
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2525

Session of
2008

INTRODUCED BY CASORIO, HANNA, MAHER, CALTAGIRONE, COHEN, McCALL, ADOLPH, BENNINGTON, BEYER, BIANCUCCI, BUXTON, CAPPELLI, CARROLL, CIVERA, CONKLIN, COSTA, CRUZ, DALEY, DALLY, DeLUCA, DePASQUALE, DiGIROLAMO, ELLIS, FABRIZIO, FRANKEL, FREEMAN, GALLOWAY, GEORGE, GERBER, GERGELY, GIBBONS, N. P. GOODMAN, GRUCELA, HARHAI, HARKINS, JOSEPHS, W. KELLER, KILLION, KING, KIRKLAND, KORTZ, KULA, LEACH, LENTZ, MAHONEY, MANN, MANTZ, MARSHALL, McILVAINE SMITH, MELIO, MENSCH, MOYER, MUSTIO, NAILOR, D. O'BRIEN, M. O'BRIEN, OLIVER, O'NEILL, PARKER, PASHINSKI, PAYNE, PAYTON, PETRONE, PRESTON, RAYMOND, READSHAW, RUBLEY, SABATINA, SANTONI, SCAVELLO, SHAPIRO, SHIMKUS, SIPTROTH, K. SMITH, M. SMITH, SOLOBAY, STURLA, J. TAYLOR, R. TAYLOR, TRUE, VEREB, WAGNER, WALKO, WANSACZ, WATSON, J. WHITE, WOJNAROSKI, YOUNGBLOOD, REED, MANDERINO, SAMUELSON, THOMAS, BRENNAN, REICHLEY, HORNAMAN, JAMES AND VULAKOVICH, MAY 13, 2008

SENATOR ARMSTRONG, APPROPRIATIONS, IN SENATE, RE-REPORTED AS
AMENDED, OCTOBER 7, 2008

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 issuance of dog licenses, for applications
16 for dog licenses, for license certificates, for kennels, for
17 requirements for kennels, for out-of-State dealer license,

1 for bills of sale, for revocation, suspension or refusal of
2 kennel licenses, for transportation of dogs, for health
3 certificates for importation, for inspections of premises and
4 dogs and for additional duties of department; providing for
5 refusal of entry AND FOR THE CANINE HEALTH BOARD; further
6 providing for seizure and detention of dogs, for confinement
7 of dogs, for dog bites, for registration, for certain
8 requirements, for control of dangerous dogs, for public
9 safety, for selling, bartering or trading dogs, for damages
10 caused by coyotes, for burdens of proof, for enforcement and
11 for violations; providing for exemption; further defining
12 "releasing agency"; and making editorial changes. <—

13 The General Assembly of the Commonwealth of Pennsylvania
14 hereby enacts as follows:

15 Section 1. Section 102 of the act of December 7, 1982
16 (P.L.784, No.225), known as the Dog Law, amended December 11,
17 1996 (P.L.943, No.151), is amended to read:

18 Section 102. Definitions.

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

22 "Abandon." To forsake entirely or to neglect or refuse to
23 provide or perform the legal obligations for the care and
24 support of an animal by its owner or his agent.

25 "Abandonment." Relinquishment of all rights and claims to an
26 animal by its owner.

27 ["Accelerant detection dog." Any dog which is used
28 exclusively for accelerant detection, commonly referred to as
29 arson canines.]

30 "Agent." A person defined in section 200 who is authorized
31 by this act to process applications for dog license certificates
32 and issue dog license certificates and tags.

33 "Animal control officer." Any person appointed to carry out
34 the duties of dog control.

35 "Attack." The deliberate action of a dog, whether or not in

1 response to a command by its owner, to bite, to seize with its
2 teeth or to pursue any human [or], domestic animal, dog or cat.

3 "Boarding kennel." Any [kennel] establishment available to
4 the general public where a dog or dogs are housed [or trained]
5 for compensation by the day, week or a specified or unspecified
6 time. The term shall not include a kennel where the practice of
7 veterinary medicine is performed if the kennel is covered by the
8 provisions of the act of December 27, 1974 (P.L.995, No.326),
9 known as the "Veterinary Medicine Practice Act." The term shall
10 include any boarding facility operated by a licensed doctor of
11 veterinary medicine whether or not this facility is on the same
12 premises as a building or structure subject to the provisions of
13 the "Veterinary Medicine Practice Act." The term shall include
14 any establishment available to the general public that, for
15 consideration, takes control of a dog from the owner for a
16 portion of a day for the purposes of exercise, day care or
17 entertainment of the dog. For the purpose of this term, each
18 time a dog enters the kennel it shall be counted as one dog.
19 This term does not include an establishment engaged only in dog
20 grooming or dog training.

21 ["Breeding kennel." Any kennel operated for the purpose of
22 breeding, buying and selling or in any way transferring dogs for
23 nonresearch purposes.]

24 "Cat." The genus and species known as *Felis catus*.

25 "Commercial kennel." A kennel that breeds or whelps dogs
26 and:

27 (1) sells or transfers any dog to a dealer or pet shop-
28 kennel; or

29 (2) sells or transfers more than 60 dogs per calendar
30 year.

1 "Confiscate." To appropriate property to the use of the
2 government or to adjudge property to be forfeited to the public,
3 without compensation to the owner of the property.

4 "County animal warden." Any person employed or appointed
5 under section 1002(a.1).

6 "County treasurer." The elected officer for any county or
7 any county employee assigned to the office of the county
8 treasurer charged with the receipt, custody and disbursements of
9 its moneys or funds. The term county treasurer shall include
10 those officials in home rule charter counties responsible for
11 county treasurer's duties.

12 "Coyote." The genus and species known as *Canis latrans*.

13 "Dangerous dog." A dog determined to be a dangerous dog
14 under section 502-A.

15 "Dealer." [Any person who owns or operates a dealer kennel
16 in this Commonwealth or who buys, receives, sells, exchanges,
17 negotiates, barter or solicits the sale, resale, exchange or
18 transfer of a dog in this Commonwealth for the purpose of
19 transferring ownership or possession to a third party.] A person
20 who:

21 (1) publicly or privately sells or offers for sale any
22 dog belonging to another person for consideration, a fee or a
23 commission or percentage of the sale price;

24 (2) transfers dogs at wholesale for resale to another;
25 or

26 (3) offers or maintains dogs at wholesale for resale to
27 another.

28 "Dealer kennel." A kennel operating within the Commonwealth
29 which:

30 (1) publicly or privately sells or offers for sale any

1 dog [belonging to another person] as an owner, agent or
2 assignee for a fee, commission or percentage of the sale
3 price;

4 (2) [acquires, sells,] transfers[, exchanges or barters]
5 dogs at wholesale for resale to another; or

6 (3) offers or maintains dogs [for sale, transfer,
7 exchange or barter] at wholesale for resale to another. The
8 term does not include a pound, shelter or common carrier or a
9 kennel defined elsewhere in this section.

10 "Department." The Pennsylvania Department of Agriculture.

11 "Detection dog." A dog which is trained and used for
12 accelerant detection, bomb or explosives detection, narcotics
13 detection or other scent detection.

14 "Dog." The genus and species known as Canis familiaris.

15 "Dog control." The apprehending, holding and disposing of
16 stray or unwanted dogs. Dog control may be performed by humane
17 society police officers, police officers, State dog wardens or
18 animal control officers.

19 "Domestic animal." Any equine animal or bovine animal,
20 sheep, goat, pig, poultry, bird, fowl, confined hares, rabbits
21 and mink, or any wild or semiwild animal maintained in
22 captivity.

23 "Establishment."

24 (1) The premises on, in or through which a dog is kept,
25 bred, harbored, boarded, sheltered, maintained, sold, given
26 away, exchanged or in any way transferred.

27 (2) The term shall encompass all of the following on, in
28 or through which any of the activities under paragraph (1)
29 take place:

30 (i) The home, homestead, place of business or

1 operation of a person, including a dealer, which includes
2 all of the land, property, housing facilities or any
3 combination of land, property or housing facilities of
4 the individual or person.

5 (ii) All of the persons residing in or on the
6 establishment.

7 (iii) A person, organization, business or operation
8 which utilizes offsite or rescue network kennel homes to
9 keep, maintain, breed, train, harbor, board, shelter,
10 sell, give away, adopt, exchange or in any way transfer
11 dogs.

12 (3) The term shall not include a gathering of dog owners
13 where dogs remain in the custody and care of their owners,
14 such as a hotel or campground, A PLACE FOR grooming or <—
15 training or an event such as a field trial, performance
16 event, hunting event or dog show.

17 "Housing facility." A structure that provides animals with
18 shelter, protection from the elements and protection from
19 temperature extremes.

20 "Humely killed." A method of destruction in accordance
21 with the act of December 22, 1983 (P.L.303, No.83), referred to
22 as the Animal Destruction Method Authorization Law.

23 "Humane society or association for the prevention of cruelty
24 to animals." A nonprofit society or association duly
25 incorporated pursuant to 15 Pa.C.S. Ch. 53 Subch. A (relating to
26 incorporation generally) for the purpose of the prevention of
27 cruelty to animals.

28 "Humane society police officer." Any person duly appointed
29 pursuant to 22 Pa.C.S. § 501 (relating to appointment by
30 nonprofit corporations) to act as a police officer for a humane

1 society or association for the prevention of cruelty to animals.
2 The term shall include any person who is an agent of a humane
3 society or association for the prevention of cruelty to animals
4 as agent is used in 18 Pa.C.S. § 5511 (relating to cruelty to
5 animals).

6 "Kennel." Any establishment [wherein] in or through which at
7 least 26 dogs are kept [for the purpose of breeding, hunting,
8 training, renting, research or vivisection, buying, boarding,
9 sale, show or any other similar purpose and is so constructed
10 that dogs cannot stray therefrom.] or transferred in a calendar
11 year, or a boarding kennel as defined in this act.

12 "Licensed doctor of veterinary [medicine."] medicine" or
13 "veterinarian." A person who is currently licensed pursuant to
14 the act of December 27, 1974 (P.L.995, No.326), known as the
15 "Veterinary Medicine Practice Act."

16 "Muzzle." A device, in any arrangement of straps or wires,
17 placed over an animal's mouth to prevent the animal from biting
18 or eating.

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

1 approved by the secretary.

2 "Out-of-state dealer." A person who does not reside in the
3 Commonwealth of Pennsylvania and [who buys, receives, sells,
4 exchanges, negotiates, barter or solicits the sale, resale,
5 exchange or transfer of a dog in this Commonwealth for the
6 purpose of transferring ownership or possession to a third
7 party.] who:

8 (1) sells or offers for sale a dog in this Commonwealth
9 belonging to another person, for any type of consideration,
10 fee, commission or percentage of the sales price; or

11 (2) transfers a dog in this Commonwealth for resale to
12 another for any type of consideration, fee, commission or
13 percentage of the sales price.

14 "Owner." When applied to the proprietorship of a dog,
15 includes every person having a right of property in such dog,
16 and every person who keeps or harbors such dog or has it in his
17 care, and every person who permits such dog to remain on or
18 about any premises occupied by him.

19 "Permanent identification" or "permanently identified." Any
20 long-lasting identification designed to be nonremovable, such as
21 a tattoo or microchip, determined by the Department of
22 Agriculture through regulation. Any dog permanently identified
23 shall be required to bear a license tag in accordance with the
24 provisions of this act.

25 "Person with a disability." A person who receives disability
26 insurance or supplemental security income for the aged, blind or
27 disabled under the Social Security Act (49 Stat. 620, 42 U.S.C.
28 § 301 et seq.) [or]; who receives a rent or property tax rebate
29 under the act of March 11, 1971 (P.L.104, No.3), known as the
30 "Senior Citizens Rebate and Assistance Act," on account of

1 disability; who has a disability certificate issued by the
2 United States Veterans' Administration; or who has a
3 [handicapped license] special registration plate under 75
4 Pa.C.S. § 1338 (relating to [handicapped] person with disability
5 plate and placard).

6 "Persons." Includes State and local officers, or employees,
7 individuals, corporations, copartnerships and associations.
8 Singular words shall include the plural. Masculine words shall
9 include the feminine and neuter.

10 "Pet shop-kennel." Any kennel or person that acquires and
11 sells dogs for the purpose of resale, whether as owner, agent or
12 consignee, and sells or offers to sell such dogs on a retail
13 basis.

14 "Police officer." Any person employed or elected by this
15 Commonwealth, or by any municipality and whose duty it is to
16 preserve peace or to make arrests or to enforce the law. The
17 term includes constables and dog, game, fish and forest wardens.

18 "Primary enclosure." The primary structure that restricts a
19 dog's ability to move in a limited amount of space, such as a
20 room, cage or compartment. The term does not include any run
21 described in section 207(i)(6).

22 "Private kennel." A kennel [at, in, or adjoining a
23 residence] not meeting the definition of "commercial kennel"
24 where dogs are kept or bred by their owner, for the purpose of
25 hunting, tracking and exhibiting in dog shows, performance
26 events or field and obedience trials.

27 "Proper enclosure of a dangerous dog." The secure
28 confinement of a dangerous dog either indoors or in a securely
29 enclosed and locked pen or structure, suitable to prevent the
30 entry of young children and domestic animals and designed to

1 prevent the [animal] dangerous dog from escaping. [Such] The pen
2 or structure shall have secure sides and a secure top and shall
3 also provide protection from the elements for the dog. If the
4 pen or structure has no bottom secured to the sides, the sides
5 must be embedded at least two feet into the ground.

6 "Public place." A place in this Commonwealth to which the
7 general public has a right to resort. A public place need not be
8 a place devoted solely to use by the public, but may be a place
9 which is visited by many persons on a regular basis and is
10 usually accessible to the neighboring public. A public place
11 shall also include television and radio media.

12 "Rescue network kennel." A kennel that utilizes rescue
13 network kennel homes with the goal of ultimately transferring
14 the dog to a permanent owner or keeper through any means of
15 transfer.

16 "Rescue network kennel home." An establishment to which a
17 rescue network kennel assigns a dog until the dog is ultimately
18 transferred to a permanent home.

19 "Research." Investigation or experimentation aimed at the
20 discovery and interpretation of facts or procedures, revision of
21 accepted theories or laws in the light of new facts or practical
22 application of such new or revised theories or laws as related
23 to the advancement of medical science and technological
24 treatment of disease or surgical operations, medical procedures,
25 transplants, functions and any form of medical or
26 pharmacological actions on dogs when applied and personally
27 supervised by a qualified scientist with degrees approved by the
28 secretary.

29 "Research kennel." [Any kennel within the Commonwealth
30 wherein research is conducted with dogs, or where vivisection is

1 practiced with dogs, or any establishment which breeds, buys,
2 sells, or in any way transfers dogs to laboratories, hospitals,
3 establishments for research or any other similar purpose, or
4 which sells, gives away or in any way transfers dogs to another
5 research or dealer kennel.] Any Federal research kennel or other
6 research kennel duly registered with and inspected by the
7 Federal Government under the provisions of the Animal Welfare
8 Act (Public Law 89-544, 7 U.S.C. § 2131 et seq.) and its
9 attendant regulations.

10 "Search and rescue dog." A dog which is trained to locate
11 lost or missing persons, victims of natural or manmade disasters
12 and human bodies.

13 "Secretary." The Secretary of Agriculture or any person to
14 whom authority has been delegated by the Secretary of
15 Agriculture.

16 "Seizure." The act of taking possession of property for a
17 violation of law or the taking or removal from the possession of
18 another. The term shall not include the taking of ownership of
19 property.

20 "Service dog." Any dog which has been or is in the process
21 of being trained as a guide dog, signal dog or has been trained
22 to do work or perform tasks for the benefit of an individual
23 with a disability, including, but not limited to, guiding
24 individuals with impaired vision, alerting individuals with
25 impaired hearing to intruders or sounds, pulling a wheelchair or
26 fetching dropped items.

27 "Severe injury." Any physical injury that results in broken
28 bones or disfiguring lacerations requiring multiple sutures or
29 cosmetic surgery.

30 "State dog warden." An employee of the department whose

1 primary duty is to enforce this act and the regulations pursuant
2 thereto.

3 "VETERINARIAN-CLIENT-PATIENT RELATIONSHIP." AS DEFINED IN <—
4 SECTION 3(15) OF THE ACT OF DECEMBER 27, 1974 (P.L.995, NO.326),
5 KNOWN AS THE "VETERINARY MEDICINE PRACTICE ACT."

6 "Vivisection." The cutting of or operation on a living
7 animal for physical or pathological investigation or animal
8 experimentation.

9 "Wild" or "semiwild animal." A domestic animal which is now
10 or historically has been found in the wild, including, but not
11 limited to, bison, deer, elk, llamas or any species of foreign
12 or domestic cattle, such as ankole, gayal and yak.

13 Section 2. Section 200(a), (b), (e) and (f) of the act,
14 added December 11, 1996 (P.L.943, No.151), are amended and the
15 section is amended by adding subsections to read:

16 Section 200. Issuance of dog licenses; compensation; proof
17 required; deposit of funds; records; license
18 sales; rules and regulations; failure to comply;
19 unlawful acts; penalty.

20 (a) Issuance of dog licenses.--

21 (1) The county treasurer shall be an agent and shall
22 process applications for dog license certificates and issue
23 dog license certificates and tags.

24 (1.1) The county treasurer shall be permitted and may
25 permit agents to issue vanity or collector tags that are
26 approved by the department, in addition to the license.

27 (2) The county treasurer may authorize [district
28 justices] magisterial district judges to be agents and to
29 process applications for dog license certificates and to
30 issue dog license certificates and tags.

1 (3) The county treasurer may authorize other agents
2 within the county to process dog license certificates and to
3 issue dog license certificates and tags. At least half of the
4 agents appointed in each county shall have hours of operation
5 after 5 p.m. at least one weekday and shall be open at least
6 one day of each weekend. Agents who have been appointed by
7 their respective county treasurers under this paragraph shall
8 meet bonding requirements as their respective county
9 treasurers may require.

10 (4) The secretary shall have the authority, after a
11 review of the agents appointed by a county treasurer, to
12 appoint agents within each county to process dog license
13 certificates and to issue dog license certificates and tags.
14 Priority shall be given to licensed doctors of veterinary
15 medicine and kennels licensed under this act. At least half
16 of the agents appointed in each county shall have hours of
17 operation after 5 p.m. at least one weekday and shall be open
18 at least one day of each weekend. Agents appointed by the
19 secretary under this paragraph shall be required to post a
20 bond or other security instrument in a form satisfactory to
21 the secretary in an amount he determines. The secretary may
22 recall the appointment of any agent at any time.

23 (5) Agents who have been appointed by their respective
24 county treasurers prior to the effective date of this section
25 may continue to act as agents for the county treasurers under
26 such bonding requirements as the county treasurer may
27 require.

28 (b) Compensation.--For services rendered in collecting and
29 paying over dog license fees, agents, for as long as they
30 continue to act in that capacity, may collect and retain a sum

1 [of] equal to the cost of a postage stamp plus \$1 for each dog
2 license sold, which amount shall be full compensation for
3 services rendered by them under this act. The compensation shall
4 be retained by the respective agents and shall cover, among
5 other things, the cost of processing and issuing dog licenses,
6 postage, mailing, returns and bonding of the agents. A [district
7 justice] magisterial district judge authorized by the county
8 treasurer to process applications for dog license certificates
9 and issue dog license certificates [and tags] is not authorized
10 to collect compensation under this subsection. Agents under
11 subsection (a)(3) and (5) shall collect an additional 50¢ which
12 shall be remitted to the county treasurer, for the use of the
13 county, in the same manner as records are forwarded under
14 subsection (e).

