed to prevent the animal from
18 escaping. Such pen or structure shall have secure sides and a
19 secure top, and shall also provide protection from the elements
20 for the dog. If the pen or structure has no bottom secured to
21 the sides, the sides must be embedded at least two feet into the
22 ground.

23 "Severe injury." Any physical injury that results in broken
24 bones or disfiguring lacerations requiring multiple sutures or
25 cosmetic surgery.

26 Section 502-A. Registration.

27 (a) Determination.--Any person who has been attacked by a
28 dog, or anyone on behalf of such person, A PERSON WHOSE DOMESTIC
29 ANIMAL HAS BEEN KILLED OR INJURED WITHOUT PROVOCATION, the State
30 dog warden or the local police officer may make a complaint

<—

1 before a district justice, charging the owner or keeper of such
2 a dog with harboring a dangerous dog. The determination of a dog
3 as a dangerous dog shall be made by the district justice upon
4 evidence of a dog's history or propensity to attack without
5 provocation based upon an incident in which the dog has done one
6 or more of the following:

7 (1) Inflicted severe injury on a human being without
8 provocation on public or private property.

9 (2) Killed or inflicted severe injury on a domestic
10 animal without provocation while off the owner's property.

11 (3) Attacked a human being without provocation.

12 (4) Been used in the commission of a crime.

13 (b) Report of determination.--The district justice shall
14 make a report of a determination under subsection (a) to the
15 Bureau of Dog Law Enforcement.

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

22 Section 503-A. Requirements.

23 (a) Enclosure and insurance.--The department shall issue,
24 upon payment of all fees under subsection (b), a certificate of
25 registration to the owner of such animal within 30 days of
26 notification, in writing, by the department that the dog has
27 been determined to be dangerous and that the owner presents
28 sufficient evidence of:

29 (1) A proper enclosure to confine a dangerous dog and
30 the posting of a premises with a clearly visible warning sign

1 that there is a dangerous dog on the property. In addition,
2 the owner shall conspicuously display a sign with a warning
3 symbol that informs children of the presence of a dangerous
4 dog.

5 (2) (i) A surety bond in the amount of \$50,000 issued
6 by an insurer authorized to do business within this
7 Commonwealth, payable to any person injured by the
8 dangerous dog; or

9 (ii) a policy of liability insurance, such as
10 homeowner's insurance, issued by an insurer authorized to
11 do business within this Commonwealth in the amount of at
12 least \$50,000, insuring the owner for any personal
13 injuries inflicted by the dangerous dog. The policy shall
14 contain a provision requiring the secretary to be named
15 as additional insured for the sole purpose of being
16 notified by the insurance company of cancellation,
17 termination or expiration of the liability insurance
18 policy.

19 (b) Fee.--The registration fee for a dangerous dog
20 certificate shall be \$25, or such amount set by the department
21 as may be necessary to cover the costs of issuing this
22 registration and enforcing this section. This registration fee
23 shall be in addition to any other fees collectable under this
24 act and shall be credited to the Dog Law Restricted Account for
25 the purpose of administering and enforcing this act.

26 (c) Uniform identifiable symbol.--The department shall have
27 the authority to establish a uniform identifiable symbol for
28 visual recognition of dangerous dogs. THE "UGH DOG" SYMBOL
29 DEVELOPED BY ANIMAL-VUES MAY BE ADOPTED AS THE STANDARD SYMBOL
30 TO IDENTIFY DANGEROUS DOGS.

<—

1 (d) Other requirements.--The owner shall sign a statement
2 attesting that:

3 (1) The owner shall maintain and not voluntarily cancel
4 the liability insurance required by this section during the
5 period for which licensing is sought unless the owner ceases
6 to own the dangerous dog prior to expiration of the license.

