

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILLNo. 1459 Session of
1981

Report of the Committee of Conference

To the Members of the House of Representatives and Senate:

We, the undersigned, Committee of Conference on the part of the House of Representatives and Senate for the purpose of considering House Bill No. 1459, entitled:
"An act amending the act of December 27, 1974 (P.L.995, No.326), entitled 'An act regulating the practice of veterinary medicine and imposing penalties,' further providing for abandonment of animals,"

respectfully submit the following bill as our report:

JOHN S. DAVIES

JAMES C. GREENWOOD

(Committee on the part of the House of Representatives.)

WILLIAM J. MOORE

EDWARD L. HOWARD

PATRICK J. STAPLETON

(Committee on the part of the Senate.)

AN ACT

1 Relating to dogs, regulating the keeping of dogs; providing for
2 the licensing of dogs and kennels; providing for the
3 protection of dogs and the detention and destruction of dogs
4 in certain cases; regulating the sale and transportation of
5 dogs; declaring dogs to be personal property and the subject
6 of theft; providing for the assessment of damages done to
7 livestock, poultry and domestic game birds; providing for
8 payment of damages by the Commonwealth in certain cases and
9 the liability of the owner or keeper of dogs for such
10 damages; imposing powers and duties on certain State and
11 local officers and employees; providing penalties; and
12 creating a Dog Law Restricted Account.

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5 The General Assembly of the Commonwealth of Pennsylvania
6 hereby enacts as follow:

7 ARTICLE I

8 SHORT TITLE AND DEFINITIONS

9 Section 101. Short title.

10 This act shall be known and may be cited as the "Dog Law."

11 Section 102. Definitions.

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

15 "Boarding kennel." Any kennel available to the general
16 public where dogs are housed or trained for compensation by the
17 day, week or a specified or unspecified time; but the term shall
18 not include those kennels where the practice of veterinary
19 medicine is performed and that the establishment is covered by
20 the provisions of the act of December 27, 1974 (P.L.995,
21 No.326), known as the "Veterinary Medicine Practice Act," but
22 shall include any facility operated by a veterinarian whether or
23 not this facility is on the same premises as a veterinary
24 hospital.

25 "Breeding kennel." Any kennel operated for the purpose of
26 breeding, buying and selling or in any way transferring dogs for
27 nonresearch purposes.

28 "County treasurer." The elected officer for any county or
29 any county employee assigned to the office of the county
30 treasurer charged with the receipt, custody and disbursements of

1 its moneys or funds. The term county treasurer shall include
2 those officials in home rule charter counties responsible for
3 county treasurer's duties.

4 "Department." The Pennsylvania Department of Agriculture.

5 "Dog." The genus and species known as *Canis familiaris*.

6 "Dog control." The apprehending, holding and disposing of
7 stray or unwanted dogs or activities that reduce the number of
8 dog related problems. Dog control activities may be performed by
9 agents of incorporated humane organizations, police, State dog
10 wardens or agents of animal control organizations such as
11 municipal dog control officers.

12 "Domestic game bird." All game birds as defined by the act
13 of June 3, 1937 (P.L.1225, No.316), known as "The Game Law,"
14 which are kept in captivity.

15 "Kennel." Any establishment wherein dogs are kept for the
16 purpose of breeding, hunting, training, renting, research or
17 vivisection, buying, boarding, sale, show or any other similar
18 purpose and is so constructed that dogs cannot stray therefrom.

19 "Livestock." Members of the equine, bovine, ovine, caprine,
20 and porcine species, and confined domesticated hares, rabbits
21 and mink.

22 "Nonprofit kennel." Any kennel operated by Animal Rescue
23 Leagues, Societies for the Prevention of Cruelty to Animals,
24 Animal Humane Societies, and nonprofit animal control kennels,
25 which are legally constituted law enforcement agencies and
26 approved medical and veterinary schools and nonprofit
27 institutions conducting medical and scientific research shall be
28 required to register, but shall not be required to pay any of
29 the following license fees, and may use their own identification
30 tags for dogs within their kennels without being required to

1 attach tags hereinafter prescribed while dogs are within such
2 kennels, if approved by the Secretary of Agriculture.

3 "Out-of-state dealer." Anyone who does not reside in the
4 Commonwealth of Pennsylvania and who buys, sells or otherwise
5 deals with dogs within the Commonwealth of Pennsylvania.

6 "Owner." When applied to the proprietorship of a dog,
7 includes every person having a right of property in such dog,
8 and every person who keeps or harbors such dog or has it in his
9 care, and every person who permits such dog to remain on or
10 about any premises occupied by him.

11 "Persons." Includes State and local officers, or employees,
12 individuals, corporations, copartnerships and associations.
13 Singular words shall include the plural. Masculine words shall
14 include the feminine and neuter.

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

19 "Police officer." Any person employed or elected by this
20 Commonwealth, or by any municipality and whose duty it is to
21 preserve peace or to make arrests or to enforce the law. The
22 term includes State constabulary, dog, game, fish and forest
23 wardens.

24 "Poultry." Includes all domestic fowl.

25 "Private kennel." A kennel at, in, or adjoining a residence
26 where dogs are kept or bred by their owner, for the purpose of
27 hunting, tracking and exhibiting in dog shows, or field and
28 obedience trials.