15 (b.1) Mailings.--Advertisements, promotions, requests for
16 donations, solicitations and other materials may not add to the
17 cost of postage to be paid by the department and may not be
18 directly attached to a dog license application, dog license
19 renewal notice or other dog law document. Dog license mailings,
20 renewals and other notices related to State dog licenses shall
21 not contain any extraneous advertising, promotions, requests for
22 donations, solicitations or other materials unless the
23 advertisement, promotion, request for donation, solicitations or
24 other materials have met one of the following conditions:

25 (1) They have been previously approved in writing by the
26 department.

27 (2) They each contain a disclaimer stating that, "The
28 solicitation or request for a donation herein is not for a
29 program sponsored by, funded by or endorsed by the
30 Pennsylvania Department of Agriculture (the Department). The

Department takes no responsibility for this program.
Participation in this program is voluntary, is not a
condition of receiving a dog license and does not change the
cost of obtaining a dog license. Any donation will be
deposited into an account separate from the account for dog
license revenues."

* * *

(e) Records.--Each agent shall keep on a printed form
supplied by the department a correct and complete record of all
dog licenses issued ~~and, funds that are received or delinquent~~
AND UNCOLLECTED FUNDS THAT HAVE BEEN SUBTRACTED FROM THE MONEY
FORWARDED TO THE SECRETARY. The records shall be available at
reasonable hours for inspection by any employee of the
department charged with the enforcement of this act or any
representative of the Department of Auditor General or Office of
Attorney General. Within five days following the first day of
each month, each agent shall forward to the secretary and to the
county treasurer of the county in which the agent is situated,
on forms supplied by the department, a complete report of dog
licenses issued, in correct numerical sequence. All money
collected from the sale of dog licenses, less compensation if
collected, and any other information required by the secretary
shall be forwarded to the secretary with the report.

(e.1) Electronic records.--Within THE LATER OF 180 days of
the effective date of this section, ~~each~~ OR 60 DAYS AFTER THE
COUNTY TREASURER HAS THE CAPABILITY TO SUBMIT AN ELECTRONIC FILE
OF LICENSE HOLDERS, THE county treasurer shall submit to the
secretary an electronic data file of license holders. The county
treasurer shall monthly update the data file and submit the
updated file monthly to reflect all new applicants.

1 (f) License sales.--Each agent shall process applications
2 and issue dog license certificates on a year-round basis.
3 Nothing in this act shall permit an agent while acting in that
4 capacity to suspend license sales during any time. If checks are
5 returned for delinquent funds or the proper dog license fee is
6 not collected for any reason AND IF THESE FUNDS HAVE BEEN <—
7 SUBTRACTED FROM THE MONEY FORWARDED TO THE SECRETARY, the agent
8 shall report the delinquency to the department on a form
9 supplied by the department.

10 * * *

11 Section 3. Sections 201, 202 and 206 of the act, amended
12 December 11, 1996 (P.L.943, No.151), are amended to read:

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

14 (a) General rule.--Except as provided in subsection (b), on
15 or before January 1 of each year, [unless and until the
16 department promulgates regulations establishing a system of dog
17 license renewal on an annual basis throughout the calendar
18 year,] the owner of any dog, three months of age or older,
19 except as hereinafter provided, shall apply to the county
20 treasurer of his respective county or an agent under section
21 200(a), on a form prescribed by the department for [a] the
22 appropriate license for [such] the dog. The application and
23 license certificate shall state the breed, sex, age, color and
24 markings of [such] the dog, the name, address and telephone
25 number of the owner and the year of licensure. The application
26 shall be accompanied by the appropriate license fee as follows:

27 (1) For each neutered male dog and for each spayed
28 female dog for which the certificate of a licensed doctor of
29 veterinary medicine or the affidavit of the owner is
30 produced, the license fee shall be \$5.

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

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

5 (i) For each neutered male dog and for each spayed
6 female dog for which the certificate of a licensed doctor
7 of veterinary medicine or the affidavit of the owner is
8 produced, the license fee shall be \$3.

9 (ii) For all other male and female dogs, the license
10 fee shall be \$5.

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

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

21 (b) Lifetime license.--The owner of any dog three months of
22 age or older which has been permanently identified may apply to
23 the county treasurer of his respective county or an agent under
24 section 200(a), on a form prescribed by the department for a
25 lifetime license for such a dog. Except as otherwise provided in
26 this act, a dog which has been issued a lifetime license shall
27 be required to wear a license tag. The application and license
28 certificate shall state the breed, sex, age, color and markings
29 of such dog, the type and number of permanent identification and
30 the name, address and telephone number of the owner. The

1 application shall be accompanied by the appropriate license fee
2 as follows:

3 (1) For each neutered male dog and for each spayed
4 female dog for which the certificate of a licensed doctor of
5 veterinary medicine or the affidavit of the owner is
6 produced, the lifetime license fee shall be \$30.

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

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

11 (i) For each neutered male dog and for each spayed
12 female dog for which the certificate of a licensed doctor
13 of veterinary medicine or the affidavit of the owner is
14 produced, the license fee shall be \$20.

15 (ii) For all other male and female dogs, the license
16 fee shall be \$30.

17 (4) Compensation, if collected under section 200(b),
18 shall also be paid by all applicants, regardless of age or
19 disability. A dog which has been issued a lifetime license
20 prior to the effective date of this act shall not be subject
21 to fees under this subsection.

22 ~~(5) A dog which has been issued a lifetime license prior~~ <—
23 ~~to the effective date of this paragraph shall not be subject~~
24 ~~to fees under this subsection.~~

25 ~~(6)~~ (5) All additional costs of a vanity or collector <—
26 tag issued under this subsection shall be charged in addition
27 to the fees under this section. The additional cost shall be
28 distributed equally between the county treasurer that issued
29 the tag and the Dog Law Restricted Account. A vanity or
30 collector tag shall not be issued without approval of the

1 department.

2 (c) Penalty.--A person who violates this section commits a
3 summary offense and, upon conviction, shall be sentenced to pay
4 a fine of not less than [\$25] \$50 nor more than \$300 for each
5 unlicensed dog. Fraudulent statements, including those related
6 to the breed of the dog, failure to pay the appropriate fee, or
7 failure to update records, including address and contact
8 information, within 120 days of moving, constitute a violation.
9 The burden of proof shall be the same as under section 802.

10 Section 202. License certificates; tag removal; exclusion for
11 some dogs.

12 (a) General rule.--Each dog license certificate shall be
13 dated and numbered, and shall bear the name of the county where
14 such license is issued and any other information required
15 pursuant to regulations promulgated by the department. All dog
16 licenses except lifetime licenses as provided in section 201(b)
17 shall expire upon December 31 of the year for which the license
18 was issued [unless and until the department promulgates
19 regulations establishing a system of dog license renewal on an
20 annual basis throughout the calendar year]. A tag bearing the
21 same number issued with the license certificate shall be affixed
22 to a substantial collar or harness. The collar or harness shall
23 be furnished by the owner, and, with the tag attached, shall at
24 all times be kept on the dog for which the license is issued,
25 except as otherwise provided in this act. [Dogs which are
26 confined or are actively engaged in shows, obedience or field
27 trials are excluded from wearing a current license tag on a
28 collar or harness, as long as a current tag is in the possession
29 of the owner or handler for each dog.] It shall be unlawful for
30 any person, except the owner or his authorized agent, or a State

1 dog warden, to remove any license tag from a dog's collar or
2 harness or to remove any collar or harness with a license tag
3 attached thereto from any dog, except as provided in [the act of
4 June 3, 1937 (P.L.1225, No.316), known as "The Game Law,"] 34
5 Pa.C.S. (relating to game), and except as herein or otherwise
6 provided.

7 (b) Exception.--The following need not wear a license tag on
8 a collar or a harness:

9 (1) Dogs when confined.

10 (1.1) Dogs when restricted to the property of a kennel
11 licensed under this act.

12 (2) Dogs when being transported for law enforcement.

13 (3) Dogs when being transported to or from a veterinary
14 office pursuant to an order of the secretary for humane
15 purposes.

16 (4) Dogs which are confined to the property of the owner
17 or when training for or engaging in dog shows, performance
18 events or hunting activities, and dogs while being
19 transported by or on behalf of their owner or keeper to or
20 from the location at which they train or engage in dog shows,
21 PERFORMANCE events or hunting activities as long as a copy of <—
22 the kennel license or individual dog license or tag is in
23 possession of the owner or keeper accompanying each dog.

24 Section 206. Kennels.

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

26 Any person who ~~is a dealer or~~ keeps or operates a [Class I, <—
27 Class II, Class III, Class IV or Class V Kennel, Boarding Kennel
28 Class I, Boarding Kennel Class II, Boarding Kennel Class III or
29 nonprofit] kennel shall, on or before January 1 of each year,
30 apply to the department for a kennel license. Kennels shall be

1 classified by type and the fee for the license shall be
2 determined by the kennel type, the number of dogs housed, kept,
3 harbored, boarded, sheltered, sold, given away or transferred in
4 or by the kennel. The application forms and kennel licenses
5 shall be as designated by the secretary. A separate license
6 shall be required for each type of kennel and every location at
7 which a kennel is kept or operated. A kennel license is required
8 to keep or operate any [establishment that keeps, harbors,
9 boards, shelters, sells, gives away or in any way transfers a
10 cumulative total of 26 or more dogs of any age in any one
11 calendar year] kennel. All kennel licenses shall expire on
12 December 31. When two or more licensed kennels are operated by
13 the same person at the same location, each kennel shall be
14 inspected and licensed [for each use.] as required by law.

15 Dealer License. <—

16 A dealer, residing in this Commonwealth or an out-of-state
17 dealer, who sells, exchanges, negotiates, barter, gives away or
18 solicits the sale, resale, exchange or transfer of a dog in this
19 Commonwealth for the purpose of transferring ownership or
20 possession to a third party shall obtain a dealer license from
21 the department, which shall be applied for and may be renewed.

22 Kennel Class I.

23 To keep or operate a private kennel, pet shop-kennel,
24 research kennel, rescue network kennel, dealer kennel or
25 [breeding] kennel for a [cumulative] total of 50 dogs or less of
26 any age during a calendar year - \$75 per year.

27 Kennel Class II.

28 To keep or operate a private kennel, pet-shop kennel,
29 research kennel, rescue network kennel, dealer kennel or
30 [breeding] kennel for a [cumulative] total of 51 to 100 dogs of

1 any age during a calendar year - \$200 per year.

2 Kennel Class III

3 To keep or operate a private kennel, pet shop-kennel,
4 research kennel, rescue network kennel, dealer kennel or
5 [breeding] kennel for a [cumulative] total of 101 to 150 dogs of
6 any age during a calendar year - \$300 per year.

7 Kennel Class IV

8 To keep or operate a private kennel, pet shop-kennel,
9 research kennel, rescue network kennel, dealer kennel or
10 [breeding] kennel for a [cumulative] total of 151 to 250 dogs of
11 any age during a calendar year - \$400 per year.

12 Kennel Class V

13 To keep or operate a private kennel, pet shop-kennel,
14 research kennel, rescue network kennel, dealer kennel or
15 [breeding] kennel for a [cumulative] total of 251 [or more] to
16 500 dogs of any age during a calendar year - \$500 per year.

17 Kennel Class VI

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

22 Boarding Kennel Class I

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

26 Boarding Kennel Class II

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

30 Boarding Kennel Class III

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

4 Nonprofit Kennel [- \$25 per year.]

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

6 Kennel Class C-I

7 To keep or operate a commercial kennel for a total of 50 dogs
8 or less of any age during a calendar year - \$75 per year.

9 Kennel Class C-II

10 To keep or operate a commercial kennel for a total of 51 to
11 100 dogs of any age during a calendar year - \$200 per year.

12 Kennel Class C-III

13 To keep or operate a commercial kennel for a total of 101 to
14 150 dogs of any age during a calendar year - \$300 per year.

15 Kennel Class C-IV

16 To keep or operate a commercial kennel for a total of 151 to
17 250 dogs of any age during a calendar year - \$400 per year.

18 Kennel Class C-V

19 To keep or operate a commercial kennel for a total of 251 to
20 500 dogs of any age during a calendar year - \$500 per year.

21 Kennel Class C-VI

22 To keep or operate a commercial kennel for a total of more
23 than 500 dogs of any age during a calendar year - \$750 per year.

24 (b) Nonprofit kennels.--A nonprofit kennel shall apply for a
25 nonprofit kennel license. Such kennel may use its own
26 identification tags for dogs confined therein. The secretary may
27 approve, upon application, the removal of tags from licensed
28 dogs confined therein. A rescue network kennel may be a
29 nonprofit kennel if it meets the definition of nonprofit kennel.

30 (d) Issuance of tags.--The department shall issue the number

1 of tags equal to the number of dogs three months of age or
2 older, or a lesser number as determined by the kennel owner's
3 needs, approved by the secretary to be kept in a kennel
4 described under this section. All tags shall bear the name of
5 the county where they are issued, the kennel license number and
6 any other information required by the secretary through
7 regulations. The tags shall be utilized and displayed as set
8 forth in section 207(d).

9 (e) Kennel [removed to another county] closing, changing
10 name or moving to another location.--If a person that keeps or
11 operates a kennel [permanently removes the kennel to another
12 county] closes, changes its name or moves to another location,
13 the person shall file an application with the secretary [to
14 transfer the license to the county of removal] notifying the
15 secretary of the move, closure, transfer or change of name. Upon
16 approval by the secretary, which shall require an inspection and
17 approval of the new facility, the kennel license [shall] may be
18 allowed to remain in effect until [it has expired pursuant to
19 this section.] the end of the calendar year at which time it
20 shall be renewed in accordance with this act. If a kennel is
21 closing, the secretary must SHALL conduct a post-closure <—
22 inspection.

23 (f) Adequacy of fees.--On or before July 1[, 1998] of each
24 year, the department shall submit a report to the chairperson
25 and minority chairperson of the Agriculture and Rural Affairs
26 Committee of the Senate and the chairperson and minority
27 chairperson of the Agriculture and Rural Affairs Committee of
28 the House of Representatives comparing the expenses incurred by
29 the department for enforcing this act with regard to kennels and
30 the revenues received by the department in accordance with this

1 section.

2 Section 4. Section 207(a.1), (c) and (d) of the act, amended
3 December 11, 1996 (P.L.943, No.151), are amended and the section
4 is amended by adding subsections to read:

5 Section 207. Requirements for kennels.

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

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

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

13 (3) The secretary may file a suit in equity in the
14 Commonwealth Court to enjoin the operation of any kennel that
15 violates any of the provisions of this act. [In addition, the
16 secretary may seek in such suit the imposition of a fine for
17 every day in violation of this act for an amount not less
18 than \$100 nor more than \$500 per day.]

19 (4) It shall be no defense to any civil penalty or
20 criminal prosecution under this act that a person operating a
21 kennel failed to properly obtain the appropriate license.

22 (5) A kennel operator that is applying for a different
23 license because of an increase in the total number of dogs or
24 due to birth of additional dogs in the kennel during a
25 calendar year shall not be in violation provided the
26 application is filed within seven days of the increase.

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

29 (1) In addition to proceeding under any other remedy
30 available at law or in equity for a violation of a provision

1 of this act or a rule or regulation adopted or order issued
2 under this act, the secretary may assess a civil penalty, in
3 addition to any penalty under section 903(c), against an
4 unlicensed kennel of not less than \$500 nor more than \$1,000
5 for each day it operates in violation of this act. The
6 penalty shall be premised on the gravity and willfulness of
7 the violation, the potential harm to the health and safety of
8 the animals and the public, previous violations and the
9 economic benefit to the violator for failing to comply with
10 this act.

11 (2) In cases of inability to collect the civil penalty
12 or failure of a person to pay all or a portion of the
13 penalty, the secretary may refer the matter to the Office of
14 Attorney General, which shall institute an action in the
15 appropriate court to recover the penalty.

16 (a.3) Cease and desist order.--

17 (1) The secretary may provide a written order to cease
18 and desist operating to an owner who is operating a kennel
19 without a license. The order shall set forth the general
20 factual and legal basis for the action and shall advise the
21 affected person that within ten days of receipt of the order,
22 he may file with the secretary a written request for an
23 administrative hearing. Upon receiving a cease and desist <—
24 order, the unlicensed kennel shall immediately cease and
25 desist from operating a kennel, including boarding, buying,
26 exchanging, selling, offering for sale, giving away or in any
27 way transferring dogs. The kennel shall divest of all dogs
28 over 25 dogs, unless otherwise directed, within a reasonable
29 time period determined by the department but not to exceed
30 ten days. The department shall set forth the manner by which

~~the kennel may divest of the dogs. That person shall be subject to the conditions established under paragraph (2). The order to cease and desist shall become a final order of the department upon expiration of the ten-day period for requesting an administrative hearing, unless a timely request has been filed with the department.~~

~~(2) An unlicensed kennel that has timely filed a request for an administrative hearing shall be allowed to operate under the conditions set forth under section 211(c)(3), (4), (5), (6), (7), (8) and (9) 211(C)(2), (3) AND (4), and removal of dogs may occur under section 211(d), (e) and (f).~~

~~(2) THE WRITTEN ORDER TO CEASE AND DESIST OPERATING SHALL BE SERVED BY PERSONAL SERVICE OR BY REGISTERED OR CERTIFIED MAIL, RETURN RECEIPT REQUESTED, TO THE PERSON OPERATING THE UNLICENSED KENNEL OR A RESPONSIBLE EMPLOYEE OF SUCH A PERSON. THE ORDER TO CEASE AND DESIST SHALL BECOME A FINAL ORDER OF THE DEPARTMENT UPON EXPIRATION OF THE TEN-DAY PERIOD FOR REQUESTING AN ADMINISTRATIVE HEARING, UNLESS A TIMELY REQUEST HAS BEEN FILED WITH THE DEPARTMENT.~~

~~(3) A PERSON RECEIVING A WRITTEN CEASE AND DESIST ORDER SHALL, UPON THE ORDER BECOMING FINAL, COMPLY WITH ALL OF THE FOLLOWING:~~

~~(I) IMMEDIATELY CEASE AND DESIST FROM OPERATING A KENNEL, INCLUDING BOARDING, BUYING, EXCHANGING, SELLING, OFFERING FOR SALE, GIVING AWAY OR IN ANY WAY TRANSFERRING DOGS.~~

~~(II) ACQUIRE NO ADDITIONAL DOGS NOR INCREASE THE NUMBER OF DOGS IN THE KENNEL BY ANY MEANS, INCLUDING BREEDING. THIS SUBPARAGRAPH DOES NOT APPLY TO AN ACQUISITION OR INCREASE BY BIRTH OF PUPPIES FROM A MOTHER~~

1 WHICH, AT THE TIME OF THE ORDER, WAS:

2 (A) ON THE PROPERTY;

3 (B) PREGNANT; AND

4 (C) OWNED BY THE KENNEL OR THE KENNEL OWNER.