7 (2) The owner shall notify the Bureau of Dog Law
8 Enforcement, the State dog warden and the local police
9 department within 24 hours if a dangerous dog is on the
10 loose, is unconfined, has attacked another animal, has
11 attacked a human being, has died or has been sold or donated.
12 If the dangerous dog has been sold or donated, the owner
13 shall also provide the Bureau of Dog Law Enforcement and the
14 State dog warden with the name, address and telephone number
15 of the new owner of the dangerous dog.

16 Section 504-A. Control of dangerous dogs.

17 It is unlawful for an owner of a dangerous dog to permit the
18 dog to be outside the proper enclosure unless the dog is muzzled
19 and restrained by a substantial chain or leash and under
20 physical restraint of a responsible person. The muzzle shall be
21 made in a manner that will not cause injury to the dog or
22 interfere with its vision or respiration but shall prevent it
23 from biting any person or animal or from destroying property
24 with its teeth.

25 Section 505-A. Public safety and penalties.

26 (a) Failure to register and restrain.--A dangerous dog shall
27 be immediately confiscated by a State dog warden or a police
28 officer upon the occurrence of any of the following:

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

30 (2) The owner does not secure and maintain the liability

1 insurance coverage required under section 503-A.

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

3 (4) The dog is outside of the dwelling of the owner, or
4 outside of the proper enclosure and not under physical
5 restraint of the responsible person.

6 In addition, an owner violating this subsection commits a
7 misdemeanor of the third degree.

8 (b) Attacks upon persons or animals.--If a dangerous dog,
9 through the intentional, reckless or negligent conduct of the
10 dog's owner, attacks a person or another domestic animal, the
11 dog's owner is guilty of a misdemeanor of the second degree. In
12 addition, the dangerous dog shall be immediately confiscated,
13 placed in quarantine for the proper length of time, and
14 thereafter destroyed in an expeditious and humane manner, with
15 costs of quarantine and destruction to be borne by the dog's
16 owner.

17 (c) Attacks causing severe injury or death.--The owner of
18 any dog that, through the intentional, reckless or negligent
19 conduct of the dog's owner, aggressively attacks and causes
20 severe injury or death of any human shall be guilty of a
21 misdemeanor of the first degree. In addition, the dog shall be
22 immediately confiscated by a State dog warden or a police
23 officer, placed in quarantine for the proper length of time, and
24 thereafter destroyed in an expeditious and humane manner, with
25 costs of quarantine and destruction to be borne by the dog's
26 owner.

27 (d) Dog owned by a minor.--If the owner of the dangerous dog
28 is a minor, the parent or guardian of the minor shall be liable
29 for injuries and property damages caused by an unprovoked attack
30 by the dangerous dog under section 4 of the act of July 27, 1967

1 (P.L.186, No.58), entitled "An act imposing liability upon
2 parents for personal injury, or theft, destruction, or loss of
3 property caused by the willful, tortious acts of children under
4 eighteen years of age, setting forth limitations, and providing
5 procedure for recovery."

6 (e) Mandatory reporting.--All known incidents of dog attacks
7 shall be reported to the State dog warden, who shall investigate
8 each incident and notify the department if a dog has been
9 determined to be dangerous.

10 Section 506-A. State registry.

11 The department shall promulgate regulations for the
12 establishment of a State registry for dangerous dogs.

13 Section 507-A. Construction of article.

14 (a) Enforcement.--This article shall be enforced by all
15 municipalities except counties.

16 (b) Abusive or unlawful conduct of victim.--This article
17 shall not apply if the threat, injury or damage was sustained by
18 a person who, at the time, was committing a willful trespass or
19 other tort upon the premises occupied by the owner of the dog,
20 or was tormenting, abusing or assaulting the dog or has, in the
21 past, been observed or reported to have tormented, abused or
22 assaulted the dog, or was committing or attempting to commit a
23 crime.

24 (c) Local ordinances.--~~All~~ THOSE PROVISIONS OF local <—
25 ordinances relating to dangerous dogs are hereby abrogated. A
26 local ordinance otherwise dealing with dogs may not prohibit or
27 otherwise limit a specific breed of dog.

