

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 671 Session of
2009

INTRODUCED BY GALLOWAY, BEYER, BRENNAN, DIGIROLAMO, GOODMAN,
HARHAI, HENNESSEY, HORNAMAN, MILNE, MYERS, PALLONE,
PASHINSKI, READSHAW, SANTARSIERO AND SIPTROTH,
FEBRUARY 27, 2009

REFERRED TO COMMITTEE ON AGRICULTURE AND RURAL AFFAIRS, FEBRUARY
27, 2009

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 construction of article relating to dangerous dogs.

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

18 Section 1. Section 507-A of the act of December 7, 1982
19 (P.L.784, No.225), known as the Dog Law, amended or added May
20 31, 1990 (P.L.213, No.46) and October 9, 2008 (P.L.1450, No.
21 119), is amended to read:

22 Section 507-A. Construction of article.

23 (a) Enforcement.--This article shall be enforced by all

1 municipalities except counties unless otherwise provided by
2 ordinance in accordance with subsection (c).

3 (b) Abusive or unlawful conduct of victim.--This article
4 shall not apply if the threat, injury or damage was sustained by
5 a person who, at the time, was committing a willful trespass or
6 other tort upon the premises occupied by the owner of the dog,
7 or was tormenting, abusing or assaulting the dog or has, in the
8 past, been observed or reported to have tormented, abused or
9 assaulted the dog, or was committing or attempting to commit a
10 crime.

11 (c) Local ordinances.--[Those provisions of local ordinances
12 relating to dangerous dogs are hereby abrogated.] A local
13 ordinance otherwise dealing with dogs may not prohibit or
14 otherwise limit a specific breed of dog. This act shall not
15 supersede or preclude the adoption of any municipal ordinance
16 applicable to dangerous dogs.

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

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

22 (1) the dog does not leave the farm property to attack;
23 and

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

27 (f) Procedure in certain cities.--[In] Unless otherwise
28 provided by ordinance in accordance with subsection (c), in
29 cities of the first class, second class and second class A, the
30 following procedure shall apply:

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

15 (2) All fees and fines shall be paid to and retained by
16 the city treasurers, who shall issue the certificate of
17 registration.

18 (3) Enforcement of this article in these cities will be
19 under the jurisdiction of the local police or an animal
20 control officer employed by or under contract with the city
21 with notification requirements in section 503-A(d)(2) to be
22 made to the licensing authority and the local police or an
23 animal control officer employed by or under contract with the
24 city.

25 (4) Copies of all dangerous dog determinations,
26 certificates and reports on the status of the dangerous dog
27 shall be sent to the Bureau of Dog Law Enforcement.

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

1 Section 2. This act shall take effect in 60 days.