

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1491 Session of
1975

INTRODUCED BY BRUNNER, DeMEDIO AND MILLIRON, JUNE 16, 1975

REFERRED TO COMMITTEE ON AGRICULTURE, JUNE 17, 1975

AN ACT

1 Amending the act of December 22, 1965 (P.L.1124, No.437),
2 entitled "An act relating to dogs; regulating the keeping of
3 dogs; providing for the licensing of dogs and kennels;
4 providing for the protection of dogs and the detention and
5 destruction of dogs in certain cases; regulating the sale and
6 transportation of dogs; declaring dogs to be personal
7 property and the subject of larceny; providing for the
8 assessment of damages done to livestock, poultry and domestic
9 game birds; providing for payment of damages by the
10 Commonwealth in certain cases and the liability of the owner
11 or keeper of dogs for such damages; imposing powers and
12 duties on certain State and local officers and employees;
13 providing penalties, and repealing certain acts,"
14 transferring certain functions from the Department of Revenue
15 to the Department of Agriculture.

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

18 Section 1. Sections 201 and 203, act of December 22, 1965
19 (P.L.1124, No.437), known as the "Dog Law of 1965," amended
20 December 6, 1972 (P.L.1456, No.328), are amended to read:

21 Section 201. On or before January 15, 1966, and on or before
22 January 15th of each year thereafter, the owner of any dog six
23 months old or over, except as hereinafter otherwise provided,
24 shall apply to the county treasurer of his respective county on
25 a form prescribed by the Department of [Revenue] Agriculture,

1 for a license for such dog owned or kept by him. Such
2 application shall state the breed, sex, age, color and marking
3 of such dog, and the name and address of the last previous
4 owner; and shall be accompanied by a license fee of one dollar
5 (\$1) for each male dog and for each spayed female dog for which
6 the certificate of a veterinarian or the affidavit of the owner
7 is produced, and by a license fee of two dollars (\$2) for other
8 female dogs, and an additional fee of twenty cents (20¢) for the
9 issuing, recording and reporting said license fees. The county
10 treasurers of the several counties of this Commonwealth shall be
11 agents of the Commonwealth for the collection of said license
12 fees. The said agents shall be allowed to retain the sum of
13 twenty cents (20¢) from the amount paid by each licensee for the
14 use of the county. All such license fees shall be remitted to
15 the State Treasurer, through the Department of [Revenue]
16 Agriculture.

17 Section 203. The Department of [Revenue] Agriculture shall
18 prepare and furnish annually to the treasurer of each county of
19 the Commonwealth, tags to be given by the county treasurer to
20 the owners of dogs when such owners shall pay the license fee
21 for said dogs. Such tags shall bear the name of the county where
22 such license is issued, and a serial number corresponding with
23 the number on the license issued to said owner, as provided in
24 the preceding section of this act.

25 Such tags shall also have impressed thereon the calendar year
26 for which such tag is valid, and shall not contain more than one
27 square inch of area within the ears, or fastening device. The
28 general shape of said tag shall be changed from year to year.

29 If any such tag is lost, it shall be replaced by the county
30 treasurer, upon application by the person to whom the original

1 license was issued and upon production of such license
2 certificate and the payment of a fee of twenty-five cents (25¢)
3 for the use of the county.

4 Section 2. Sections 208, 216, 217 and 301 of the act are
5 amended to read:

6 Section 208. Any person who keeps or operates a kennel, may
7 in lieu of the license for each dog required by this act, apply
8 to the county treasurer for application for a kennel license to
9 keep or operate such kennel. The county treasurer shall forward
10 all such applications for kennel license to the Secretary of
11 Agriculture for approval before issuing said kennel license.
12 Applications must be made at least thirty days prior to issuance
13 of a kennel license. The county treasurer shall, after receiving
14 such approved application, issue kennel licenses of the
15 following description:

16 Class "A" Kennel

17 To keep or operate a kennel for ten dogs or less for the
18 purpose of boarding, breeding, showing or hunting and the
19 selling of dogs for these purposes only--fifteen dollars (\$15)
20 per year.

21 Class "B" Kennel

22 To keep or operate a kennel for eleven to twenty dogs for the
23 purpose of boarding, breeding, showing or hunting and the
24 selling of dogs for these purposes only--twenty-five dollars
25 (\$25) per year.

26 Class "C" Kennel

27 To keep or operate a kennel for more than twenty dogs for the
28 purpose of boarding, breeding, showing or hunting and the
29 selling of dogs for these purposes only--thirty-five dollars
30 (\$35) per year.

1 Class "D 1" Kennel

2 To keep or operate a kennel involving the sale of less than
3 five hundred dogs during the license year for the purpose of
4 breeding or buying and selling dogs to laboratories, hospitals
5 or other establishments for research or any other similar
6 purpose--one hundred dollars (\$100) per year.

7 Class "D 2" Kennel

8 To keep or operate a kennel involving the sale of five
9 hundred to five thousand dogs during the license year for the
10 purpose of breeding or buying and selling dogs to laboratories,
11 hospitals or other establishments for research or any other
12 similar purpose--two hundred fifty dollars (\$250) per year.

