

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL  
No. 1491 Session of  
1975

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

AS AMENDED ON SECOND CONSIDERATION, IN SENATE, NOVEMBER 15, 1976

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 employes;  
13 providing penalties, and repealing certain acts,"  
14 transferring certain functions from the Department of Revenue  
15 to the Department of Agriculture, PROVIDING FOR LIFETIME  
16 LICENSES AND A NEW SYSTEM OF IDENTIFICATION. <—

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

19 Section 1. Sections 201, 202 and 203, act of December 22,  
20 1965 (P.L.1124, No.437), known as the "Dog Law of 1965,"  
21 SECTIONS 201 AND 203 amended December 6, 1972 (P.L.1456,  
22 No.328), are amended to read: <—

23 Section 201. (a) On or before January 15, 1966, and on or  
24 before January 15th of each year thereafter, the owner of any

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

20 (b) Any owner of a dog may make application to his county  
21 treasurer for a lifetime license. The county treasurer shall  
22 prepare forms furnished by the Secretary of Agriculture and  
23 assign a tattoo number to the dog pursuant to section 202(b).  
24 The dog owner shall pay the county treasurer fifty cents (50¢)  
25 for use by the county for administering and completing the  
26 forms. In addition for a lifetime license the dog owner shall  
27 pay eight dollars (\$8) for all males and nonproductive females  
28 or fifteen dollars (\$15) for all productive females to the  
29 county treasurer who shall remit such fee to the State Treasurer  
30 through the Department of Agriculture. The lifetime license

1 shall not be valid until the dog is ~~tattooed~~ TATTOOED pursuant to <—  
2 section 202(b). A lifetime license shall be transferrable in the  
3 manner prescribed in sections 206 and 207.

4       Section 202. (a) Each license shall be dated and numbered,  
5 and shall bear the name of the county where such license is  
6 issued and a description of the dog licensed. All licenses shall  
7 be void upon the fifteenth day of January of the following year  
8 except as provided in section 201(b). A tag bearing the same  
9 number issued with the license shall be affixed to a substantial  
10 collar or harness. The collar or harness shall be furnished by  
11 the owner, and, with the tag attached, shall at all times be  
12 kept on the dog for which the license is issued, except as  
13 otherwise provided in this act.

14       It shall be unlawful for any person, except the owner or his  
15 authorized agent, or an agent of the Department of Agriculture,  
16 to remove any license tag from a dog collar or harness or to  
17 remove any collar or harness with a license tag attached thereto  
18 from any dog, except as provided in section 717 of "The Game  
19 Law."

20       (b) The Secretary of Agriculture shall promulgate and assign  
21 a system of dog identification by means of identifying numbers  
22 assigned to dogs by persons approved by the secretary in the  
23 form of permanent tattoos, labels, or similar devices, which  
24 identifying numbers shall be registered with the Secretary of  
25 Agriculture along with such other information and procedures as  
26 the secretary may require. This system of dog identification  
27 shall be only used in conjunction with the lifetime license  
28 described in section 201(b). The expense of applying assigned  
29 permanent tattoos, labels, or some similar devices shall be  
30 borne by the dog owner. Such tattoo shall release the owner from

1 buying an individual or kennel license and placing the license  
2 on the collar as hereinbefore described.

3 It shall be unlawful to change or alter any tattoo unless  
4 approved in writing by the secretary; or to sell a dog which is  
5 tattooed pursuant to this section without a bill of sale. Any  
6 person convicted of defacing or altering any tattoo or selling a  
7 tattooed dog without a bill of sale, shall be guilty of a  
8 summary offense and upon conviction thereof, shall be sentenced  
9 to pay a fine of not less than three hundred dollars (\$300) or  
10 to imprisonment for not less than ninety days, or both. Any  
11 person convicted of a subsequent offense within five years of  
12 the first offense shall pay a fine of one thousand dollars  
13 (\$1,000) and/or imprisonment for one year, or both.

14 A bill of sale shall accompany all tattooed dogs when sold  
15 within the Commonwealth or interstate.

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

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

28 If any such tag is lost, it shall be replaced by the county  
29 treasurer, upon application by the person to whom the original  
30 license was issued and upon production of such license

1 certificate and the payment of a fee of twenty-five cents (25¢)  
2 for the use of the county.

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

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

15 Class "A" Kennel

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

20 Class "B" Kennel

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

25 Class "C" Kennel

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

30 Class "D 1" Kennel

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

6 Class "D 2" Kennel

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

12 Class "D 3" Kennel

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

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

26 Class "E" Kennel

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

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

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

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

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

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

20 Section 301. It shall be the duty of every police officer to  
21 seize and detain any dog which is found running at large, either  
22 upon the public streets or highways of the Commonwealth, or upon  
23 the property of other than the owner of such dog, and  
24 unaccompanied by the owner or keeper. It shall be the privilege  
25 of every police officer to kill any dog which is found running  
26 at large and is deemed after due consideration by the police  
27 officer to constitute a threat to the public health and welfare:  
28 PROVIDED, HOWEVER, THAT NO PERSON SHALL TAKE ANY ACTION  
29 AFFECTING ANY DOG UNTIL SUCH DOG HAS BEEN IN PROTECTIVE CUSTODY  
30 FOR AT LEAST FORTY EIGHT HOURS. The chief of police or his

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1 agents of any city, borough, town and township, the constable of  
2 any borough, and the constable of any incorporated town or  
3 township, shall cause any dog bearing a proper license tag or  
4 legible tattoo as prescribed in section 202(b) of this act and  
5 so seized and detained to be properly kept and fed, and shall  
6 cause immediate notice, either personal or by registered mail,  
7 to be given to the person in whose name the license was  
8 procured, or his agent, to claim such dog within ten days. The  
9 owner of a dog so detained shall pay a penalty of five dollars  
10 (\$5) to the political subdivision whose police officers made  
11 such seizures and detention, and all reasonable expenses  
12 incurred by reason of its detention to the detaining parties  
13 before the dog is returned.

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

23 Section 3. There are hereby transferred to the Department of  
24 Agriculture to be used, employed, and expended in connection  
25 with the functions, powers and duties transferred by this  
26 amendatory act, records, files, property, supplies and equipment  
27 now being used or held in connection with such functions, powers  
28 and duties and the unexpended balances of appropriations,  
29 allocations and other funds available or to be available for use  
30 in connection with such functions, powers and duties.

1       Section 4.   This act shall take effect immediately.