28 (d) Insurance coverage discrimination.--No liability policy
29 or surety bond issued pursuant to this act or any other act may
30 prohibit coverage from any specific breed of dog.

1 (e) Farm dogs.--No farmer who owns a dog kept on the farm
2 shall be guilty of keeping a dangerous dog if:

3 (1) the dog does not leave the farm property to attack;
4 and

5 (2) the farm is conspicuously posted alerting visitors
6 to the presence of a watch or guard dog at all points of
7 ingress and egress.

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 on
12 behalf of such person or a person whose domestic animal has
13 been killed or injured without provocation while the
14 attacking dog was off the owner's property or a police
15 officer OR AN ANIMAL CONTROL OFFICER EMPLOYED BY OR UNDER <—
16 CONTRACT WITH THE CITY may make a complaint before a district
17 justice, charging the owner or keeper of such a dog with
18 harboring a dangerous dog. The district justice shall make a
19 report of the determination under section 502-A(a) to the
20 police and to the department. The department 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 (2) All fees and fines shall be paid to and retained by
26 the city treasurers, who shall issue the certificate of
27 registration.

28 (3) Enforcement of this article in these cities will be
29 under the jurisdiction of the local police with notification <—
30 requirements in section 503 A(b) to be made to the licensing

1 ~~authority and the local police.~~ OR AN ANIMAL CONTROL OFFICER <—
2 EMPLOYED BY OR UNDER CONTRACT WITH THE CITY WITH NOTIFICATION
3 REQUIREMENTS IN SECTION 503-A(D)(2) TO BE MADE TO THE
4 LICENSING AUTHORITY AND THE LOCAL POLICE OR AN ANIMAL CONTROL
5 OFFICER EMPLOYED BY OR UNDER CONTRACT WITH THE CITY.

6 (4) Copies of all "dangerous dog" determinations,
7 certificates and reports on the status of the "dangerous dog"
8 shall be sent to the ~~department~~ BUREAU OF DOG LAW <—
9 ENFORCEMENT.

10 (5) All known incidents of dog attacks shall be reported
11 to the department for the purpose of keeping bite statistic
12 records and possible rabies exposure.

13 Section 3. Section 901(a) of the act is amended to read:

14 Section 901. Enforcement of this act by the Secretary of
15 Agriculture; provisions for inspections.

16 (a) General rule.--The secretary, through State dog wardens,
17 employees of the department and police officers, shall be
18 charged with the general enforcement of this law. The secretary
19 may employ all proper means for the enforcement of this act and
20 may enter into agreements with local agencies and organizations
21 for the purpose of dog control. State dog wardens and employees
22 of the department are hereby authorized to enter upon the
23 premises of any persons for the purpose of investigation [upon
24 displaying his badge of identification furnished by the
25 department]. A dog warden may enter into a home or other
26 building only with the permission of the occupant or with a duly
27 issued search warrant.

28 * * *

29 Section 4. Section 903 of the act is amended to read:

30 Section 903. Violations.

1 Unless heretofore provided, any person found in violation of
2 any provision of Article II through Article VIII of this act
3 shall be guilty of a summary offense for the first and second
4 violation and for a third and subsequent violation which occurs
5 within one year of the first violation shall be guilty of a
6 misdemeanor of the third degree.

7 ~~Section 5. This act shall take effect as follows:~~ <—

8 ~~(1) The provisions of section 503 A(a)(1) requiring an~~
9 ~~owner of a dangerous dog to conspicuously display a sign with~~
10 ~~a warning symbol that informs children of the presence of a~~
11 ~~dangerous dog shall take effect January 1, 1990.~~

12 ~~(2) The remainder of this act shall take effect in 60~~
13 ~~days.~~

14 SECTION 5. THIS ACT SHALL TAKE EFFECT IN 60 DAYS. <—