5 (III) NOTIFY THE DEPARTMENT PRIOR TO THE
6 EUTHANIZATION OF ANY DOG. NO DOG MAY BE EUTHANIZED UNLESS
7 IT IS DETERMINED BY A VETERINARIAN THAT THE EUTHANASIA
8 WILL PREVENT THE DOG FROM SUFFERING CAUSED BY A MEDICAL
9 CONDITION. IF A VETERINARIAN DETERMINES A DOG SHOULD BE
10 EUTHANIZED, A COPY OF THE VETERINARIAN'S FINDINGS, SIGNED
11 BY THE VETERINARIAN, MUST BE PROVIDED TO THE DEPARTMENT.
12 THE PROVISIONS OF THIS SUBPARAGRAPH DO NOT APPLY TO AN
13 EMERGENCY SITUATION IF IT IS DEEMED BY THE VETERINARIAN
14 THAT IMMEDIATE EUTHANASIA IS NECESSARY TO RELIEVE THE
15 SUFFERING OF THE DOG. FOLLOWING EUTHANASIA IN AN
16 EMERGENCY SITUATION, A COPY OF THE VETERINARIAN'S FINDING
17 MUST BE SIGNED BY THE VETERINARIAN AND PROVIDED TO THE
18 DEPARTMENT.

19 (IV) PERMIT STATE DOG WARDENS TO INSPECT THE KENNEL
20 WITHOUT A WARRANT IN ORDER TO DETERMINE COMPLIANCE WITH
21 THE DEPARTMENT'S ORDER, ANY RELEVANT COURT ORDER AND ANY
22 PROVISION OF THIS ACT.

23 (V) DIVEST OF ALL DOGS NUMBERING OVER 25, UNLESS
24 DIRECTED OTHERWISE BY THE DEPARTMENT ORDER, WITHIN A
25 REASONABLE TIME PERIOD AS DETERMINED BY THE DEPARTMENT,
26 BUT NOT TO EXCEED TEN DAYS. THE DEPARTMENT'S ORDER SHALL
27 SET FORTH THE MANNER BY WHICH THE KENNEL OWNER MAY DIVEST
28 OF THE DOGS. IF THERE ARE MORE DOGS ON THE PREMISES THAN
29 PERMITTED IN THE DEPARTMENT ORDER AFTER THE EXPIRATION OF
30 THE TIME PERIOD SET FORTH IN THE ORDER, THE KENNEL MAY

1 SELECT THE DOGS TO BE KEPT, UP TO THE NUMBER ALLOWED
2 UNDER THIS SUBPARAGRAPH. THE DOGS NOT SELECTED SHALL BE
3 FORFEITED TO THE ENTITY SET FORTH IN THE DEPARTMENT ORDER
4 OR TO AN ENTITY APPROVED BY THE DEPARTMENT WITHOUT
5 COMPENSATION TO THE OWNER.

6 (4) THE FOLLOWING APPLIES TO APPEALS:

7 (I) THIS PARAGRAPH APPLIES TO A PERSON WHO HAS
8 RECEIVED A WRITTEN CEASE AND DESIST ORDER AND WHO:

9 (A) HAS TIMELY FILED A REQUEST FOR AN
10 ADMINISTRATIVE APPEAL; AND

11 (B) WOULD REQUIRE A KENNEL LICENSE UNDER THIS
12 ACT, PENDING THE EXHAUSTION OF ALL ADMINISTRATIVE
13 APPEALS.

14 (II) A PERSON SUBJECT TO SUBPARAGRAPH (I) SHALL,
15 DURING THE DURATION OF ALL ADMINISTRATIVE APPEALS AND
16 THEREAFTER IF THE DEPARTMENT'S ACTION IS UPHELD, BE
17 SUBJECT TO THE REQUIREMENTS SET FORTH IN PARAGRAPH
18 (3)(I), (II), (III) AND (IV).

19 (III) WITHIN TEN DAYS AFTER THE EXHAUSTION OF AN
20 ADMINISTRATIVE APPEAL UNDER SUBPARAGRAPH (I)(A) IN WHICH
21 THE DEPARTMENT'S ACTION IS UPHELD, THE KENNEL SHALL
22 REDUCE THE NUMBER OF DOGS UNDER PARAGRAPH (3)(V).

23 (IV) REMOVAL OF DOGS MAY OCCUR UNDER SECTION 211(D),
24 (E) AND (F).

25 (5) FAILURE TO TAKE ACTION OR TO MEET THE CONDITIONS
26 IMPOSED UNDER THIS SUBSECTION, IN ADDITION TO ANY OTHER
27 PENALTIES ALLOWED UNDER THIS ACT, MAY RESULT IN IMPOSITION BY
28 THE DEPARTMENT OF AN ADMINISTRATIVE PENALTY OF NOT LESS THAN
29 \$100 NOR MORE THAN \$500 PER DAY FOR EACH VIOLATION. EACH DOG
30 IN EXCESS OF THE NUMBER OF DOGS PERMITTED UNDER PARAGRAPH

1 (3)(V) OR (4)(III) SHALL COUNT AS ONE VIOLATION.

2 (6) ANY VIOLATION OF THIS SUBSECTION SHALL CONSTITUTE A
3 MISDEMEANOR OF THE THIRD DEGREE.

4 * * *

5 (c) Records to be maintained.--Every keeper of a kennel
6 shall keep, for two years, a record of each dog at any time kept
7 in the kennel. Such record shall show:

8 (1) The breed, color, markings, sex and age of each dog.

9 (2) The date on which each dog entered the kennel.

10 (3) [From where it came] The full name and physical
11 address at the time the dogs were received of the previous
12 owner or kennel from whom the dog was received. This
13 paragraph shall not apply to a boarding kennel.

14 (4) [To whom it belongs] The full name and physical
15 address of the person or kennel to whom the dog belongs.

16 (5) For what purpose each dog is kept in the kennel.

17 (6) The date on which each dog leaves the kennel.

18 (7) How [and to whom it is dispensed.] the dog is
19 dispensed. If the dog was transferred to another person or
20 kennel, the record must state the full name and physical
21 address of the person or kennel to whom the dog was
22 dispensed.

23 (8) The name, address and telephone number of the
24 licensed doctor of veterinary medicine used by the kennel.

25 Such record shall be legible and shall be open to inspection and
26 may be copied by any employee of the department, State dog
27 warden or police officer as defined by this act.

28 (c.1) Nonprofit kennels.--All nonprofit kennels shall be
29 required to keep all records required to be kept under this
30 section, except that, in the case of a dog running at large, it

1 shall not be a violation of subsection (c)(3) or (4) for the
2 nonprofit kennel to list only the location from which a dog was
3 retrieved if the information required to be maintained under
4 subsection (c)(3) and (4) is unknown and not available to the
5 nonprofit kennel.

6 (d) [Additional requirements] Tags.--Every holder of a
7 kennel license shall attach one tag to a collar or harness of
8 each dog three months old or older kept by that person, whenever
9 the dog is not within the kennel except as provided for in
10 [section 202.] sections 202 and 213. Dogs housed in rescue
11 kennel network homes shall have and display the dealer's tag or
12 rescue kennel network home's tag or individual dog license as
13 provided in this section.

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

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

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

21 (ii) The kennel class and type.

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

24 (2) Rescue network kennel homes associated with a dealer
25 or rescue kennel network shall display a copy of the dealer's
26 or the rescue kennel network's kennel license.

27 (3) If the secretary revokes or denies a kennel license,
28 the department shall issue a notice of revocation or denial.
29 The notice shall be posted in a place conspicuous to persons
30 authorized to enter and approved by the department for a

1 period of time as provided in this subsection. In the case of
2 a revocation or denial of a kennel license, the kennel shall
3 display the notice of revocation or denial until such time as
4 the kennel has ceased to operate or as the department
5 determines and sets forth in the order. In the case of an
6 appeal of revocation or denial, the notice of revocation or
7 denial shall remain posted until the final disposition of
8 appeal or the department has reissued a valid kennel license.

9 (4) If the secretary finds a kennel operating without a
10 license, the kennel, upon notice of violation or order, shall
11 display a notice of violation issued by the department. The
12 notice shall be posted in a place conspicuous to persons
13 authorized to enter and approved by the department until the
14 time as the kennel has ceased to operate or as the department
15 determines and sets forth in the order or until such time as
16 the kennel has come into compliance and the secretary has
17 issued a valid kennel license.

18 (5) Failure to display a current and valid kennel
19 license certificate or a notice of revocation, suspension or
20 denial as provided in this subsection constitutes a violation
21 of this act.

22 (f) (Reserved).

23 (g) Additional requirements for boarding kennels, nonprofit
24 kennels and Kennel Class I through VI license holders.--The
25 following shall apply to boarding kennels, nonprofit kennels and
26 Kennel Class I through VI license holders:

27 (1) Kennels under this subsection must develop and
28 follow an appropriate plan to provide dogs with the
29 opportunity for exercise. The plan shall be approved by a
30 veterinarian.

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

5 (h) Additional requirements for Kennel Class C license
6 holders only.--The following shall apply only to primary
7 enclosures for all dogs in Kennel Class C kennels:

8 (1) Primary enclosures must be designed and constructed
9 so that they are structurally sound and must be kept in good
10 repair.

11 (2) Primary enclosures must meet the following
12 requirements:

13 (i) Have no sharp points or edges that could injure
14 the dogs.

15 (ii) Be maintained in a manner to protect the dogs
16 from injury.

17 (iii) The height of a primary enclosure that is not
18 fully enclosed on the top shall be sufficient to prevent
19 the dog from climbing over the walls.

20 (iv) Keep animals other than dogs from entering the
21 enclosure.

22 (v) Enable the dogs to remain dry and clean.

23 (vi) Provide shelter and protection from
24 temperatures and weather conditions that may be
25 uncomfortable or hazardous to any dog.

26 (vii) Provide sufficient space to shelter all the
27 dogs housed in the primary enclosure at one time.

28 (viii) Provide potable water at all times, unless
29 otherwise directed by a veterinarian in a writing that
30 shall be kept in the kennel records.

1 (ix) Enable all surfaces in contact with the dogs to
2 be readily cleaned and sanitized in accordance with
3 paragraph (14) or be replaceable when worn or soiled.

4 (x) Have floors that are constructed in a manner
5 that protects the dogs' feet and legs from injury. THE <—
6 FLOOR SHALL NOT PERMIT THE FEET OF A DOG HOUSED IN THE
7 PRIMARY ENCLOSURE TO PASS THROUGH ANY OPENING.

8 (xi) Provide space to allow each dog to turn about
9 freely, to stand, sit and lie in a comfortable and normal <—
10 position. The dog must be able to lie down while fully
11 extended without the dog's head, tail, legs, face or feet
12 touching any side of the enclosure.

13 (xii) The interior height of a primary enclosure
14 shall be at least six inches higher than the head of the
15 tallest dog in the enclosure when it is in a normal
16 standing position.

17 (3) Each bitch with nursing puppies shall be provided
18 with an additional amount of floor space, based on her breed
19 and behavioral characteristics and in accordance with
20 generally accepted husbandry practices as determined by the
21 attending veterinarian. If the additional amount of floor
22 space for each nursing puppy is less than 5% of the minimum
23 requirement for the bitch, the amount of floor space must be
24 approved in writing by the attending veterinarian and shall
25 be kept in the kennel records.

26 (4) All dogs housed in the same primary enclosure must
27 be compatible, as determined by observation. Not more than
28 six adult dogs may be housed in the same primary enclosure.
29 Bitches in heat may not be housed in the same primary
30 enclosure with sexually mature males, except for breeding.

Bitches with litters may not be housed in the same primary enclosure with other adult dogs, and puppies under 12 weeks of age may not be housed in the same primary enclosure with adult dogs, other than the dam or foster dam. Dogs with a DISPLAYING vicious or aggressive disposition BEHAVIOR TOWARD OTHER DOGS must be housed separately.

~~(5) A program of veterinary care shall be established through consultation with a veterinarian and include a~~

(4.1) THE KENNEL IN WHICH THE PRIMARY ENCLOSURE IS LOCATED SHALL ESTABLISH A VETERINARIAN-CLIENT-PATIENT RELATIONSHIP.

(5) THE KENNEL IN WHICH THE PRIMARY ENCLOSURE IS LOCATED SHALL ESTABLISH A WRITTEN PROGRAM OF VETERINARY CARE, WHICH SHALL INCLUDE A physical examination and vaccination schedule, a protocol for disease control and prevention, pest and parasite control, nutrition, emergency care and euthanasia. A copy of the program shall be kept in the kennel records.

(6) Housing facilities for dogs must be sufficiently heated and cooled to protect the dogs from temperature or humidity extremes and to provide for their health and well-being. If dogs are present, the ambient temperature in the facility must not fall below 50 degrees F. The ambient temperature must not rise above 85 degrees F when dogs are present. The requirements under this paragraph are in addition to all other requirements pertaining to climatic conditions in this chapter. PRESENT, UNLESS THE REQUIREMENTS OF PARAGRAPH (7) ARE MET.

(7) Housing facilities for dogs must be sufficiently ventilated at all times when dogs are present to provide for

1 their health and well-being and to minimize odors, drafts,
2 ammonia levels and to prevent moisture condensation.

3 ~~Ventilation must be provided by windows, vents, fans or air~~ <—
4 ~~conditioning. Auxiliary ventilation or air conditioning must~~
5 ~~be provided when the ambient temperature is 85 degrees F or~~
6 ~~higher. THE CANINE HEALTH BOARD SHALL DETERMINE AUXILIARY~~ <—

7 ~~VENTILATION TO BE PROVIDED IF THE AMBIENT AIR TEMPERATURE IS~~
8 ~~85 DEGREES F OR HIGHER. The relative humidity must be~~
9 ~~maintained at a level that ensures the health and well-being~~
10 ~~of the dogs housed therein. The ventilation must meet the~~ <—

11 ~~minimum air flow required for control of moisture~~
12 ~~condensation under severe conditions. The ventilation in the~~
13 ~~building shall provide at least six air changes per hour and~~
14 ~~be in accordance with the written directions of a~~
15 ~~veterinarian and generally accepted professional and~~
16 ~~husbandry practices, if such written directions and practices~~
17 ~~prescribe an air change rate greater than six changes per~~
18 ~~hour. The building must include ventilation to assure dry~~
19 ~~kennel floors during cold weather. The ventilation~~
20 ~~requirements may be achieved through design of the building~~
21 ~~shell and natural air flow or by means of auxiliary air~~
22 ~~movement systems. Where auxiliary air movement systems are~~
23 ~~required or utilized to achieve the required air exchanges,~~
24 ~~the kennel must still have doors and windows which can be~~
25 ~~opened to allow air flow in the event of a system~~
26 ~~malfunction. THE APPROPRIATE VENTILATION, HUMIDITY AND~~ <—
27 ~~AMMONIA RANGES SHALL BE DETERMINED BY THE CANINE HEALTH~~
28 ~~BOARD.~~

29 (8) Housing facilities for dogs must be lighted well
30 enough to permit routine inspection and cleaning of the

1 facility and observation of the dogs. Animal areas must be
2 provided a regular diurnal lighting cycle of either natural
3 or artificial light. Lighting must be uniformly diffused
4 throughout housing facilities and provide sufficient
5 illumination to aid in maintaining good housekeeping
6 practices, adequate cleaning, adequate inspection of animals, <—
7 OBSERVATION OF ANIMALS AT ANY TIME and for the well-being of <—
8 the animals. Primary enclosures must be placed so as to
9 protect the dogs from excessive light. Lighting in an indoor <—
10 facility must be at least 10 foot-candles of light. At least
11 50 foot-candles of light must be provided in all bathing,
12 grooming and toilet areas and 30 foot-candles of light shall
13 be provided in support buildings, including food preparation
14 and storage areas. The lighting in a housing facility must be
15 sufficient to allow observation of the physical condition of
16 the dogs at night. Lighting may not be achieved through open
17 flame. THE APPROPRIATE LIGHTING RANGES SHALL BE DETERMINED BY <—
18 THE CANINE HEALTH BOARD.

19 (9) The floors and walls of primary enclosures must be
20 impervious to moisture. The ceilings of indoor housing
21 facilities must be impervious to moisture or be replaceable.

22 (10) All dogs must be provided with adequate food that
23 is clean and free from contaminants.

24 (11) All dogs must be removed from the primary enclosure
25 when the primary enclosure is cleaned in accordance with
26 paragraph (14)(iv).

27 (12) Primary enclosures may not be stacked more than two
28 rows high and the bottom of the uppermost primary enclosure
29 may not be more than four and one-half feet off the housing
30 facility floor. Where the primary enclosures are stacked a

1 tray or other department-approved device which will prevent
2 urine, feces and other debris from passing into or being
3 discharged into the underlying primary enclosure shall be
4 placed under the upper primary enclosures. The tray or
5 approved device must be impermeable to water and capable of
6 being easily sanitized.

7 (13) All kennels shall be equipped with a smoke alarm
8 and shall have a means of fire suppression, such as fire
9 extinguishers or a sprinkler system on the premises.

10 (14) The following shall apply:

11 (i) Excreta, feces, hair, dirt, debris and food
12 waste must be removed from primary enclosures at least
13 daily or more often if necessary to prevent an
14 accumulation of excreta, feces, hair, dirt, debris and
15 food waste to prevent soiling of dogs contained in the
16 primary enclosures and to reduce disease hazards,
17 insects, pests and odors.

18 (ii) Used primary enclosures and food and water
19 receptacles must be cleaned and sanitized in accordance
20 with this section before they can be used to house, feed
21 or water another dog, or grouping of dogs.

22 (iii) Used primary enclosures and food and water
23 receptacles for dogs must be sanitized at least once
24 every two weeks using one of the methods under
25 subparagraph (iv) and more often if necessary to prevent
26 an accumulation of excreta, feces, hair, dirt, debris,
27 food waste and other disease hazards.

28 (iv) Hard surfaces of primary enclosures and food
29 and water receptacles must be sanitized using one of the
30 following methods:

1 (A) Live steam under pressure.

2 (B) Washing with water with a temperature of at
3 least 180 degrees F and soap or detergent, as with a
4 mechanical cage washer.

5 (C) Washing all soiled surfaces with appropriate
6 detergent solutions and disinfectant or by using a
7 combination detergent or disinfection product that
8 accomplishes the same purpose with a thorough
9 cleaning of the surfaces to remove excreta, feces,
10 hair, dirt, debris and food waste so as to remove all
11 organic material and mineral buildup and to provide
12 sanitization followed by a clean water rinse.

13 (v) Primary enclosures, exercise areas and housing
14 facilities using material that cannot be sanitized using
15 the methods under subparagraph (iv) must be made sanitary
16 by removing the contaminated material as necessary to
17 prevent odors, diseases, pests, insects and vermin
18 infestation.

19 (vi) Premises where primary enclosures are located,
20 including buildings and surrounding grounds, must be kept
21 clean and in good repair to protect the animals from
22 injury, to facilitate the husbandry practices required in
23 this act and to reduce or eliminate breeding and living
24 areas for rodents and other pests and vermin. Premises
25 must be kept free of accumulations of trash, junk, waste
26 products, and discarded matter. Weeds, grasses and bushes
27 must be controlled so as to facilitate cleaning of the
28 premises and pest control and to protect the health and
29 well-being of the animals.

