

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1417 Session of
2010

INTRODUCED BY DINNIMAN, ALLOWAY AND WASHINGTON, JUNE 23, 2010

REFERRED TO AGRICULTURE AND RURAL AFFAIRS, JUNE 23, 2010

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 revocation or
16 refusal of kennel licenses, for seizure and detention of
17 dogs, for provisions relating to dog bites and for
18 disposition of fines and penalties.

19 The General Assembly of the Commonwealth of Pennsylvania
20 hereby enacts as follows:

21 Section 1. The definitions of "department," "permanent
22 identification," "permanently identified" and "secretary" in
23 section 102 of the act of December 7, 1982 (P.L.784, No.225),
24 known as the Dog Law, amended October 9, 2008 (P.L.1450,
25 No.119), are amended to read:
26 Section 102. Definitions.

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

4 * * *

5 "Department." The [Pennsylvania Department of Agriculture]
6 Department of Health of the Commonwealth.

7 * * *

8 "Permanent identification" or "permanently identified." Any
9 long-lasting identification designed to be nonremovable, such as
10 a tattoo or microchip, determined by the Department of
11 [Agriculture] Health through regulation. Any dog permanently
12 identified shall be required to bear a license tag in accordance
13 with the provisions of this act.

14 * * *

15 "Secretary." The Secretary of [Agriculture] Health or any
16 person to whom authority has been delegated by the Secretary of
17 [Agriculture] Health.

18 * * *

19 Section 2. Sections 200(b.1), 211(e), 302(b) and 502(a) of
20 the act, amended or added October 9, 2008 (P.L.1450, No.119),
21 are amended to read:

22 Section 200. Issuance of dog licenses; compensation; proof
23 required; deposit of funds; records; license sales;
24 rules and regulations; failure to comply; unlawful
25 acts; penalty.

26 * * *

27 (b.1) Mailings.--Advertisements, promotions, requests for
28 donations, solicitations and other materials may not add to the
29 cost of postage to be paid by the department and may not be
30 directly attached to a dog license application, dog license

1 renewal notice or other dog law document. Dog license mailings,
2 renewals and other notices related to State dog licenses shall
3 not contain any extraneous advertising, promotions, requests for
4 donations, solicitations or other materials unless the
5 advertisement, promotion, request for donation, solicitations or
6 other materials have met one of the following conditions:

7 (1) They have been previously approved in writing by the
8 department.

9 (2) They each contain a disclaimer stating that, "The
10 solicitation or request for a donation herein is not for a
11 program sponsored by, funded by or endorsed by the
12 Pennsylvania Department of [Agriculture] Health (the
13 Department). The Department takes no responsibility for this
14 program. Participation in this program is voluntary, is not a
15 condition of receiving a dog license and does not change the
16 cost of obtaining a dog license. Any donation will be
17 deposited into an account separate from the account for dog
18 license revenues."

19 * * *

20 Section 211. Revocation or refusal of kennel licenses.

21 * * *

22 (e) Bonding requirements.--The following shall apply to
23 bonding requirements:

24 (1) If dogs are seized from a kennel under this act and
25 an administrative appeal is filed, within ten days of filing
26 the appeal, the owner of the licensed or unlicensed kennel
27 shall either:

28 (i) post a surety bond in the amount determined by
29 the department applying the criteria set forth in
30 paragraph (2); or

1 (ii) deposit a sum of money not to exceed 10% of the
2 amount of the surety bond determined by the department
3 applying the criteria set forth in paragraph (2).

4 (2) The amount of the surety bond shall be based on the
5 number of dogs seized and shall be equal to the estimated
6 cost of transportation, care and feeding, pursuant to removal
7 and impoundment, for a period of 31 days.

8 (2.1) Any surety bond posted pursuant to paragraph (1)
9 (i) shall be payable to the Commonwealth of Pennsylvania,
10 Department of [Agriculture] Health, Bureau of Dog Law
11 Enforcement. The department shall remit such funds to the
12 entity holding the dogs.