13 Class "D 3" Kennel

14 To keep or operate a kennel for more than five thousand dogs
15 during the license year for the purpose of breeding or buying
16 and selling dogs to laboratories, hospitals or other
17 establishments for research or any other similar purpose--five
18 hundred dollars (\$500) per year.

19 Out of state kennel operators of Class D 1, Class D 2, and
20 Class D 3 kennels who transport dogs into the Commonwealth of
21 Pennsylvania for the purpose of selling dogs to laboratories,
22 hospitals or other establishments for research or any other
23 similar purpose shall be required to obtain kennel licenses from
24 the Department of [Revenue who shall forward all such
25 applications to the Secretary of Agriculture for approval before
26 issuing said license] Agriculture.

27 Class "E" Kennel

28 Animal Rescue Leagues, Societies for the Prevention of
29 Cruelty to Animals and Animal Humane Societies, who are legally
30 constituted law enforcement agencies and approved medical and

1 veterinary schools and nonprofit institutions conducting medical
2 and scientific research shall be required to register, but shall
3 not be required to pay any of the foregoing or following license
4 fees, and may use their own identification tags for dogs within
5 their kennels without being required to attach tags hereinafter
6 prescribed while dogs are within such kennels, if approved by
7 the Secretary of Agriculture.

8 Kennel licenses are to be issued only by the county treasurer
9 and the applicant shall also pay an additional fee of twenty-
10 five cents (25¢) for the services of the county treasurer in
11 issuing, recording, and reporting said kennel license to the
12 Department of [Revenue] Agriculture and remitting the license
13 fee to the State Treasurer through the Department of [Revenue]
14 Agriculture. With each kennel license the county treasurer shall
15 issue a number of tags equal to the number of dogs authorized to
16 be kept in the kennel, except that in kennels where more than
17 fifty dogs are kept there shall be an additional charge of
18 twenty-five cents (25¢) for each dog tag required in excess of
19 fifty. All such tags shall bear the name of the county where it
20 is issued, the number of kennel licenses, and shall be readily
21 distinguishable from the individual license tags for the same
22 year by the letter "K" being inscribed on such tags.

23 Section 216. The county treasurer shall keep a record of all
24 dog licenses and all kennel licenses and all transfers issued
25 during the year. Such record shall contain the name and address
26 of the person to whom each license or transfer is issued. In the
27 case of an individual license, the record shall also state the
28 breed, sex, age, color and markings of the dog licensed; and in
29 the case of a kennel license, it shall state the place where the
30 business is conducted. The record shall be a public record and

1 open to persons interested during business hours.

2 Whenever the ownership or possession of any dog licensed
3 under the provisions of this act is transferred from one person
4 to another, as provided in section 206 of this act, except the
5 temporary transfer of dogs for hunting purposes or for breeding,
6 trial, or show, such transfer shall be noted on the record of
7 the county treasurer and be so reported to the Department of
8 [Revenue] Agriculture.

9 Section 217. The county treasurer shall keep an accurate
10 record for two years of all license fees, fines and penalties
11 collected by him or paid over to him by any justice of the
12 peace, alderman, magistrate, or notary public, and of all money
13 received from the sale of dogs. Such record shall be a public
14 record and open to persons interested during business hours.
15 License fees as hereinbefore provided and all fines shall be
16 remitted by the county treasurer to the State Treasurer through
17 the Department of [Revenue] Agriculture on or before the
18 fifteenth day of each calendar month together with a report in
19 duplicate of each payor on forms furnished by the Department of
20 [Revenue] Agriculture.

21 Section 301. It shall be the duty of every police officer to
22 seize and detain any dog which is found running at large, either
23 upon the public streets or highways of the Commonwealth, or upon
24 the property of other than the owner of such dog, and
25 unaccompanied by the owner or keeper. It shall be the privilege
26 of every police officer to kill any dog which is found running
27 at large and is deemed after due consideration by the police
28 officer to constitute a threat to the public health and welfare.
29 The chief of police or his agents of any city, borough, town and
30 township, the constable of any borough, and the constable of any

1 incorporated town or township, shall cause any dog bearing a
2 proper license tag and so seized and detained to be properly
3 kept and fed, and shall cause immediate notice, either personal
4 or by registered mail, to be given to the person in whose name
5 the license was procured, or his agent, to claim such dog within
6 ten days. The owner of a dog so detained shall pay a penalty of
7 five dollars (\$5) to the political subdivision whose police
8 officers made such seizures and detention, and all reasonable
9 expenses incurred by reason of its detention to the detaining
10 parties before the dog is returned.

11 If, after ten days from the giving of such notice, such dog
12 has not been claimed, such chief of police, or his agent, or a
13 constable, shall dispose of such dog by sale or by destruction
14 in some humane manner. No dog so caught and detained shall be
15 sold for the purpose of vivisection. All moneys derived from the
16 sale of such dog, after deducting the expenses of its detention,
17 shall be paid to the county treasurer, and by him paid to the
18 State Treasurer through the Department of [Revenue] Agriculture.

19 Section 3. This act shall take effect immediately.