30 (vii) An effective program for the control of

insects, external parasites affecting dogs or that are
pests must be established and maintained so as to promote
the health and well-being of the dogs and reduce
contamination by pests in housing facilities.

~~(15) All dogs in a kennel shall have affixed to the~~ <—
~~front of the primary enclosure documentation that contains~~

(15) FOR EACH DOG IN A KENNEL, A PERMANENT RECORD SHALL <—
BE KEPT AND MADE READILY AVAILABLE FOR INSPECTION. THE RECORD
SHALL CONTAIN all of the following information:

(i) The date of birth of the dog.

(ii) The date of the last rabies vaccination.

(iii) The date of the dog's last veterinarian check.

(16) All veterinarian records shall be kept for two
years after the dog has left the care of the facility.

(17) Notwithstanding any law, a dog may not be
euthanized except by a veterinarian.

(18) ALL LAWS AND REGULATIONS PERTAINING TO KENNEL <—
CONDITIONS ENFORCED PRIOR TO THE EFFECTIVE DATE OF THIS
PARAGRAPH SHALL REMAIN IN FORCE UNTIL THE EFFECTIVE DATE OF
THE REMAINDER OF THIS SUBSECTION OR OF THE PERIOD OF TIME <—
ESTABLISHED BY A WAIVER UNDER SUBSECTION (J), WHICHEVER IS
LONGER. THIS PARAGRAPH SHALL NOT APPLY TO PARAGRAPH (17).

(i) Additional requirements for Kennel Class C license
holders only.--The following shall apply only to dogs over 12
weeks of age in Kennel Class C kennels:

(1) A dog housed in a primary enclosure must be provided
a minimum amount of floor space in the primary enclosure,
calculated as provided under this subparagraph: Find the
mathematical square of the sum of the length of the dog in
inches, measured IN A STRAIGHT LINE from the tip of its nose <—

1 to the base of its tail, plus six inches, then divide the
2 product by 144, then multiply by 2. The calculation is:
3 (length of dog in inches + 6)(length of dog in inches + 6) =
4 required floor space in square inches. Required floor space
5 in inches/144 x 2 = required floor space in square feet. For
6 the second dog placed in the primary enclosure the minimum
7 floor space shall be doubled. The floor space shall be
8 calculated using the longest dog. For each dog above two, the
9 minimum floor space shall be multiplied by 1.5 per additional
10 dog.

11 (2) Primary enclosures must be placed no higher than 12 <—
12 30 inches above the floor of the housing facility and may not <—
13 be placed OVER or stacked on top of another cage or primary <—
14 enclosure.

15 ~~(3) The floor of any primary enclosure must be solid and~~ <—
16 ~~strong enough so that the floor does not sag or bend between~~
17 ~~the structural supports.~~

18 (3) (I) THE FLOOR OF THE PRIMARY ENCLOSURE SHALL BE <—
19 STRONG ENOUGH SO THAT THE FLOOR DOES NOT SAG OR BEND
20 BETWEEN THE STRUCTURAL SUPPORTS, SHALL NOT BE ABLE TO BE
21 DESTROYED THROUGH DIGGING OR CHEWING BY THE DOGS HOUSED
22 IN THE PRIMARY ENCLOSURE, SHALL NOT PERMIT THE FEET OF
23 ANY DOG HOUSED IN THE PRIMARY ENCLOSURE TO PASS THROUGH
24 ANY OPENING, SHALL NOT BE METAL STRAND WHETHER OR NOT IT
25 IS COATED, SHALL ALLOW FOR MODERATE DRAINAGE OF FLUIDS <—
26 AND SHALL NOT BE SLOPED MORE THAN 0.25 INCHES PER FOOT.

27 (II) EXCEPT AS SET FORTH IN SUBPARAGRAPH (III),
28 FLOORING CONSTRUCTED WITH SLATS MEETING ALL OF THE
29 FOLLOWING CONDITIONS SHALL BE ACCEPTABLE:

30 (A) BE FLAT.

1 (B) HAVE SPACES BETWEEN THEM THAT ARE NO MORE
2 THAN 0.5 INCH IN WIDTH.

3 (C) HAVE SPACES BETWEEN THEM THAT RUN THE LENGTH
4 OR THE WIDTH OF THE FLOOR, BUT NOT BOTH.

5 (D) BE NO LESS THAN 3.5 INCHES IN WIDTH.

6 (E) BE LEVEL WITH THE SLAT NEXT TO IT WITHIN A
7 SINGLE PRIMARY ENCLOSURE.

8 (III) ADDITIONAL FLOORING OPTIONS THAT MEET THE
9 PROVISIONS OF SUBPARAGRAPH (I) MAY BE APPROVED BY THE
10 CANINE HEALTH BOARD.

11 (4) ~~Each~~ EXCEPT AS PROVIDED IN PARAGRAPH (5), EACH <—
12 primary enclosure shall have an entryway that will allow the
13 dog unfettered clearance out of the enclosure to the AN <—
14 exercise area under paragraph (6) if UNLESS the enclosure is <—
15 opened. <—

16 ~~(5) Each primary enclosure shall open onto and be~~
17 ~~adjacent to an exercise area.~~ CLOSED FOR ACTIVE CLEANING <—
18 UNDER SUBSECTION (H)(11) OR BY ORDER OF A VETERINARIAN UNDER
19 PARAGRAPH (6)(XI).

20 ~~(5) (RESERVED).~~ <—

21 (5) THE CANINE HEALTH BOARD ESTABLISHED IN SECTION 221 <—
22 MAY, UPON A REQUEST FROM A KENNEL OWNER, PROVIDE ON A CASE-
23 BY-CASE BASIS FOR AN ALTERNATIVE MEANS OF ALLOWING CLEARANCE
24 FROM A PRIMARY ENCLOSURE TO THE EXERCISE AREA OR EXERCISE
25 THAT IS REQUIRED IN PARAGRAPHS (4) AND (6)(I) IF THE KENNEL
26 OWNER PRESENTS THE BOARD WITH A PLAN THAT THE BOARD
27 DETERMINES IS VERIFIABLE, ENFORCEABLE AND PROVIDES FOR
28 EXERCISE EQUAL TO OR GREATER THAN THAT WHICH THE DOGS WOULD
29 RECEIVE UNDER PARAGRAPHS (4) AND (6)(I). THE BOARD SHALL MEET
30 WITHIN 60 DAYS OF A REQUEST SUBMITTED OR SOONER IF NECESSARY.

(6) Exercise requirements shall be as follows:

(i) The EXCEPT AS PROVIDED IN PARAGRAPH (5), THE <—
exercise run AREA must allow for unfettered clearance for <—
dogs from their primary enclosure.

(ii) The exercise run AREA must be at least twice <—
the size of the primary enclosure under paragraph (1).

(iii) The exercise run AREA must have adequate means <—
to prevent dogs from escaping.

(iv) The exercise run AREA fencing must be kept in <—
good repair and be free of rust, jagged edges or other
defects that could cause injury to the dogs.

(v) The exercise run AREA shall be cleaned in <—
accordance with the requirements under subsection
(h)(14).

(vi) Dogs must not be placed in the area in a manner
that would cause injury to the dogs.

(vii) Compatible dogs, as determined under
subsection (h)(4), may be exercised together.

(viii) Nursing bitches and their puppies shall be
exercised separately from other dogs.

(ix) Exercise area ground MUST BE ON GROUND LEVEL <—
AND THE GROUND OF THE EXERCISE AREA must be solid and
maintainable. Surfaces such as gravel, packed earth and
grass which are solid and maintainable may be utilized.

~~(x) The exercise area must be outdoors.~~ <—

(X) (A) EXCEPT AS PROVIDED UNDER CLAUSE (B), THE <—
EXERCISE AREA MUST BE OUTDOORS.

(B) ANY LICENSED KENNEL OPERATING AS OF THE
EFFECTIVE DATE OF THIS CLAUSE, WHERE LOCAL ZONING OR
OTHER ORDINANCE REQUIREMENTS OR A DECISION OF THE

1 APPLICABLE ZONING HEARING BOARD OR OTHER MUNICIPAL
2 BODY WITH JURISDICTION PROHIBITS FURTHER EXPANSION OF
3 THE KENNEL USE TO INCLUDE THE REQUIRED OUTDOOR
4 EXERCISE AREA, MAY APPLY TO THE DEPARTMENT WITHIN 180
5 DAYS AFTER THE EFFECTIVE DATE OF THIS CLAUSE FOR
6 APPROVAL TO CONSTRUCT THE REQUIRED EXERCISE AREA
7 INDOORS. THE DEPARTMENT SHALL NOTIFY THE APPLICANT BY
8 CERTIFIED MAIL OF APPROVAL OR DISAPPROVAL WITHIN 30
9 DAYS OF RECEIPT OF THE APPLICATION. THE DEPARTMENT
10 SHALL NOT REQUIRE THAT THE LICENSED KENNEL APPEAL THE
11 DECISION OF A ZONING HEARING BOARD OR OTHER MUNICIPAL
12 BODY WITH JURISDICTION TO INTERPRET A LOCAL ORDINANCE
13 AS A CONDITION OF APPLICATION OR APPROVAL. DENIAL BY
14 THE DEPARTMENT OF AN APPLICATION FOR AN INDOOR
15 EXERCISE AREA SHALL BE APPEALABLE IN THE SAME MANNER
16 AND ACCORDING TO THE SAME PROCEDURES SET FORTH UNDER
17 SECTION 211(C). WHILE AN APPEAL IS PENDING AND UNTIL
18 FINAL CONCLUSION OF THE APPEAL, THE KENNEL SHALL NOT
19 BE CONSIDERED IN VIOLATION OF THIS ACT FOR FAILURE TO
20 HAVE THE REQUIRED EXERCISE AREA. THE REQUIRED
21 EXERCISE AREA SHALL BE CONSTRUCTED WITHIN 90 DAYS OF
22 THE FINAL CONCLUSION OF AN APPEAL UNDER THIS CLAUSE
23 OR WITHIN ONE YEAR OF THE EFFECTIVE DATE OF THIS
24 CLAUSE, WHICHEVER IS LATER.

25 (XI) IF, IN THE OPINION OF THE VETERINARIAN, IT IS
26 INAPPROPRIATE FOR A DOG TO EXERCISE BECAUSE OF ITS
27 HEALTH, CONDITION OR WELL-BEING, THIS PARAGRAPH SHALL NOT
28 APPLY WITH RESPECT TO THAT DOG. SUCH A DETERMINATION MUST
29 BE DOCUMENTED BY THE VETERINARIAN AND UNLESS THE BASIS
30 FOR DETERMINATION IS A PERMANENT CONDITION, SHALL BE

1 REVIEWED AT LEAST EVERY 30 DAYS BY THE VETERINARIAN AND
2 UPDATED AS NECESSARY. RECORDS OF DETERMINATIONS SHALL BE
3 MAINTAINED BY THE KENNEL.

4 (XII) FORCED EXERCISE METHODS OR DEVICES SUCH AS
5 SWIMMING, TREADMILLS OR CAROUSEL-TYPE DEVICES SHALL NOT
6 MEET THE EXERCISE REQUIREMENTS OF THIS PARAGRAPH.

7 ~~(7) Notwithstanding any other provision of law, rabies~~ <—
8 ~~vaccines~~ RABIES VACCINATIONS may only be administered by a <—
9 ~~licensed~~ OR UNDER THE SUPERVISION OF A veterinarian. <—

10 ~~(8) A dog shall be examined by a veterinarian at least~~
11 ~~once a year or at each pregnancy, whichever occurs more~~ <—
12 ~~frequently~~ ONCE EVERY SIX MONTHS. During the examination the <—
13 veterinarian shall use appropriate methods to prevent,
14 control, diagnose and treat diseases and injuries.

15 ~~(9) An additional area, not counting toward the minimum~~ <—
16 ~~space requirements under paragraphs (1) and (6)(ii), may be~~
17 ~~provided to a dog and may be constructed of coated wire~~
18 ~~flooring to allow for voiding and excrement.~~

19 ~~(10) Notwithstanding any law to the contrary, it shall~~
20 ~~not be a violation of the act of December 15, 1986 (P.L.1610,~~
21 ~~No.181), known as the "Rabies Prevention and Control in~~
22 ~~Domestic Animals and Wildlife Act," if a rabies vaccine is~~
23 ~~given to a dog within 30 days after a dog has reached three~~
24 ~~months of age. A record of each such shot shall be kept in~~
25 ~~accordance with this act.~~

26 (9) (RESERVED). <—

27 (J) WAIVER.--

28 (1) THE SECRETARY MAY WAIVE THE APPLICABILITY OF
29 SUBSECTION (H)(1) THROUGH (16) AND (I) IF ONE OF THE
30 FOLLOWING SUBPARAGRAPHS APPLIES:

1 (I) THE KENNEL OWNER:

2 (A) HAS NOT BEEN ISSUED A CITATION CONVICTED OF, <—
3 PLED GUILTY OF OR PLED NO CONTEST TO A VIOLATION
4 UNDER THIS ACT WITHIN THE THREE YEARS PRECEDING THE
5 EFFECTIVE DATE OF THIS SUBSECTION; AND

6 (B) HAS MADE SUBSTANTIAL STRUCTURAL IMPROVEMENTS
7 TO THE HOUSING FACILITY OF THE KENNEL WITHIN THE
8 THREE YEARS PRIOR TO THE EFFECTIVE DATE OF THIS
9 SUBSECTION.

10 (II) THE KENNEL OWNER:

11 (A) HAS NOT BEEN ISSUED A CITATION CONVICTED OF, <—
12 PLED GUILTY TO OR PLED NO CONTEST TO A VIOLATION
13 UNDER THIS ACT WITHIN THE THREE YEARS PRECEDING THE
14 EFFECTIVE DATE OF THIS SUBSECTION;

15 (B) IS MAKING A GOOD FAITH EFFORT TO COMPLY WITH
16 THE REQUIREMENTS OF THIS ACT BUT IS NOT IN COMPLIANCE
17 BECAUSE OF A CIRCUMSTANCE BEYOND THE KENNEL OWNER'S
18 CONTROL; AND

19 (C) MAKES A SHOWING OF REASONABLE EXPECTATION
20 THAT COMPLIANCE CAN BE ACHIEVED THROUGH THE GRANTING
21 OF AN EXTENSION AS DETERMINED BY THE SECRETARY.

22 (2) A WAIVER UNDER PARAGRAPH (1)(I) SHALL APPLY FOR THE
23 LESSER OF:

24 (I) THE TIME SET BY THE SECRETARY; OR

25 (II) THREE YEARS.

26 (3) A WAIVER UNDER PARAGRAPH (1)(II) SHALL APPLY FOR THE
27 TIME SET BY THE SECRETARY.

28 (4) A WAIVER MAY BE ONLY GRANTED UNDER PARAGRAPH (1)(I)
29 OR (II), BUT NOT BOTH.

30 (5) A KENNEL OWNER MUST MAKE AN APPLICATION UNDER THIS

1 SUBSECTION TO THE DEPARTMENT IN A MANNER PRESCRIBED BY THE
2 DEPARTMENT WITHIN ONE YEAR OF THE EFFECTIVE DATE OF THIS <—
3 SUBSECTION, EXCEPT THAT THE SECRETARY MAY CONSIDER A REQUEST
4 FOR AN EXTENSION OF A WAIVER PREVIOUSLY GRANTED UNDER
5 PARAGRAPH (1)(II), AFTER THIS TIME PERIOD.

6 Section 5. Section 209 of the act, amended December 11, 1996
7 (P.L.943, No.151), is amended to read:

8 Section 209. [Out-of-state dealer] DEALER license; application; <—
9 fee; prohibitions.

10 (a) Out-of-state dealers.--All out-of-state dealers shall on
11 or before January 1 of each year, apply to the secretary for an
12 out-of-state dealer license. The fee for such license shall be
13 \$300, plus appropriate kennel license fees required under
14 section 206. All fees collected under this section shall be
15 remitted to the State Treasury for credit to the Dog Law
16 Restricted Account. All licenses under this section shall expire
17 upon December 31 of the year for which the license was issued.
18 The forms for the application and license shall be approved by
19 the secretary [through regulations].

20 (A.1) IN-STATE DEALERS.-- <—

21 (1) EXCEPT AS SET FORTH IN PARAGRAPH (2), A DEALER
22 RESIDING IN THIS COMMONWEALTH MUST, BY JANUARY 1 OF EACH
23 YEAR, OBTAIN A LICENSE FROM THE DEPARTMENT. A DEALER LICENSE
24 SHALL EXPIRE ON DECEMBER 31 OF THE YEAR FOR WHICH IT WAS
25 ISSUED. THE LICENSE FEE FOR A DEALER LICENSE SHALL BE THE
26 SAME AS THE LICENSE FEE ESTABLISHED FOR KENNEL CLASSES C-I
27 THROUGH C-VI AS CALCULATED BASED ON THE NUMBER OF DOGS SOLD,
28 OFFERED FOR SALE OR MAINTAINED BY THE APPLICANT. IT SHALL BE
29 UNLAWFUL FOR A PERSON TO SELL OR OFFER FOR SALE A DOG
30 BELONGING TO ANOTHER FOR A FEE OR COMMISSION OR MAINTAIN A

1 DOG AT RETAIL OR WHOLESALE FOR RESALE TO ANOTHER WITHOUT
2 OBTAINING A DEALER LICENSE OR A DEALER KENNEL LICENSE FROM
3 THE DEPARTMENT.

4 (2) THIS SUBSECTION SHALL NOT APPLY TO A PERSON THAT
5 SECURES A DEALER KENNEL LICENSE FROM THE DEPARTMENT UNDER
6 SECTION 206.

7 (b) Unlawful acts.--It shall be unlawful for out-of-state
8 dealers to [transport dogs] sell, exchange, negotiate, barter,
9 give away or solicit the sale, resale, exchange or transfer of a
10 dog or transport a dog into or within the Commonwealth or to
11 operate or maintain a dealer kennel or to deal in any manner
12 with dogs without first obtaining an out-of-state dealer license
13 from the department. It shall be unlawful for a kennel licensed
14 under this act to knowingly accept, receive, buy, barter or
15 exchange a dog with an unlicensed out-of-state dealer for
16 resale. A conviction for a violation of this section shall
17 result in a penalty as determined under section 903(c). Each
18 transaction for each dog shall constitute a separate violation.

19 (c) List of out-of-state dealers.--The department shall
20 annually provide to licensed kennels a list of licensed out-of-
21 state dealers. If a kennel wants to conduct business with an
22 out-of-state dealer not listed on the list, the kennel must
23 first obtain written approval from the department.

24 Section 6. Section 210 of the act is amended to read:

25 Section 210. Bills of sale.

26 All owners or operators of kennels described in section 206,
27 and all out-of-state dealers shall be required to have in their
28 possession a bill of sale for each dog purchased [or
29 transported], except for dogs delivered to the kennel licensee
30 for purposes of boarding or for dogs whelped at the kennel. Any

1 bill of sale or record which is fraudulent or indicates the
2 theft of any dog, shall be prima facie evidence for the
3 immediate revocation of license and imposition of fines and
4 penalties by the secretary. The bill of sale shall contain
5 information required by the secretary through regulations. For
6 each dog transferred by a manner other than sale by a kennel
7 described in section 206 or an out-of-state dealer, a record of
8 the transaction shall be kept. The bill of sale or record shall
9 include the current and valid kennel license number of the
10 kennel or out-of-state dealer that sold, exchanged, bartered,
11 gave away or transferred the dog and any other information
12 required by the secretary. The bill of sale or record shall be
13 kept for two years.