13 (2.2) Any deposit pursuant to paragraph (1)(ii) shall be
14 held by the Department of [Agriculture] Health, Bureau of Dog
15 Law Enforcement, until after the appeal. If, after the
16 appeal, the dogs are not placed under the care of the owner
17 from which they were seized, the department shall be entitled
18 to keep the deposit and collect from the owner the remainder
19 of the amount determined by the department applying the
20 criteria set forth in paragraph (2).

21 (3) If, after appeal, the dogs are placed under the care
22 of the owner from which they were seized, the department
23 shall reimburse the owner for the deposit or the reasonable
24 costs of the bond incurred under this subsection.

25 (4) The department shall guarantee payment of any
26 difference in the amount paid to the holding entity and the
27 amount owed under paragraph (2). The department may refer the
28 matter to the Attorney General who may initiate an action in
29 the appropriate court to recover the amount paid under this
30 paragraph.

1 * * *

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

4 * * *

5 (b) Licensed dogs.--The State dog warden or employee of the
6 department, the animal control officer, or the chief of police
7 or his agents of any city, borough, town or township, the
8 constable of any borough and the constable of any incorporated
9 town or township shall cause any dog bearing a proper license
10 tag or permanent identification and so seized and detained to be
11 properly kept and fed at any licensed kennel approved by the
12 secretary for those purposes and shall cause immediate notice,
13 by personal service or registered or certified mail with return
14 receipt requested, to the last known address, which shall be set
15 forth in the license application record, of the person in whose
16 name the license was procured, or his agent, to claim the dog
17 within five days after receipt thereof. The owner or claimant of
18 a dog so detained shall pay a penalty of \$50 to the political
19 subdivision whose police officers make the seizures and
20 detention and all reasonable expenses incurred by reason of its
21 detention to the detaining parties before the dog is returned.
22 If five days after obtaining the postal return receipt, the dog
23 has not been claimed, such chief of police, or his agent, or a
24 constable, or State dog warden or employee of the department
25 shall dispense the dog by sale or by giving it to a humane
26 society or association for the prevention of cruelty to animals.
27 No dog so caught and detained shall be sold for the purpose of
28 vivisection, or research, or be conveyed in any manner for these
29 purposes. All moneys derived from the sale of the dog, after
30 deducting the expenses of its detention, shall be paid through

1 the [Department of Agriculture] department to the State
2 Treasurer for credit to the Dog Law Restricted Account.

3 * * *

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

5 (a) Confinement.--Any dog which bites or attacks a human
6 being shall be confined in quarters approved by a designated
7 employee of the [Department of Agriculture] department, a State
8 dog warden or employee of the [Department of Agriculture]
9 department, an animal control officer or a police officer. The
10 dog may be detained and isolated in an approved kennel or at the
11 dog owner's property or at another location approved by the
12 investigating officer. Where the dog is detained is at the
13 discretion of the investigating officer. All dogs so detained
14 must be isolated for a minimum of ten days. Any costs incurred
15 in the detaining and isolation of the dog shall be paid by the
16 offending dog's owner or keeper or both. If the dog's owner or
17 keeper is not known, the Commonwealth is responsible for all
18 reasonable costs for holding and detaining the dog.

19 * * *

20 Section 3. Section 905 of the act is amended to read:

21 Section 905. Disposition of fines and penalties.

22 If a prosecution pursuant to this act is initiated by a State
23 dog warden, employee of the department or State Police officer,
24 all fines forfeited, recognizances and other forfeitures
25 imposed, lost or forfeited under this act shall be payable
26 through the [Department of Agriculture] department into the
27 State Treasury for credit to the Dog Law Restricted Account. If
28 a prosecution pursuant to this act is initiated by a local
29 police officer or animal control officer, all fines forfeited,
30 recognizances and other forfeitures imposed, lost or forfeited

1 under this act shall be payable to the political subdivision
2 which employs such local police officer or animal control
3 officer.

4 Section 4. This act shall take effect in 60 days.