14 Section 7. Section 211 of the act, amended December 11, 1996
15 (P.L.943, No.151), is amended to read:

16 Section 211. Revocation[, suspension] or refusal of kennel
17 licenses.

18 (a) General powers of secretary.--The secretary shall revoke
19 a kennel license, DEALER LICENSE or out-of-state dealer license <—
20 if a licensee is convicted of a violation of 18 Pa.C.S. § 5511
21 (relating to cruelty to animals) or of substantially similar
22 conduct pursuant to a cruelty law of another state. The
23 secretary shall not issue a kennel license, DEALER LICENSE or <—
24 out-of-state dealer license to a person that has been convicted
25 of a violation of 18 Pa.C.S. § 5511 within the last ten years.

26 The secretary may revoke or [suspend a kennel license or out-of-
27 state dealer license or] refuse to issue a kennel license, <—
28 DEALER LICENSE or out-of-state dealer license for any one or
29 more of the following reasons:

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

1 made a {material} misstatement or misrepresentation in the <—
2 license application;

3 (2) the person holding or applying for a license has
4 made a {material} misstatement or misrepresentation to the <—
5 department or its personnel regarding a matter relevant to
6 the license;

7 (3) the person holding or applying for a license has
8 [been convicted of any violation of] failed to comply with
9 this act;

10 (4) the person holding or applying for a license has
11 failed to comply with any regulation promulgated under this
12 act; [or]

13 (5) the person holding or applying for a license has
14 been convicted of any law relating to cruelty to animals[.]
15 and the conviction is more than ten years old, if there is
16 evidence the person has not been rehabilitated and granting a
17 license would jeopardize the health, safety and welfare of
18 the dogs;

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

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

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

28 (ii) within the last ten years, entered into an
29 agreement with the Office of Attorney General which
30 requires the person to cease and desist from operating a

1 kennel or owning, selling or caring for dogs, or both;

2 ~~(8) the person holding or applying for a license has~~ <—
3 ~~received a final, binding order, which is not subject to a~~
4 ~~pending legal challenge, declaring that the person's kennel~~
5 ~~is not a permitted use under the applicable zoning ordinance;~~

6 (8) THE LOCATION OF THE KENNEL FOR WHICH THE LICENSE IS <—
7 SOUGHT IS SUBJECT TO A FINAL, BINDING ORDER, WHICH IS NOT
8 SUBJECT TO A PENDING LEGAL CHALLENGE, DECLARING THE KENNEL IS
9 NOT A PERMITTED USE UNDER THE APPLICABLE ZONING ORDINANCE;

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

15 (10) the person holding or applying has had a kennel
16 license, DEALER LICENSE OR OUT-OF-STATE DEALER LICENSE <—
17 refused or revoked within the past ten years; or

18 (11) the person holding or applying for a license has a
19 person who does or will play a role in the ownership of the
20 kennel or caring for the dogs, and such other person would be
21 refused a license if that person had been the applicant. A
22 role shall include ownership of a financial interest in the
23 kennel operation, caring for the dogs or participation in the
24 management of the kennel.

25 (a.1) Factors to consider.--In determining whether to revoke
26 or refuse a kennel license, DEALER LICENSE or out-of-State <—
27 dealer license for a misstatement as set forth under subsection
28 (a)(1) or (2), the secretary shall consider the gravity of the
29 misstatement. In determining whether to revoke or refuse an
30 existing kennel license, DEALER LICENSE or an out-of-State <—

1 dealer license for a failure to comply with a provision of the
2 act or regulations promulgated under it as set forth under
3 paragraph (3) or (4), the secretary shall consider the following
4 factors:

5 (1) The gravity of the violation.

6 (2) The number of current or past violations.

7 (3) The potential effect of the violation on the health
8 or welfare of a dog.

9 (4) Whether the kennel has been warned previously to
10 correct the violation.

11 (5) Whether the violation resulted in a criminal
12 conviction.

13 (6) The length of time that has elapsed between
14 violations.

15 (b) Notice of action.--

16 (1) The secretary shall provide written notice of a
17 kennel license, DEALER LICENSE or an out-of-state dealer <—
18 license revocation, suspension or refusal to the person whose
19 license is revoked, suspended or refused. The notice shall
20 set forth the general factual and legal basis for the action
21 and shall advise the affected person that within ten days of
22 receipt of the notice he may file with the secretary a
23 written request for an administrative hearing. The hearing
24 shall be conducted in accordance with 2 Pa.C.S. (relating to
25 administrative law and procedure).

26 (2) Written notice of revocation, suspension or refusal
27 shall be served by personal service or by registered or
28 certified mail, return receipt requested, to the person or to
29 a responsible employee of such person whose license is
30 revoked, suspended or refused. Revocation or [suspension

1 shall commence upon service of the written notice.

2 (c) Seizure and constructive seizure.--] refusal shall be
3 effective upon the expiration of the ten-day period for
4 requesting an administrative hearing, unless a timely request
5 for a hearing has been filed with the department.

6 (c) Administrative process.--

7 [(1)] Whenever the secretary revokes, suspends or <—
8 refuses a kennel license or an out-of-state dealer license,
9 the [department may seize and impound any dog in the <—
10 possession, custody or care of the person whose license is
11 revoked, suspended or refused if there are reasonable grounds
12 to believe that the dog's health, safety or welfare is
13 endangered. Reasonable costs of transportation, care and
14 feeding of a seized and impounded dog shall be paid by the
15 person from whom the dog was seized and impounded.

16 (2) (i) If the person whose kennel license or out-of-
17 state dealer license is revoked, suspended or refused and
18 whose dog has been seized and impounded provides the
19 secretary with satisfactory evidence or assurances that
20 the dog will receive adequate care and has paid all costs
21 of transportation, care and feeding related to the
22 seizure and impoundment of the dog, the person may
23 retrieve the seized and impounded dog.

24 (ii) If the owner of a seized and impounded dog is
25 someone other than the person from whom the dog was
26 seized and impounded, the dog owner may retrieve his dog
27 from impoundment upon payment of all transportation, care
28 and feeding costs applicable to the dog. The person from
29 whom the dog was seized and impounded shall be
30 responsible to reimburse the dog owner for the

1 transportation, care and feeding costs.

2 (3) The secretary shall allow a dog to remain in the
3 physical possession, custody or care of the person whose
4 kennel license or out-of-state dealer license is revoked,
5 suspended or refused upon any one or more of the following
6 findings:

7 (i) if the secretary has no reasonable grounds to
8 believe that the health, safety or welfare of the dog is
9 endangered; or

10 (ii) the person whose license is revoked, suspended
11 or refused has provided satisfactory evidence or
12 assurances that the dog will receive adequate care.

13 (4) Ownership of a dog which has been seized and
14 impounded or which is under constructive seizure may be
15 forfeited upon the written request of its owner.

16 (5) The secretary may direct that ownership of a
17 particular dog which is seized and impounded pursuant to
18 paragraph (1) is to be forfeited. The department shall serve
19 the owner of the affected dog with written notice of
20 forfeiture. The notice shall indicate that ownership of the
21 dog in question may be forfeited to some entity other than
22 the department. Notice of forfeiture shall be served by
23 personal service or by registered or certified mail, return
24 receipt requested, to the owner of the affected dog or a
25 responsible person at the kennel from which the dog was
26 seized and impounded. The notice shall specify an effective
27 date of forfeiture which shall be not less than ten days from
28 service of the notice. The notice shall further inform the
29 dog owner of his right to request an administrative hearing
30 on the issue of forfeiture by delivering a written request to

1 the department prior to the date of forfeiture. A written
2 hearing request shall act as a supersedeas of the forfeiture
3 action. At the administrative hearing, the department shall
4 have the burden of proving that the affected dog owner did
5 not adequately care for the subject dog, or that no
6 satisfactory evidence or assurances have been given to the
7 department that the subject dog will be adequately cared for
8 if it is returned to the owner, or that the owner has
9 abandoned the subject dog. Abandonment shall be presumed if
10 an owner fails to make timely payment of reasonable costs of
11 transportation, care and feeding of the seized and impounded
12 dog after two written requests to do so have been served by
13 personal service or registered or certified mail, return
14 receipt requested, upon a responsible person at the kennel in
15 question or to the dog owner.

16 (d) Reimbursement of transportation, care and feeding
17 costs.--A person described in subsection (c)(1) and (2) who has
18 paid transportation, care and feeding costs with respect to a
19 dog seized under this section may make application to the
20 department for reimbursement of the costs if all persons cited
21 or charged with violations of this act as the result of the
22 conditions at the kennel at issue are acquitted of all charges
23 or violations.

24 (e) Department as guarantor of payment of certain costs.--A
25 kennel at which a dog is impounded by the department under the
26 authority of this section shall be compensated from the Dog Law
27 Restricted Account in the amount of \$5 per dog for each day or
28 portion thereof that the dog is held at the kennel if:

29 (1) the kennel has attempted, without success, to obtain
30 payment for transportation, care and feeding costs from the

owner of the dog and the owner of the kennel from which the dog was seized and impounded; and

(2) the kennel makes written application to the department, setting forth the amount sought, details of a good faith attempt at obtaining payment of the costs from the dog owner and the kennel owner and the dates and number of dogs justifying the amount sought.

(f) Prohibition.--No dog seized under this section shall be sold or given freely for the purpose of vivisection or research or be conveyed in any manner for these purposes or be conveyed to a dealer.] ~~following shall apply:~~

~~(1) The person whose license refusal or revocation has become effective shall immediately cease and desist from operating a kennel, including boarding, buying, exchanging, selling, offering for sale, giving away or in any way transferring dogs. The kennel owner shall divest himself of all dogs over 25 dogs, unless directed otherwise by a department or court order, within a reasonable time period as determined by the department, but not to exceed ten days. The department's notice of revocation or refusal shall set forth the manner by which the kennel owner may divest himself of the dogs. The person shall be subject to the conditions established under paragraphs (3) through (9).~~

~~(2) The person whose license is refused or revoked and who has timely filed a request for an administrative hearing, and who would continue to require a kennel license under this act, pending the exhaustion of all administrative appeals shall be considered to be operating under suspension, will receive notice from the department of the license being suspended and shall, during the duration of all~~

~~administrative appeals, and thereafter if the department's action is upheld, be subject to the conditions established under paragraphs (3) through (9).~~

~~(3) The kennel may not acquire any additional dogs or increase the number of dogs in the kennel by any means, including breeding, except by birth of puppies from a mother that at the time of refusal or revocation was all of the following:~~

~~(i) On the property.~~

~~(ii) Pregnant.~~

~~(iii) Owned by the kennel or the kennel owner.~~

~~(4) The department shall be notified prior to the euthanization of any dog. No dog may be euthanized unless it is determined by a veterinarian that the euthanasia will prevent the dog from suffering caused by a medical condition. Where a veterinarian determines a dog should be euthanized, a copy of the veterinarian's findings, signed by the veterinarian, shall be provided to the department. The provisions of this paragraph do not apply to an emergency situation where it is deemed by the veterinarian that immediate euthanasia is necessary to relieve the suffering of the dog. Following the procedure, a copy of the veterinarian's finding will be signed by the veterinarian and provided to the department.~~

~~(5) The kennel shall reduce the number of dogs on the premises to 25, or a lesser number as may be directed by the department or court order, and in the manner and within the time period set forth in the order of the department or the court, not exceeding ten days after an order has become effective or after the exhaustion of any administrative~~

~~appeal where the department's action is upheld.~~

~~(6) The kennel shall permit State dog wardens to inspect the kennel without a warrant in order to determine compliance with the department's order, any relevant court order and any provision of this act.~~

~~(7) If there are more dogs than specified in paragraph (5) on the premises after the expiration of the time period set forth in paragraph (5), the kennel may select the number of dogs allowed under paragraph (5) to be kept on the premises. The remainder shall be forfeited to the entity set forth in the department or court order or to an entity approved by the department without compensation to the owner.~~

~~(8) Failure to take actions or to meet the conditions imposed under this subsection, in addition to any other penalties allowed under this act, may result in imposition by the department of a penalty of not less than \$100 nor more than \$500 per day for each violation. Each dog in excess of 25 dogs, or a lesser amount if set forth in the department or court order, shall count as one violation.~~

~~(9)~~

~~(1) IF THE SECRETARY REVOKES OR REFUSES A KENNEL LICENSE, DEALER LICENSE OR AN OUT-OF-STATE DEALER LICENSE, A PERSON WHOSE LICENSE REVOCATION OR REFUSAL HAS BECOME EFFECTIVE SHALL COMPLY WITH ALL OF THE FOLLOWING:~~

~~(I) IMMEDIATELY CEASE AND DESIST FROM OPERATING A KENNEL, INCLUDING BOARDING, BUYING, EXCHANGING, SELLING, OFFERING FOR SALE, GIVING AWAY OR IN ANY WAY TRANSFERRING DOGS.~~

~~(II) ACQUIRE NO ADDITIONAL DOGS NOR INCREASE THE NUMBER OF DOGS IN THE KENNEL BY ANY MEANS, INCLUDING~~

1 BREEDING. THIS SUBPARAGRAPH DOES NOT APPLY TO AN
2 ACQUISITION OR INCREASE BY BIRTH OF PUPPIES FROM A MOTHER
3 WHICH, AT THE TIME OF REVOCATION OR REFUSAL WAS:

4 (A) ON THE PROPERTY;

5 (B) PREGNANT; AND

6 (C) OWNED BY THE KENNEL OR THE KENNEL OWNER.

7 (III) NOTIFY THE DEPARTMENT PRIOR TO THE
8 EUTHANIZATION OF ANY DOG. NO DOG MAY BE EUTHANIZED UNLESS
9 IT IS DETERMINED BY A VETERINARIAN THAT THE EUTHANASIA
10 WILL PREVENT THE DOG FROM SUFFERING CAUSED BY A MEDICAL
11 CONDITION. IF A VETERINARIAN DETERMINES A DOG SHOULD BE
12 EUTHANIZED, A COPY OF THE VETERINARIAN'S FINDINGS, SIGNED
13 BY THE VETERINARIAN, MUST BE PROVIDED TO THE DEPARTMENT.
14 THE PROVISIONS OF THIS SUBPARAGRAPH DO NOT APPLY TO AN
15 EMERGENCY SITUATION IF IT IS DEEMED BY THE VETERINARIAN
16 THAT IMMEDIATE EUTHANASIA IS NECESSARY TO RELIEVE THE
17 SUFFERING OF THE DOG. FOLLOWING EUTHANASIA IN AN
18 EMERGENCY SITUATION, A COPY OF THE VETERINARIAN'S FINDING
19 MUST BE SIGNED BY THE VETERINARIAN AND PROVIDED TO THE
20 DEPARTMENT.

21 (IV) PERMIT STATE DOG WARDENS TO INSPECT THE KENNEL
22 WITHOUT A WARRANT IN ORDER TO DETERMINE COMPLIANCE WITH
23 THE DEPARTMENT'S ORDER, ANY RELEVANT COURT ORDER AND ANY
24 PROVISION OF THIS ACT.

25 (V) DIVEST OF ALL DOGS OVER 25, UNLESS DIRECTED
26 OTHERWISE BY THE DEPARTMENT OR COURT ORDER, WITHIN A
27 REASONABLE TIME PERIOD AS DETERMINED BY THE DEPARTMENT,
28 BUT NOT TO EXCEED TEN DAYS. THE DEPARTMENT'S NOTICE OF
29 REVOCATION OR REFUSAL SHALL SET FORTH THE MANNER BY WHICH
30 THE KENNEL OWNER MAY DIVEST OF THE DOGS. IF THERE ARE

1 MORE DOGS ON THE PREMISES THAN PERMITTED IN THE
2 DEPARTMENT OR COURT ORDER AFTER THE EXPIRATION OF THE
3 TIME PERIOD SET FORTH IN THE ORDER, THE KENNEL MAY SELECT
4 THE NUMBER OF DOGS ALLOWED UNDER THIS SUBPARAGRAPH TO BE <—
5 KEPT ON THE PREMISES. THE REMAINDER THE DOGS TO BE KEPT, <—
6 UP TO THE NUMBER ALLOWED UNDER THIS SUBPARAGRAPH. THE
7 DOGS NOT SELECTED SHALL BE FORFEITED TO THE ENTITY SET
8 FORTH IN THE DEPARTMENT OR COURT ORDER OR TO AN ENTITY
9 APPROVED BY THE DEPARTMENT WITHOUT COMPENSATION TO THE
10 OWNER.

11 (2) THE FOLLOWING APPLY TO APPEALS:

12 (I) THIS PARAGRAPH APPLIES TO A PERSON WHOSE LICENSE
13 IS REFUSED OR REVOKED AND WHO:

14 (A) HAS TIMELY FILED A REQUEST FOR AN
15 ADMINISTRATIVE APPEAL; AND

16 (B) WOULD CONTINUE TO REQUIRE A KENNEL LICENSE
17 UNDER THIS ACT, PENDING THE EXHAUSTION OF ALL
18 ADMINISTRATIVE APPEALS.

19 (II) A PERSON SUBJECT TO SUBPARAGRAPH (I) SHALL:

20 (A) BE CONSIDERED TO BE OPERATING UNDER
21 SUSPENSION;

22 (B) RECEIVE NOTICE FROM THE DEPARTMENT OF THE
23 LICENSE'S BEING SUSPENDED; AND

24 (C) DURING THE DURATION OF ALL ADMINISTRATIVE
25 APPEALS, AND THEREAFTER IF THE DEPARTMENT'S ACTION IS
26 UPHELD, BE SUBJECT TO THE REQUIREMENTS SET FORTH IN
27 PARAGRAPH (1)(I), (II), (III) AND (IV).

28 (III) WITHIN TEN DAYS AFTER THE EXHAUSTION OF AN
29 ADMINISTRATIVE APPEAL UNDER SUBPARAGRAPH (I)(A) IN WHICH
30 THE DEPARTMENT'S ACTION IS UPHELD, THE KENNEL SHALL

1 REDUCE THE NUMBER OF DOGS UNDER PARAGRAPH (1)(V).

2 (3) FAILURE TO TAKE ACTION OR TO MEET THE CONDITIONS
3 IMPOSED UNDER THIS SUBSECTION, IN ADDITION TO ANY OTHER
4 PENALTIES ALLOWED UNDER THIS ACT, MAY RESULT IN IMPOSITION BY
5 THE DEPARTMENT OF AN ADMINISTRATIVE PENALTY OF NOT LESS THAN
6 \$100 NOR MORE THAN \$500 PER DAY FOR EACH VIOLATION. EACH DOG
7 IN EXCESS OF THE NUMBER OF DOGS PERMITTED UNDER
8 SUBPARAGRAPH(1)(V) OR (2)(III) SHALL COUNT AS ONE VIOLATION.

9 (4) Any violation of this subsection shall constitute a
10 misdemeanor of the third degree.

11 (d) Seizure of dogs.--

12 (1) After service of an order under subsection ~~(c)(1)~~ <—
13 ~~(C)(1)(V)~~ (B) or section 207(a.3) or during the duration of <—
14 an administrative appeal under subsection (c)(2) or section
15 207(a.3)(2), the department may order the seizure of any dog
16 from that kennel if the department determines, based on the
17 conditions found at that kennel, there are reasonable grounds
18 to believe the dog's health, safety or welfare is endangered
19 because of neglect of duty of care, deprivation of necessary
20 sustenance, water, shelter or veterinary care or access to
21 clean and sanitary shelter which will protect the animal
22 against inclement weather and preserve the animal's body heat
23 and keep it dry or other conditions which a veterinarian
24 determines pose a serious health risk to the dog. The seizure
25 may occur immediately upon notice, whether personal or
26 otherwise, and shall be followed by service of the order.

27 (2) The order of seizure shall set forth the general
28 factual and legal basis for the action taken and shall advise
29 the kennel owner that within ten days of receipt the kennel
30 owner may file with the secretary a written request for an

1 administrative hearing subject to bonding requirements of
2 this section. The order shall be served by personal service
3 or by registered or certified mail, return receipt requested,
4 to the kennel owner affected or to a responsible employee of
5 such kennel owner. The department order shall become final
6 upon the expiration of the ten-day period for requesting an
7 administrative hearing, unless a timely request for a hearing
8 has been filed with the secretary.

9 (3) The written request for a hearing must be filed by
10 the affected kennel owner with the secretary within ten days
11 of receipt of the order of seizure, or such order shall
12 become final. The request for a hearing shall set forth the
13 factual and legal grounds upon which the request is based. A
14 hearing on the matter shall be held in accordance with 2
15 Pa.C.S. (relating to administrative law and procedure). The
16 issue on appeal shall be limited to whether the department
17 order was justified under paragraph (1).

18 (4) If the department's order has become final or after
19 the exhaustion of any administrative appeals, in cases where
20 the department's action is upheld, the dogs seized under the
21 order shall be forfeited to the entity set forth in the
22 department's order or to an entity approved by the department
23 without compensation to the owner.

24 (e) Bonding requirements.--The following shall apply to
25 bonding requirements:

26 (1) If dogs are seized from a kennel under this act and
27 an administrative appeal is filed, WITHIN TEN DAYS OF FILING <—
28 THE APPEAL, the owner of the licensed or unlicensed kennel
29 shall post a surety bond within ten days of the filing of the <—
30 appeal in the amount determined by the department applying

~~the criteria set forth in paragraph (2).~~ EITHER:

(I) POST A SURETY BOND IN THE AMOUNT DETERMINED BY
THE DEPARTMENT APPLYING THE CRITERIA SET FORTH IN
PARAGRAPH (2); OR

(II) DEPOSIT A SUM OF MONEY NOT TO EXCEED 10% OF THE
AMOUNT OF THE SURETY BOND DETERMINED BY THE DEPARTMENT
APPLYING THE CRITERIA SET FORTH IN PARAGRAPH (2).

(2) The amount of the surety bond shall be based on the
number of dogs seized and shall be equal to the estimated
cost of transportation, care and feeding, pursuant to removal
and impoundment, for a period of 31 days. The surety bond AND
IMPOUNDMENT, FOR A PERIOD OF 31 DAYS.

(2.1) ANY SURETY BOND POSTED PURSUANT TO PARAGRAPH
(1)(I) shall be payable to the Commonwealth of Pennsylvania,
Department of Agriculture, Bureau of Dog Law Enforcement. The
department shall remit such funds to the entity holding the
dogs.

(2.2) ANY DEPOSIT PURSUANT TO PARAGRAPH (1)(II) SHALL BE
HELD BY THE DEPARTMENT OF AGRICULTURE, BUREAU OF DOG LAW
ENFORCEMENT, UNTIL AFTER THE APPEAL. IF AFTER THE APPEAL THE
DOGS ARE NOT PLACED UNDER THE CARE OF THE OWNER FROM WHICH
THEY WERE SEIZED, THE DEPARTMENT SHALL BE ENTITLED TO KEEP
THE DEPOSIT AND COLLECT FROM THE OWNER THE REMAINDER OF THE
AMOUNT DETERMINED BY THE DEPARTMENT APPLYING THE CRITERIA SET
FORTH IN PARAGRAPH (2).

(3) If after appeal the dogs are placed under the care
of the owner from which they were seized, the department
shall reimburse the owner for the DEPOSIT OR THE reasonable
costs of the bond incurred under this subsection.

(4) THE DEPARTMENT SHALL GUARANTEE PAYMENT OF ANY

1 DIFFERENCE IN THE AMOUNT PAID TO THE HOLDING ENTITY AND THE
2 AMOUNT OWED UNDER PARAGRAPH (2). THE DEPARTMENT MAY REFER THE
3 MATTER TO THE ATTORNEY GENERAL, WHO MAY INITIATE AN ACTION IN
4 THE APPROPRIATE COURT TO RECOVER THE AMOUNT PAID UNDER THIS
5 PARAGRAPH.

6 (f) Prohibitions.--No dog removed under this section may be:

7 (1) sold or given freely for the purpose of vivisection,
8 auction or research;

9 (2) conveyed in any manner for purposes of vivisection,
10 auction or research;

11 (3) conveyed to a dealer;

12 (4) sold to pay the costs of their transportation, care
13 and feeding under this section before the issuance of a final
14 order and the exhaustion of all appeals; or

15 (5) spayed or neutered before the issuance of a final
16 order and the exhaustion of all appeals.

17 Section 8. Section 213 of the act is amended to read:

18 Section 213. Transportation of dogs.

19 It shall be unlawful for any dog required to be licensed as
20 hereinbefore provided, to be transported for any purpose without
21 a current license tag firmly attached to a collar or harness
22 securely fastened to the dog except when a dog is being
23 transported for law enforcement [or], to receive veterinary care
24 pursuant to an order of the secretary for humane purposes[.] or
25 by the owner to or from a hunt, show, performance event, field
26 trial or commonly accepted training practice involving hunting
27 dogs and dogs that participate in such events. All vehicles
28 being used to transport dogs are subject to inspection and must
29 meet requirements for such transportation through regulations as
30 promulgated by the secretary.

1 Section 9. Sections 214, 218 and 219 of the act, amended or
2 added December 11, 1996 (P.L.943, No.151), are amended to read:
3 Section 214. Health certificates for importation.

4 It shall be [unlawful] a violation of this act to transport
5 any dog into this Commonwealth except under the provisions in
6 section 212 without a certificate of health prepared by a
7 licensed doctor of veterinary medicine, which certificate, or
8 copy of such, shall accompany [such] the dog while in this
9 Commonwealth. [Such] The certificate shall state that the dog is
10 at least [seven] eight weeks of age and shows no signs or
11 symptoms of infectious or communicable disease; did not
12 originate within an area under quarantine for rabies; and, as
13 ascertained by reasonable investigation, has not been exposed to
14 rabies within 100 days of importation. All dogs must have been
15 vaccinated for rabies in accordance with the act of December 15,
16 1986 (P.L.1610, No.181), known as the "Rabies Prevention and
17 Control in Domestic Animals and Wildlife Act." The name of the
18 vaccine manufacturer, the date of administration, and the rabies
19 tag number must appear on health certificates prepared by a
20 licensed doctor of veterinary medicine.

21 Section 218. Inspections [of premises and dogs].

22 (a) Premises and dogs.--State dog wardens and other
23 employees of the department are hereby authorized to inspect all
24 licensed kennels [and], all dogs within the Commonwealth and all
25 unlicensed establishments which are operating as a kennel as
26 defined by section 206. For purposes of inspection, a State dog
27 warden and other full-time employees of the department shall be
28 authorized to enforce the provisions of this act and regulations
29 promulgated by the department [pursuant to] under this act.

30 State dog wardens and employees of the department shall inspect

1 all licensed kennels within the Commonwealth at least [once]
2 twice per calendar year to enforce the provisions of this act
3 and regulations promulgated by the department under this act.
4 State dog wardens and only regular, full-time employees of the
5 department shall be authorized to enter upon the premises of
6 approved medical, dental or veterinary schools, hospitals,
7 clinics or other medical or scientific institutions,
8 organizations or persons where research is being conducted or
9 where pharmaceuticals, drugs or biologicals are being produced.
10 [Research facilities in the Commonwealth that are currently
11 under Federal Government inspection shall be exempt from State
12 inspection if they have undergone no less than one Federal
13 Government inspection within the past 12 months. Submission of
14 such evidence of Federal inspection by documentation to the
15 department may be established by regulation subject to
16 legislative review.] It shall be unlawful for any person to
17 refuse admittance to such State dog wardens and employees of the
18 department for the purpose of making inspections and enforcing
19 the provisions of this act.

20 (b) Records.--State dog wardens and other employees of the
21 department shall be authorized to inspect the records required
22 under this act of all licensed and unlicensed kennels.

23 (c) Search warrant.--State dog wardens and other employees
24 of the department may apply for a search warrant to any court of
25 competent jurisdiction authorized to issue a search warrant for
26 the purposes of inspecting or examining any kennel, ~~property,~~ <—
27 ~~building, premise, place, dog, book, record or other physical~~
28 evidence or for the purpose of removing any dog under section
29 207 or 211. The warrant shall be issued upon probable cause. It
30 shall be sufficient probable cause to show any of the following:

~~(1) The inspection, examination or seizure is necessary to determine compliance with this act. This paragraph shall not apply to private kennels.~~

~~(1) THAT, IN CASES INVOLVING KENNELS OTHER THAN PRIVATE KENNELS, THE STATE DOG WARDEN OR AN EMPLOYEE OF THE DEPARTMENT HAS BEEN DENIED ENTRY REFUSED ENTRY AS DEFINED UNDER SECTION 220(A) FOR AN INSPECTION OR EXAMINATION OF THE KENNEL.~~

~~(2) The State dog warden or employee of the department has reason REASONABLE GROUNDS to believe that a violation of this act or the regulations promulgated under the authority of this act has occurred.~~

~~(d) Results of inspection.--Only employees of the department who have received the training required under section 901(b) may issue reports of the inspection.~~

Section 219. Additional duties of the department.

(a) Enforcement of licensure requirement; development of plan.--By no later than June 30, 1997, the department shall develop and begin to implement a written plan to increase the number of dog licenses issued in this Commonwealth. Such plan shall be developed in consultation with the several counties and municipalities which enforce the provisions of this act and in consultation with the Dog Law Advisory Board and shall at least include methodology for increasing the number of dog licenses issued and assuring the annual renewal of such licenses. The methodology may include the periodic use of public service advertisements, newspaper advertisements, school and special events-based educational programs conducted in conjunction with counties and organizations concerned with the humane care and treatment of dogs, and literature designed to increase awareness

1 of this act which may be provided to purchasers of dogs at the
2 point of sale.

3 (b) Analysis of plan; report.--By no later than June 30,
4 1998, and annually thereafter, the department shall submit to
5 the chairperson and minority chairperson of the Agriculture and
6 Rural Affairs Committee of the Senate and the chairperson and
7 minority chairperson of the Agriculture and Rural Affairs
8 Committee of the House of Representatives a report analyzing the
9 activities adopted by the department to implement the plan and
10 the results of such activities.

11 Section 10. The act is amended by adding ~~a section~~ SECTIONS <—
12 to read:

13 Section 220. Refusal of entry.

14 (a) Violation.--It shall be a violation of this act if a
15 kennel refuses entry to an agent of the Commonwealth acting to
16 enforce this act. The term "refusal of entry" shall include any
17 of the following:

18 (1) Preventing an agent from entering the establishment.

19 (2) Preventing an agent from inspecting a dog.

20 (3) Hiding a dog from an agent.

21 (4) An act or omission that prevents an agent from
22 gaining entry to the establishment.

23 (b) Order of inspection.--When a State dog warden or
24 employee of the department attempts a kennel inspection in a
25 building and no person is present to grant him access, a State
26 dog warden or employee of the department may post an order on an
27 entrance to the building demanding access to the building within
28 36 hours. Failure to permit an inspection within the 36-hour
29 time period indicated in the order that was posted shall be a
30 violation of this act and shall constitute a refusal of entry

1 for purposes of subsection (a), unless there are no dogs at the
2 kennel OR THE KENNEL OWNER AND THE DOG WARDEN OR EMPLOYEE OF THE <—
3 DEPARTMENT WHO POSTED THE ORDER AGREES WITHIN THE 36-HOUR TIME
4 PERIOD INDICATED IN THE ORDER THAT WAS POSTED TO PERMIT AN
5 INSPECTION AT A TIME AGREED TO BY BOTH PARTIES.

6 (c) Affirmative defense.--It shall be an affirmative defense
7 to subsection (b) that there were no dogs in the kennel at the
8 time the order was posted.

9 SECTION 221. CANINE HEALTH BOARD. <—

10 (A) ESTABLISHMENT.--THE CANINE HEALTH BOARD IS ESTABLISHED.

11 (B) MEMBERSHIP.--THE BOARD SHALL BE COMPRISED OF
12 VETERINARIANS WITH EXPERTISE IN SMALL ANIMAL MEDICINE AND IN THE
13 CARING FOR AND TREATING OF CANINES. THE BOARD SHALL BE APPOINTED
14 AS FOLLOWS:

15 (1) THREE MEMBERS APPOINTED BY THE GOVERNOR.

16 (2) ONE MEMBER APPOINTED BY THE CHAIRMAN PRESIDENT PRO <—
17 TEMPORE OF THE AGRICULTURE AND RURAL AFFAIRS COMMITTEE OF THE <—
18 SENATE.

19 (3) ONE MEMBER APPOINTED BY THE MINORITY CHAIRMAN OF THE <—
20 AGRICULTURE AND RURAL AFFAIRS COMMITTEE LEADER OF THE SENATE. <—

21 (4) ONE MEMBER APPOINTED BY THE CHAIRMAN OF THE <—
22 AGRICULTURE AND RURAL AFFAIRS COMMITTEE MAJORITY LEADER OF <—
23 THE HOUSE OF REPRESENTATIVES.

24 (5) ONE MEMBER APPOINTED BY THE MINORITY CHAIRMAN OF THE <—
25 AGRICULTURE AND RURAL AFFAIRS COMMITTEE LEADER OF THE HOUSE <—
26 OF REPRESENTATIVES.

27 (6) ONE MEMBER APPOINTED BY THE PRESIDENT OF THE <—
28 PENNSYLVANIA VETERINARY MEDICAL ASSOCIATION.

29 (7) ONE MEMBER APPOINTED BY THE DEAN OF THE UNIVERSITY
30 OF PENNSYLVANIA'S SCHOOL OF VETERINARY MEDICINE.

1 ~~(C)~~ CHAIRMAN.--THE CHAIRMAN OF THE BOARD SHALL BE SELECTED
2 BY THE GOVERNOR.

3 ~~(D)~~ TERM.--MEMBERS SHALL BE APPOINTED TO FOUR-YEAR TERMS,
4 EXCEPT THAT THE INITIAL TERMS FOR LEGISLATIVE APPOINTEES SHALL
5 BE FOR TWO YEARS.

6 ~~(E)~~ QUORUM.--A QUORUM SHALL CONSIST OF AT LEAST FIVE MEMBERS <—
7 OF THE BOARD WHO MUST BE PRESENT TO MAKE DECISIONS. DECISIONS
8 SHALL BE MADE BY MAJORITY VOTE OF A QUORUM OF MEMBERS. THERE
9 SHALL BE NO PROXY VOTING.

10 ~~(E)~~ ~~(F)~~ PURPOSE.--THE BOARD SHALL DETERMINE THE STANDARDS <—
11 BASED ON ANIMAL HUSBANDRY PRACTICES TO PROVIDE FOR THE WELFARE
12 OF DOGS UNDER SECTION 207(H)(7) AND (8) AND (I)(3).

13 ~~(F)~~ ~~(G)~~ TEMPORARY GUIDELINES AND REGULATIONS.--THE BOARD <—
14 SHALL ISSUE TEMPORARY GUIDELINES UNDER THIS SECTION WITHIN 45
15 DAYS OF THEIR FIRST MEETING, WHICH SHALL TAKE PLACE WITHIN 30
16 DAYS OF THE EFFECTIVE DATE OF THIS SECTION. THE TEMPORARY
17 GUIDELINES SHALL BE PUBLISHED IN THE PENNSYLVANIA BULLETIN. THE
18 DEPARTMENT SHALL PROMULGATE THE TEMPORARY GUIDELINES AS A
19 REGULATION CONCURRENTLY WITH PUBLICATION IN THE PENNSYLVANIA
20 BULLETIN.

21 ~~(G)~~ ~~(H)~~ ADMINISTRATIVE SUPPORT.--ADMINISTRATIVE SUPPORT <—
22 SHALL BE PROVIDED BY THE DEPARTMENT.

23 ~~(H)~~ ~~(I)~~ COMPENSATION.--MEMBERS OF THE BOARD SHALL NOT BE <—
24 COMPENSATED FOR THEIR SERVICE AS BOARD MEMBERS BUT SHALL BE
25 REIMBURSED FOR REASONABLE EXPENSES.

26 Section 11. The heading of Article III of the act is amended
27 to read:

28 ARTICLE III
29 QUARANTINES, DOGS AT LARGE, CONFINEMENT

30 Section 12. Section 302 of the act, amended December 11,

1 1996 (P.L.943, No.151), is amended to read:

2 Section 302. Seizure and detention of dogs; costs; destruction
3 of dogs.

4 (a) General rule.--It shall be the duty of every police
5 officer, State dog warden, employee of the department or animal
6 control officer to seize and detain any dog which is found
7 running at large, either upon the public streets or highways of
8 the Commonwealth, or upon the property of a person other than
9 the owner of [such] the dog, and unaccompanied by the owner or
10 keeper. Every police officer, State dog warden, employee of the
11 department or animal control officer may humanely kill any dog
12 which is found running at large and is deemed after due
13 consideration by the police officer, State dog warden, employee
14 of the department or animal control officer to constitute a
15 threat to the public health and welfare.

16 (b) Licensed dogs.--The State dog warden or employee of the
17 department, the animal control officer, or the chief of police
18 or his agents of any city, borough, town or township, the
19 constable of any borough and the constable of any incorporated
20 town or township shall cause any dog bearing a proper license
21 tag or permanent identification and so seized and detained to be
22 properly kept and fed at any licensed kennel approved by the
23 secretary for [such] those purposes and shall cause immediate
24 notice, by personal service or registered or certified mail with
25 return receipt requested, to the last known address, which shall
26 be set forth in the license application record, of the person in
27 whose name the license was procured, or his agent, to claim
28 [such] the dog within five days after receipt thereof. The owner
29 or claimant of a dog so detained shall pay a penalty of [\$15]
30 \$50 to the political subdivision whose police officers make

1 [such] the seizures and detention and all reasonable expenses
2 incurred by reason of its detention to the detaining parties
3 before the dog is returned. If five days after obtaining the
4 postal return receipt, [such] the dog has not been claimed, such
5 chief of police, or his agent, or a constable, or State dog
6 warden or employee of the department shall dispense [such] the
7 dog by sale or by giving it to a humane society or association
8 for the prevention of cruelty to animals. No dog so caught and
9 detained shall be sold for the purpose of vivisection, or
10 research, or be conveyed in any manner for these purposes. All
11 moneys derived from the sale of [such] the dog, after deducting
12 the expenses of its detention, shall be paid through the
13 Department of Agriculture to the State Treasurer for credit to
14 the Dog Law Restricted Account.

15 (c) Unlicensed dogs.--Except as otherwise provided by
16 section 305, any police officer, State dog warden, employee of
17 the department or animal control officer shall cause any
18 unlicensed dog to be seized, detained, kept and fed for a period
19 of 48 hours at any licensed kennel approved by the secretary for
20 [such] those purposes, except any dog seriously ill or injured
21 or forfeited with the owner's permission. The 48-hour period
22 shall not include days the approved kennel is not open to the
23 general public. Any person may view [such] the detained dogs
24 during normal business hours. Any unlicensed dog remaining
25 unclaimed after 48 hours may be humanely killed or given to a
26 humane society or association for the prevention of cruelty to
27 animals. No dog so caught and detained shall be sold for the
28 purpose of vivisection, or research, or be conveyed in any
29 manner for these purposes.

30 Section 13. Section 305 of the act is amended to read:

1 Section 305. Confinement and housing of dogs not part
2 of a kennel.

3 (a) Confinement and control.--It shall be unlawful for the
4 owner or keeper of any dog to fail to keep at all times [such
5 dog either] the dog in any of the following manners:

6 (1) confined within the premises of the owner;

7 (2) firmly secured by means of a collar and chain or
8 other device so that it cannot stray beyond the premises on
9 which it is secured; or

10 (3) under the reasonable control of some person, or when
11 engaged in lawful hunting, exhibition, performance events or
12 field training.

13 (b) Housing.--It shall be unlawful for the owner or keeper
14 of a dog to house the dog for any period of time in a drum,
15 barrel, refrigerator or freezer regardless of the material of
16 which the drum, barrel, refrigerator or freezer is constructed.

17 Section 14. Sections 502 and 502-A of the act, amended
18 December 11, 1996 (P.L.943, No.151), are amended to read:

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

20 (a) Confinement.--Any dog which bites or attacks a human
21 being shall be confined in quarters approved by a designated
22 employee of the Department of Health, a State dog warden or
23 employee of the Department of Agriculture, an animal control
24 officer or a police officer. [Such] The dog may be detained and
25 isolated in an approved kennel or at the dog owner's property or
26 to another location approved by the investigating officer. Where
27 [such] the dog is detained is at the discretion of the
28 investigating officer. All dogs so detained must be isolated for
29 a minimum of ten days. Any costs incurred in the detaining and
30 isolation of [such] the dog shall be paid by the offending dog's

owner or keeper or both. [When] If the dog's owner or keeper is not known, the Commonwealth is responsible for all reasonable costs for holding and detaining [such] the dog.

(b) Bite victims.--The following shall apply:

(1) The investigating officer shall be responsible for notifying the bite victim of the medical results of the offending dog's confinement. Any cost to the victim for medical treatment resulting from an attacking or biting dog must be paid fully by the owner or keeper of [such] the dog. The Commonwealth shall not be liable for medical treatment costs to the victim.

(2) (i) For the purpose of this subsection, the term "medical results of the offending dog's confinement" shall mean, except as provided in subparagraph (ii), information as to whether the quarantined dog is still alive and whether it is exhibiting any signs of being infected with the rabies virus.

(ii) If a nonlethal test for rabies is developed, the term shall mean the results of the test and not the meaning given in subparagraph (i).

(c) Exception.--When a dog that bites or attacks a human being is a service dog or a police work dog in the performance of duties, [said] the dog need not be confined if it is under the active supervision of a licensed doctor of veterinary medicine.

Section 502-A. [Registration] Court proceedings, certificate of registration and disposition.

(a) Summary offense of harboring a dangerous dog.--Any person who has been attacked by one or more dogs, or anyone on behalf of [such] the person, a person whose domestic animal, dog

1 or cat has been killed or injured without provocation, the State
2 dog warden or the local police officer may file a complaint
3 before a [district justice] magisterial district judge, charging
4 the owner or keeper of [such] the a dog with harboring a
5 dangerous dog. The owner or keeper of the dog shall be guilty of
6 the summary offense of harboring a dangerous dog if the
7 [district justice] magisterial district judge finds beyond a
8 reasonable doubt that the following elements of the offense have
9 been proven:

10 (1) The dog has done [one or more] any of the following:

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

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

16 (iii) Attacked a human being without provocation.

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

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

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

21 (ii) A propensity to attack human beings and/or
22 domestic animals, dogs or cats without provocation. A
23 propensity to attack may be proven by a single incident
24 of the conduct described in paragraph (1)(i), (ii), (iii)
25 or (iv).

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

27 (a.1) Effect of conviction.--A finding by a [district
28 justice] magisterial district judge that a person is guilty
29 under subsection (a) of harboring a dangerous dog shall
30 constitute a determination that the dog is a dangerous dog for

1 purposes of this act.

2 (b) Report of conviction.--The [district justice]
3 magisterial district judge shall make a report of a conviction
4 under subsection (a) to the Bureau of Dog Law Enforcement,
5 identifying the convicted party, identifying and describing the
6 dog or dogs and providing [such] other information as the bureau
7 might reasonably require.

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

14 (d) Disposition of dog during court proceedings.--An owner
15 or keeper of any dog who has been charged with harboring a
16 dangerous dog shall keep [such] the dog or dogs confined in a
17 proper enclosure or, when off the property of the owner or
18 keeper for purposes of veterinary care, muzzled and on a leash
19 until [such] the time a report is made under subsection (b). If
20 an appeal of a decision under subsection (b) is filed, [such]
21 the dog or dogs shall remain so confined until [such] the
22 proceedings are completed. It shall be unlawful for an owner or
23 keeper of a dog who has been charged with harboring a dangerous
24 dog to dispense, move, sell, offer to sell, give away or
25 transfer the dog in any manner except to [be] have it humanely
26 killed or move the dog to a licensed kennel if approved by the
27 investigating officer. A violation of this subsection shall
28 constitute a summary offense accompanied by a fine of not less
29 than [\$200] \$500.

30 Section 15. Sections 503-A and 504-A of the act, added May

1 31, 1990 (P.L.213, No.46), are amended to read:

2 Section 503-A. Requirements.

3 [(a) Enclosure and insurance.--The department shall issue,
4 upon payment of all fees under subsection (b), a certificate of
5 registration to the owner of such animal within 30 days of
6 notification, in writing, by the department that the dog has
7 been determined to be dangerous and that the owner presents
8 sufficient evidence of:

9 (1) A proper enclosure to confine a dangerous dog and
10 the posting of a premises with a clearly visible warning sign
11 that there is a dangerous dog on the property. In addition,
12 the owner shall conspicuously display a sign with a warning
13 symbol that informs children of the presence of a dangerous
14 dog.

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

19 (ii) a policy of liability insurance, such as
20 homeowner's insurance, issued by an insurer authorized to
21 do business within this Commonwealth in the amount of at
22 least \$50,000, insuring the owner for any personal
23 injuries inflicted by the dangerous dog. The policy shall
24 contain a provision requiring the secretary to be named
25 as additional insured for the sole purpose of being
26 notified by the insurance company of cancellation,
27 termination or expiration of the liability insurance
28 policy.]

29 (a) Certificate of registration requirements.--The owner or
30 keeper of a dog who has been convicted of harboring a dangerous

1 dog shall keep the dog properly confined and shall register the
2 dog with the department. Within 30 days of receiving written
3 notification from the department that the dog has been
4 determined to be dangerous, the owner or keeper of the dog shall
5 comply with all the provisions of this section. The department
6 shall issue, upon sufficient evidence of compliance with the
7 requirements of this section and payment of all fees under
8 subsection (b), a certificate of registration to the owner or
9 keeper of the dangerous dog.

10 (a.1) Compliance requirements.--The owner or keeper of a dog
11 who has been convicted of harboring a dangerous dog shall do all
12 of the following:

13 (1) Present sufficient evidence of a proper enclosure to
14 confine a dangerous dog and the posting of a premises with a
15 clearly visible warning sign that there is a dangerous dog on
16 the property. In addition, the owner shall conspicuously
17 display a sign with a warning symbol that informs children of
18 the presence of a dangerous dog.

19 (2) Pay court-ordered restitution to a victim of a
20 dangerous dog.

21 (3) Permanently identify the dangerous dog by having a
22 microchip implanted in the dangerous dog. The microchip shall
23 be implanted by a properly licensed doctor of veterinary
24 medicine and the costs shall be borne by the owner or keeper
25 of the dangerous dog. The owner or keeper of the dangerous
26 dog and the veterinarian implanting the microchip shall sign
27 a form, developed by the department, verifying the dangerous
28 dog has had a microchip implanted and setting forth the
29 microchip number.

30 (4) Have the dangerous dog spayed or neutered. The

1 spaying or neutering shall be done by a properly licensed
2 doctor of veterinary medicine and the costs shall be borne by
3 the owner or keeper of the dangerous dog. The owner or keeper
4 of the dangerous dog and the veterinarian performing the
5 spaying or neutering shall sign a form, developed by the
6 department, verifying the dangerous dog has been spayed or
7 neutered.

8 (5) Obtain:

9 (i) a surety bond in the amount of \$50,000 issued by
10 an insurer authorized to do business within this
11 Commonwealth, payable to any person injured by the
12 dangerous dog; or

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

23 (b) [Fee] Registration fee.--The registration fee for a
24 dangerous dog certificate shall be [\$25 or such] \$500 per
25 calendar year for the life of the dog plus an additional amount
26 set by the department as may be necessary to cover the costs of
27 issuing this registration and enforcing this section. This
28 registration fee shall be in addition to any other fees
29 collectable under this act and shall be credited to the Dog Law
30 Restricted Account for the purpose of administering and

1 enforcing this act.

2 (c) Uniform identifiable symbol.--The department shall have
3 the authority to establish a uniform identifiable symbol for
4 visual recognition of dangerous dogs. [The "Ugh Dog" symbol
5 developed by Animal-Vues may be adopted as the standard symbol
6 to identify dangerous dogs.]

7 (d) Other requirements.--The owner or keeper of a dangerous
8 dog shall [sign a statement attesting that]:

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

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

22 (3) The new owner or keeper of the dangerous dog shall
23 be required to comply with all of the provisions of this act
24 and regulations pertaining to a dangerous dog.

25 Section 504-A. Control of dangerous dogs.

26 It is unlawful for an owner or keeper of a dangerous dog to
27 permit the dog to be outside the proper enclosure unless the dog
28 is muzzled and restrained by a substantial chain or leash and
29 under physical restraint of a responsible person. The muzzle
30 shall be made in a manner that will not cause injury to the dog

1 or interfere with its vision or respiration but shall prevent it
2 from biting any person or animal or from destroying property
3 with its teeth.

4 Section 16. Section 505-A of the act, amended December 11,
5 1996 (P.L.943, No.151), is amended to read:

6 Section 505-A. Public safety and penalties.

7 (a) Failure to register and restrain.--[A dangerous dog
8 shall be immediately confiscated by a State dog warden or a
9 police officer upon the occurrence of any of the following:] The
10 owner or keeper of a dangerous dog who violates any of the
11 following provisions on the first occurrence commits a
12 misdemeanor of the third degree if:

13 (1) The dangerous dog is not validly registered under
14 this act.

15 (2) The owner [does not secure and maintain the
16 liability insurance coverage required under section 503-A.]
17 or keeper of the dangerous dog fails to comply with the
18 provisions of section 503-A or 504-A.

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

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

24 (5) The dog is outside the dwelling of the owner without
25 a muzzle regardless of whether the dog is physically
26 restrained by a leash.

27 (6) The dog is outside the dwelling of the owner or a
28 proper enclosure without a muzzle and unsupervised regardless
29 of whether the dog is physically restrained by a leash.

30 [In addition, an owner violating this subsection commits a

1 misdemeanor of the third degree.]

2 (a.1) Subsequent violations.--The owner or keeper of a
3 dangerous dog who commits a subsequent violation under
4 subsection (a) commits a misdemeanor of the second degree and
5 upon conviction shall pay a fine not to exceed \$5,000, plus the
6 costs of quarantine, kennel charges and destruction of the
7 dangerous dog. The dangerous dog shall be forfeited immediately
8 by the owner or keeper to a dog warden, ~~police officer or game~~ <—
9 ~~warden~~ OR POLICE OFFICER and shall be placed in a kennel or, if <—
10 necessary, quarantined for a length of time to be determined by
11 the department. After a period of ten days, if no appeal has
12 been filed and the necessary quarantine period has elapsed, the
13 dangerous dog shall be destroyed humanely in an expeditious
14 manner. If an appeal is filed, the dangerous dog shall remain
15 confined at the owner's or keeper's expense until the
16 proceedings are completed.

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

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

26 (b) Attacks by dangerous dog.--If a dangerous dog, through
27 the intentional, reckless or negligent conduct of the dog's
28 owner or keeper, attacks a person or a domestic animal, DOG OR <—
29 CAT, the dog's owner [is] or keeper shall be guilty of a
30 misdemeanor of the second degree. In addition, the dangerous dog

1 shall be immediately [confiscated, placed in quarantine for the
2 proper length of time and thereafter humanely killed in an
3 expeditious manner, with costs of quarantine and destruction to
4 be borne by the dog's owner.] seized by a dog warden or a police
5 officer and placed in quarantine for a length of time to be
6 determined by the department. After a period of ten days, if no
7 appeal has been filed by the owner or keeper of the dangerous
8 dog and after the quarantine period has expired, the dangerous
9 dog 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. If an appeal is filed, the dangerous
12 dog shall remain confined at the owner's or keeper's expense
13 until the proceedings are completed and if found guilty of the
14 cited offense, the dangerous dog shall thereafter be humanely
15 destroyed in an expeditious manner, with costs of kenneling,
16 quarantine and destruction to be borne by the dog's owner or
17 keeper.

18 (c) Attacks causing severe injury or death.--The owner or
19 keeper of any dog that, through the intentional, reckless or
20 negligent conduct of the dog's owner or keeper, aggressively
21 attacks and causes severe injury or death of any human shall be
22 guilty of a misdemeanor of the first degree. In addition, the
23 dog shall be immediately confiscated by a State dog warden or a
24 police officer[, placed in quarantine for the proper length of
25 time and thereafter humanely killed in an expeditious manner,
26 with costs of quarantine and destruction to be borne by the
27 dog's owner.] and placed in quarantine for a length of time to
28 be determined by the department. After a period of ten days, if
29 no appeal has been filed by the owner or keeper of the dangerous
30 dog, and after the quarantine period has expired, the dangerous

1 dog shall be humanely destroyed in an expeditious manner, with
2 costs of kenneling, quarantine and destruction to be borne by
3 the dog's owner or keeper. If an appeal is filed, the dangerous
4 dog shall remain confined at the owner's or keeper's expense
5 until the proceedings are completed and if found guilty of the
6 cited offense, the dangerous dog shall be humanely destroyed in
7 an expeditious manner, with costs of kenneling, quarantine and
8 destruction to be borne by the dog's owner or keeper.

9 (d) Dog owned by a minor.--If the owner of the dangerous dog
10 is a minor, the parent or guardian of the minor shall be liable
11 for injuries and property damages caused by an unprovoked attack
12 by the dangerous dog under section 4 of the former act of July
13 27, 1967 (P.L.186, No.58), entitled "An act imposing liability
14 upon parents for personal injury, or theft, destruction, or loss
15 of property caused by the willful, tortious acts of children
16 under eighteen years of age, setting forth limitations, and
17 providing procedure for recovery."

18 (e) Mandatory reporting.--

19 (1) All known incidents of dog attacks shall be reported
20 to the State dog warden, who shall investigate each incident
21 and notify the department if a dog has been determined to be
22 dangerous.

23 (2) A State dog warden or police officer who has
24 knowledge of a dog which has attacked a person shall file a
25 written report summarizing the circumstances of the attack
26 with the police in the municipality where the owner of the
27 dog resides or if the attack occurred outside the owner's
28 municipality of residence, with the police having
29 jurisdiction in the municipality where the attack occurred.
30 The report shall be available for public inspection.

1 Section 16.1. Section ~~507-A(f)~~ 507-A(F)(1) of the act, added <—
2 May 31, 1990 (P.L.213, No.46), is amended to read:

3 Section 507-A. Construction of article.

4 * * *

5 (f) Procedure in certain cities.--In cities of the first
6 class, second class and second class A, the following procedure
7 shall apply:

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

23 * * *

24 Section 16.2. Sections 602, 603, 706, 802 and ~~901~~, 901 AND <—
25 903 of the act, amended or added December 11, 1996 (P.L.943,
26 No.151), are amended to read:

27 Section 602. Dogs used for law enforcement.

28 (a) Illegal to taunt law enforcement dogs.--It shall be
29 unlawful for any person to willfully and maliciously taunt,
30 torment, tease, beat, kick or strike any dog, including any

1 search and rescue or [accelerant] detection dogs, used by any
2 municipal, county or State police or sheriff's department or
3 agency, fire department or agency or handler under the
4 supervision of such department or agency, in the performance of
5 the functions or duties of such department or agency or to
6 commit any of the stated acts in the course of interfering with
7 any such dog used by the department or agency or any member or
8 supervised handler thereof in the performance of the functions
9 or duties of the department or agency or of such officer or
10 member or supervised handler. Any person who violates any of the
11 provisions of this subsection commits a felony of the third
12 degree.

13 (b) Illegal to torture certain dogs.--It shall be unlawful
14 for any person to willfully or maliciously torture, mutilate,
15 injure, disable, poison or kill any dog, including any search
16 and rescue or [accelerant] detection dog, used by any municipal,
17 county or State police or sheriff's department or agency, fire
18 department or agency or handler under the supervision of such
19 department or agency, in the performance of the functions or
20 duties of the department or agency or to commit any of the
21 stated acts in the course of interfering with any such dog used
22 by the department or agency or any member or supervised handler
23 thereof in the performance of any of the functions or duties of
24 the department or agency or of such officer or member or
25 supervised handler. Any person who violates any of the
26 provisions of this subsection commits a felony of the third
27 degree.

28 (c) Illegal to deny facilities or service due to [police]
29 dog use.--It shall be unlawful for the proprietor, manager or
30 employee of a theater, hotel, motel, restaurant or other place

1 of entertainment, amusement or accommodation to refuse, withhold
2 from or deny to any person, due to the use of a working police
3 dog, detection dog or search and rescue dog used by any State or
4 county or municipal police or sheriff's department or agency,
5 fire department, search and rescue unit or agency or handler
6 under the supervision of those departments, either directly or
7 indirectly, any of the accommodations, advantages, facilities or
8 privileges of the theater, hotel, motel, restaurant or other
9 place of public entertainment, amusement or accommodation. Any
10 person who violates any of the provisions of this subsection
11 commits a misdemeanor of the third degree.

12 (d) Quarantine of certain dogs not required.--Quarantine of
13 dogs as required by law shall not apply to dogs owned by any
14 municipal or State police department or agency when such dogs
15 are under the direct supervision and care of a police officer
16 and subject to routine veterinary care.

17 Section 603. Selling, bartering or trading dogs.

18 (a) Illegal transfers.--It shall be unlawful to offer a dog
19 as an inducement to purchase a product, commodity or service.
20 The sale of a dog by a licensed kennel shall not be considered
21 to be an inducement.

22 (b) Illegal to transfer ownership of certain puppies.--It
23 shall be unlawful to barter, trade, raffle, sell, auction or in
24 any way transfer ownership of a dog under [seven] eight weeks of
25 age, unless the dog has been orphaned and it becomes necessary
26 to transfer ownership of the orphaned dog to a nonprofit kennel,
27 or from a nonprofit kennel with approval by a licensed doctor of
28 veterinary medicine.

29 (c) Illegal for certain persons to transfer dogs.--It shall
30 be unlawful for any person to buy, sell, offer to sell,

1 transfer, barter, trade, raffle, auction or rent a dog at any
2 public place in this Commonwealth other than a kennel licensed
3 pursuant to this act, or a dog show, performance event or field
4 trial sponsored by a recognized breed or kennel association or
5 transfer by a rescue network kennel within its own network or to
6 another rescue network kennel. If a purchase, sale, transfer,
7 barter, trade, raffle, auction or rental of a dog occurs at or
8 on the premises of a kennel, the transaction shall be unlawful
9 unless one of the parties to the transaction is an employee,
10 volunteer or other person acting as an authorized representative
11 of the kennel.

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

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

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

- 23 (1) The time, place and manner of the damage.
24 (2) The number and type of domestic animal damaged.
25 (3) The amount of the damage. The amount under this
26 paragraph is limited to \$10,000 for each domestic animal.

27 (c) Limitation.--A written complaint under subsection (b)
28 must be filed within five business days of discovery of the
29 damage.

30 (d) Investigation.--Within 48 hours of receipt of a

1 complaint under subsection (b), a State dog warden shall
2 investigate the complaint by examining the site of the
3 occurrence. The State dog warden may examine witnesses under
4 oath or affirmation.

5 (e) Determination.--

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

9 (i) A dismissal of the complaint.

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

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

17 (f) Arbitration.--

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

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

25 (3) The arbitrator shall receive appropriate
26 compensation paid by the complainant.

27 (g) Administrative appeal.--

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

30 (2) The appeal must be filed within 30 days of issuance

1 of the determination.

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

4 (i) Affirming the original determination.

5 (ii) Modifying the original determination.

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

10 (5) This subsection is subject to 2 Pa.C.S Ch. 5 Subch.
11 A (relating to practice and procedure of Commonwealth
12 agencies).

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

17 (i) Payment of claims.--

18 (1) All damage claims shall be paid from the Dog Law
19 Restricted Account. No payment shall be made for any claim
20 which has already been paid by the claimant's insurance
21 carrier. The claimant shall certify to the department that he
22 has not received payment for any damages under this section
23 by any person. Claims paid under this section shall not
24 exceed [\$20,000] \$75,000 annually.

25 (2) If in any given year damage claims exceed the
26 allocation for this subsection, those claims left unpaid at
27 the end of the fiscal year shall be paid from the account
28 first during the following year.

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

1 Section 802. Burdens of proof.

2 (a) Licensing.--In any proceeding under this act, the burden
3 of proof of the fact that a dog has been licensed, or has been
4 imported for breeding, trial, hunting, performance event or show
5 purposes, or that a dog is under the required licensed age of
6 three months as hereinbefore provided, shall be on the owner of
7 such dog. Any dog not bearing a license tag shall prima facie be
8 deemed to be unlicensed except as provided under this act. It is
9 unlawful for any person dealing in and with dogs, to use a false
10 or fictitious name unless such name is registered with the
11 Commonwealth.

12 (b) Age and name.--In a proceeding under this act, the
13 burden of proof of the age of a dog shall be on the owner of the
14 dog. It shall be unlawful for a person dealing in and with dogs
15 to use a false or fictitious name unless the name is registered
16 with the Commonwealth.

17 Section 901. Enforcement of this act by the secretary;
18 provisions for inspections.

19 (a) General rule.--The secretary, through State dog wardens,
20 employees of the department and police officers, shall be
21 charged with the general enforcement of this law. The secretary
22 may employ all proper means for the enforcement of this act
23 [and], including issuing notices and orders, referring FILING <—
24 violations for criminal prosecution, seeking injunctive relief,
25 imposing civil penalties and entering into consent agreements.
26 The secretary may enter into agreements pursuant to section
27 1002, which shall be filed with the department, for the purpose
28 of dog control. State dog wardens and employees of the
29 department are hereby authorized to enter upon the premises of
30 any [persons] person for the purpose of investigation. A dog

1 warden or employee of the department may enter into a home or
2 other building only with the permission of the occupant or with
3 a duly issued search warrant.

4 (b) Training for dog wardens.--The secretary shall establish
5 training requirements for dog wardens and other employees of the
6 department charged with the enforcement of this act which shall
7 include dog handling [and], cruelty, humane capture, preliminary
8 recognition of dog pathology, knowledge of proper dog
9 sanitation, kennel inspection procedures and shelter and dog law
10 enforcement.

11 (b.1) Training requirements.--The department shall establish
12 a program for initial training of dog wardens and employees of
13 the department which must include, at a minimum, a total of [56]
14 64 hours of instruction, in accordance with [paragraphs (1), (2)
15 and (3).] this subsection. The following shall apply:

16 (1) The program for initial training of dog wardens must
17 include at least 32 hours of instruction in the following
18 group of instructional areas:

19 (i) Dog laws and applicable rules and regulations.

20 (ii) Care and treatment of dogs, including breed and
21 use variability.

22 (iii) Pennsylvania criminal law and criminal
23 procedure.

24 (2) At least [24] 32 hours of instruction in the initial
25 training program must be provided in the following group of
26 instructional areas:

27 (i) Dog handling and humane capture.

28 (ii) Preliminary recognition of dog pathology.

29 (iii) Proper dog sanitation and shelter.

30 (iv) Kennel inspection procedures.

1 (v) Biosecurity risks, techniques and protocol.

2 (3) The initial training program must also require an
3 individual, as a prerequisite to successful completion of the
4 training program, to take and pass a final examination that
5 sufficiently measures the individual's knowledge and
6 understanding of the instructional material.

7 (4) Training shall be conducted in accordance with 22
8 Pa.C.S. Ch. 37 (relating to humane society police officers).

9 (b.2) Limitation on the possession of firearms.--No dog
10 warden or employee of the department shall carry, possess or use
11 a firearm in the performance of duties. [unless the person has <—
12 the approval of the secretary and holds a current and valid
13 certification in the use and handling of firearms pursuant to at
14 least one of the following:

15 (1) The act of June 18, 1974 (P.L.359, No.120), referred
16 to as the Municipal Police Education and Training Law.

17 (2) The act of October 10, 1974 (P.L.705, No.235), known
18 as the "Lethal Weapons Training Act."

19 (3) The act of February 9, 1984 (P.L.3, No.2), known as
20 the "Deputy Sheriffs' Education and Training Act."

21 (4) Any other firearms program which has been determined
22 by the Commissioner of the Pennsylvania State Police to be of
23 sufficient scope and duration to provide the participant with
24 basic training in the use and handling of firearms. The
25 department may provide for such firearms training for dog
26 wardens.] <—

27 (b.3) Application of section to prior dog wardens.--

28 (1) Any dog warden or employee of the department who,
29 prior to the effective date of this act, has successfully
30 completed a training program similar to that required under

1 subsection [(b)] (b.1) shall, after review by the secretary,
2 be certified as having met the training requirements of this
3 act. Any dog warden or employee of the department who, prior
4 to the effective date of this act, has not successfully
5 completed a training program similar to that required under
6 subsection [(b)] (b.1) may continue to perform the duties of
7 a dog warden until the person has successfully completed the
8 required training program, but not longer than two years from
9 the effective date of this act.

10 (2) [Any dog warden or employee of the department who, <—
11 prior to the effective date of this act, has not received
12 approval of the secretary and been certified in the use and
13 handling of firearms pursuant to one or more of the acts set
14 forth in subsection (b.2)(1), (2) and (3) shall not carry or
15 possess a firearm in the performance of the duties of a dog
16 warden on or after the effective date of this act until the
17 person has, under subsection (b.2), received approval of the
18 secretary and been certified in the use and handling of
19 firearms.] (RESERVED). <—

20 (b.4) Refusal, suspension or revocation authorized.--The
21 department may refuse to employ a person to act as a dog warden
22 or may suspend or revoke the employment of a person who is
23 acting as a dog warden if the department determines that the
24 person has:

25 (1) Failed to satisfy the training requirements of
26 subsection (b.1).

27 (2) Had a criminal history record which would disqualify
28 the applicant from becoming a law enforcement officer.

29 (3) Been convicted of violating 18 Pa.C.S. § 5301
30 (relating to official oppression).

1 (b.5) Additional grounds.--The department may refuse to
2 employ a person to act as a dog warden or other employee charged
3 with the enforcement of this act or may suspend or revoke the
4 employment of a person who is acting as a dog warden or is
5 charged with the enforcement of this act if the department
6 determines that the person has:

7 (1) Made a false or misleading statement in the
8 application for employment.

9 (2) Carried or possessed a firearm in the performance of
10 his or her duties without certification pursuant to
11 subsection (b.2).

12 (3) Engaged in conduct which constitutes a prima facie
13 violation of 18 Pa.C.S. [§ 5301] §§ 5301 and 5511 (relating
14 to cruelty to animals).

15 (4) Knowingly failed to enforce any of the provisions of
16 this act.

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

18 (b.6) Training available to others.--The department may
19 provide training under subsections (b.1) and (b.2) to any person
20 not employed by the department and may charge a reasonable fee
21 to cover the costs incurred for providing this service. Training
22 for any person not employed by the department need not include
23 instruction in kennel inspection procedures.

24 (c) Advisory board.--The secretary shall appoint a Dog Law
25 Advisory Board to advise [him] the secretary in the
26 administration of this act. The board shall consist of the
27 following[:], who shall either be a resident of this
28 Commonwealth or an organization of this Commonwealth:

29 (1) The secretary or his designee, who shall act as
30 chairman.

1 (2) A representative of animal research establishments.

2 (3) A representative of a Statewide veterinary medical
3 association.

4 (4) Two representatives of animal welfare organizations.

5 (5) Three representatives of farm organizations, with
6 one from each Statewide general farm organization.

7 (6) A representative of dog clubs.

8 (7) A representative of commercial kennels.

9 (8) A representative of pet store kennels.

10 (9) A representative of sportsmen.

11 (10) A representative of a national purebred canine
12 pedigree registry.

13 (11) A representative of lamb and wool growers.

14 (12) A county treasurer.

15 (13) A representative of hunting-sporting dog
16 organizations.

17 (14) A representative of the police.

18 (15) A representative of boarding kennels.

19 (16) Seven members representing the general public who
20 are recommended by the Governor.

21 (d) Terms.--The length of the initial term of each
22 appointment to the board shall be set by the secretary and shall
23 be staggered so that the terms of approximately one-third of the
24 appointments expire each year.

25 (e) Absences.--Three consecutive unexcused absences from
26 regular board meetings or failure to attend at least 50% of the
27 regularly scheduled board meetings in any calendar year shall be
28 considered cause for termination of appointment unless the
29 secretary, upon written request of the member, finds that the
30 member should be excused from attending a meeting because of

1 illness or death of a family member or for a similar emergency.

2 (f) Vacancies.--Vacancies in the membership of the board
3 shall be filled for the balance of an unexpired term in the same
4 manner as the original appointment.

5 (g) Recommendations.--The board may make nonbinding
6 recommendations to the secretary on all matters related to the
7 provisions of this act.

8 ~~Section 17. Section 903 of the act, amended December 11,~~ <—
9 ~~1996 (P.L.943, No.151), is amended to read:~~

10 Section 903. [Violations.

11 Unless heretofore provided, any person found in violation of
12 any provision of Article II through Article VIII of this act
13 shall be guilty of a summary offense for the first violation and
14 for a second and subsequent violation which occurs within one
15 year of sentencing for the first violation shall be guilty of a
16 misdemeanor of the third degree.] Enforcement and penalties.

17 (a) Civil penalty.--

18 (1) Where the department finds that the first violation
19 of a provision of this act or a rule or regulation adopted
20 under this act by a kennel owner or operator has occurred, it
21 will, for the violations found during that inspection, issue
22 a Notice of Violation (NOV) to the kennel owner or operator
23 in lieu of assessing a civil penalty. Where the kennel owner
24 or operator takes action in the time period provided in the
25 NOV to correct the violation set forth in the NOV and come
26 into compliance, no civil penalty shall be issued for a
27 violation which is corrected. The time period to come into
28 compliance shall be based on the time reasonably necessary to
29 correct the violation.

30 (2) (i) The department may assess a civil penalty of

1 not less than \$100 nor more than \$1,000 per day for each
2 offense where the kennel owner or operator:

3 (A) has not taken the remedial measures required
4 by and necessary to comply with the NOV issued under
5 paragraph (1); or

6 (B) where the kennel owner or operator has
7 already been issued one NOV in any calendar year and
8 the department finds a subsequent violation of this
9 act or a rule or regulation adopted under this act.

10 (ii) In determining the amount of the penalty, the
11 department shall set forth in writing the basis for the
12 amount of the penalty, detailing its evaluation of the
13 impact of the following factors:

14 (A) The gravity of the violation.

15 (B) The potential harm to the public.

16 (C) The potential effect on the dog or dogs.

17 (D) The willfulness of the violation.

18 (E) Previous violations.

19 (F) The economic benefit to the person for
20 failing to comply with this act or rules or
21 regulations adopted under this act.

22 (iii) The department shall provide written notice of
23 the penalty amount as well as the general factual and
24 legal basis for the penalty, and shall advise the
25 affected person that within ~~ten~~ 20 days of receipt of the <—
26 notice he may file with the secretary a written request
27 for an administrative hearing. Unless a timely request
28 has been filed, the written notice shall become final.

29 EACH PERSON ASSESSED A PENALTY SHALL BE GIVEN NOTICE AND <—
30 OPPORTUNITY FOR A HEARING ON THE PENALTY ASSESSMENT IN

1 ACCORDANCE WITH THE PROVISIONS OF 2 PA.C.S. CHS. 5 SUBCH.
2 A (RELATING TO PRACTICE AND PROCEDURE OF COMMONWEALTH
3 AGENCIES) AND 7 SUBCH. A (RELATING TO JUDICIAL REVIEW OF
4 COMMONWEALTH AGENCY ACTION).

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

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

15 (1) For the first offense, a summary offense and shall,
16 upon conviction, be sentenced for each offense to pay a fine
17 of not less than \$100 nor more than \$500 or to imprisonment
18 for not more than 90 days, or both.

19 (2) For a subsequent offense that occurs within one year
20 of sentencing for the prior violation, a misdemeanor of the
21 third degree and shall, upon conviction, be sentenced for
22 each offense to pay a fine of not less than \$500 nor more
23 than \$1,000 plus costs of prosecution or to imprisonment of
24 not more than one year, or both.

25 (3) Upon conviction for an offense, as set forth in
26 paragraphs (1) and (2), and solely for the purpose of
27 determining the amount of the fine to be imposed for each
28 offense or the term of imprisonment, or both, the court shall
29 consider the following factors:

30 (i) The gravity of the offense.

1 (ii) The potential effect of the offense on the dog
2 or dogs.

3 (iii) The number of dogs affected or endangered by
4 the offense.

5 (iv) The person's criminal history, including past
6 violations of this act.

7 (v) The economic benefit to the person for failing
8 to comply with this act or a rule or regulation adopted
9 thereunder.

10 (c) Representation.--Upon prior authorization and approval
11 of the district attorney for the county in which the proceeding
12 is held, a State dog warden may be represented in any proceeding
13 under this section by an attorney employed by the Office of
14 General Counsel.

15 (d) Civil remedies.--In addition to any other remedies set
16 forth under this act, a violation of this act or the regulations
17 promulgated under this act shall be abatable in the manner
18 provided by law or equity.

19 (e) Equitable relief.--In cases where the circumstances
20 require it, a mandatory preliminary injunction, special
21 injunction or temporary restraining order may be issued upon the
22 terms prescribed by the court, provided such notice of the
23 application has been given to the respondent in accordance with
24 the rules of equity practice. In any such proceeding, the court
25 shall issue a prohibitory or mandatory injunction if it finds
26 that the respondent is engaging in unlawful conduct as defined
27 under this act or is engaging in conduct which is causing
28 immediate and irreparable harm to the public. In addition to the
29 injunction, the court in such equity proceeding may assess civil
30 penalties in accordance with this section.

1 (f) Penalties collected.--All civil penalties collected
2 under this act shall be remitted to the Dog Law Restricted
3 Account.

4 (g) Limitation on penalty.--A violation of this act cannot
5 result in the issuance of both a civil penalty under subsection
6 (a)(2) and the pursuit of a criminal penalty under subsection
7 (b).

8 (h) Violation.--Each day there is a violation may count as a
9 separate violation of the act.

10 Section ~~18~~ 17. The act is amended by adding a section to <—
11 read:

12 Section 908. Exemption.

13 Research kennels in this Commonwealth that are currently
14 registered with and inspected by the Federal Government under
15 the Animal Welfare Act (Public Law 89-544, 7 U.S.C. § 2131 et
16 seq.) shall be exempt from this act and regulations promulgated
17 under this act if they can provide documentation to the
18 department demonstrating that the research kennel has undergone
19 at least one Federal inspection in the last 12 months and the
20 research kennel sill maintains a valid Federal registration.
21 Submission of such evidence of Federal inspection and
22 registration by documentation to the department may be
23 established by regulation.

24 Section ~~19~~ 18. The definition of "releasing agency" in <—
25 section 901-A of the act, added December 11, 1996 (P.L.943,
26 No.151), is amended to read:

27 Section 901-A. Definitions.

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

1 * * *

2 "Releasing agency." A public or private pound, animal
3 shelter, humane society, society for the prevention of cruelty
4 to animals, rescue network kennel or other similar entity that
5 releases a dog or cat for adoption.

6 * * *

7 Section ~~20~~ 19. This act shall take effect as follows: <—

8 ~~(1) The following provisions shall take effect~~ <—

9 immediately:

10 ~~(i) This section.~~

11 ~~(ii) The addition of section 207(h)(17).~~

12 ~~(2) The addition of section 207(h)(1) through (16) and~~
13 ~~(i) of the act shall take effect in 180 days.~~

14 (1) THE FOLLOWING PROVISIONS SHALL TAKE EFFECT IN ONE <—
15 YEAR:

16 (I) THE ADDITION OF SECTION 207(H)(1) THROUGH (16)
17 OF THE ACT.

18 (II) EXCEPT AS SET FORTH IN PARAGRAPH (2)(II), THE
19 ADDITION OF SECTION 207(I) OF THE ACT.

20 (2) THE FOLLOWING PROVISIONS SHALL TAKE EFFECT
21 IMMEDIATELY:

22 (I) THE ADDITION OF SECTION 207(H)(17) AND (18) OF
23 THE ACT.

24 (II) THE ADDITION OF SECTION 207(I)(6)(X)(B) AND (J)
25 OF THE ACT.

26 (III) THE ADDITION OF SECTION 221 OF THE ACT.

27 (IV) THIS SECTION.

28 (3) The remainder of this act shall take effect in 60
29 days.