29 "Research." Investigation or experimentation aimed at the
30 discovery and interpretation of facts or procedures, revision of

1 accepted theories or laws in the light of new facts or practical
2 application of such new or revised theories or laws as related
3 to the advancement of medical science and technological
4 treatment of disease or surgical operations, medical procedures,
5 transplants, functions and any form of medical or
6 pharmacological actions on dogs when applied and personally
7 supervised by a qualified scientist with degrees approved by the
8 secretary.

9 "Research, vivisection or dealer kennel." (D kennels) Any
10 profit oriented kennel within the Commonwealth wherein research
11 or vivisection is conducted with dogs, or any establishment that
12 breeds, buys, sells, or in any way transfers dogs to
13 laboratories, hospitals, establishments for research or any
14 other similar purpose, or who sells, gives away or in any way
15 transfers dogs to another research, vivisection or dealer kennel
16 (D kennel), or who sells or offers for sale any dog belonging to
17 another person for a fee, commission or percentage of the sales
18 price, either privately or publicly.

19 "Secretary." The Secretary of Agriculture or any person to
20 whom authority has been delegated by the Secretary of
21 Agriculture.

22 "State dog warden." An employee of the department whose
23 primary duty is to enforce this act and the regulations pursuant
24 thereto.

25 "Vivisection." The cutting of or operation on a living
26 animal for physical or pathological investigation or animal
27 experimentation.

28 ARTICLE II

29 LICENSES, TAGS AND KENNELS

30 Section 201. Applications for licenses; fees; county treasurers

1 as agents.

2 (a) General rule.--Except as provided in subsection (b), on
3 or before January 1 of each year, the owner of any dog, six
4 months of age or older, except as hereinafter provided, shall
5 apply to the county treasurer of his respective county or his
6 authorized agent, on a form prescribed by the department for a
7 license for such dog. The application and license certificate
8 shall state the breed, sex, age, color and markings of such dog,
9 and the name, address and telephone number of the owner. The
10 application shall be accompanied by a license fee of \$2.50 for
11 each neutered male dog and for each spayed female dog for which
12 the certificate of a veterinarian or the affidavit of the owner
13 is produced, and by a license fee of \$4.50 for all other male
14 and female dogs. For Pennsylvania residents 65 years of age or
15 older, the license fee shall be \$1.25 for each neutered male dog
16 and for each spayed female dog for which the certificate of a
17 veterinarian or the affidavit of the owner is produced, and the
18 license fee shall be \$2.25 for all other male or female dogs.
19 When the license is issued by the county treasurer, an
20 additional service fee of 50¢ shall be paid by all applicants
21 regardless of age to the county treasurer for the use of the
22 county. The county treasurers of this Commonwealth shall be
23 agents of the Commonwealth for the collection of license fees.
24 All county treasurers shall pay all license fees collected
25 through the Department of Agriculture into the State Treasury
26 for credit to the Dog Law Restricted Account.

27 (b) Lifetime license.--The owner of any dog six months of
28 age or older which has been tattooed with identification numbers
29 may apply to the county treasurer of his respective county or
30 his authorized agent, on a form prescribed by the department for

1 a lifetime license for such a dog. The application and license
2 certificate shall state the breed, sex, age, color and markings
3 of such a dog, the identifying tattoo number, and the name,
4 address and telephone number of the owner. The application shall
5 be accompanied by a license fee of \$10 for each neutered male
6 dog and for each spayed female dog for which the certificate of
7 a veterinarian or the affidavit of the owner is produced, and by
8 a license fee of \$20 for all other male and female dogs. For
9 Pennsylvania residents 65 years of age or older, the license fee
10 shall be \$5 for each neutered male dog and for each spayed
11 female dog for which the certificate of a veterinarian or the
12 affidavit of the owner is produced, and \$10 for all other male
13 and female dogs. When the license is issued by the county
14 treasurer, an additional service fee of 50¢ shall be paid by all
15 applicants regardless of age to the county treasurer for the use
16 of the county. The department shall promulgate regulations to
17 provide for the registration of lifetime tattoo identification
18 numbers with the department.

19 Section 202. License certificates; removal, exclusion for some
20 dogs.

21 Each license certificate shall be dated and numbered, and
22 shall bear the name of the county where such license is issued
23 and any other information required pursuant to regulations
24 promulgated by the department. All licenses except lifetime
25 licenses as provided in section 201(b) shall expire upon
26 December 31 of the year for which the license was issued. A tag
27 bearing the same number issued with the license certificate
28 shall be affixed to a substantial collar or harness. The collar
29 or harness shall be furnished by the owner, and, with the tag
30 attached, shall at all times be kept on the dog for which the

1 license is issued, except as otherwise provided in this act.
2 Dogs which are confined or are actively engaged in shows,
3 obedience or field trials are excluded from wearing a current
4 license tag on a collar or harness, as long as a current tag is
5 in the possession of the owner or handler for each dog. It shall
6 be unlawful for any person, except the owner or his authorized
7 agent, or a State dog warden, to remove any license tag from a
8 dog's collar or harness or to remove any collar or harness with
9 a license tag attached thereto from any dog, except as provided
10 in the act of June 3, 1937 (P.L.1225, No.316), known as "The
11 Game Law," and except as herein or otherwise provided.

12 Section 203. Tags furnished to county treasurers; lost tags.

13 The department shall furnish to the county treasurers tags to
14 be given to applicants for dog licenses. Such tags shall bear
15 the name of the county where such license is issued, and a
16 serial number corresponding to the number on the issued license
17 certificate. Such tags shall not contain more than one square
18 inch of area between the ears or the fastening device and have
19 impressed thereon the calendar year for which the tag is valid.
20 If any tag is lost, it shall be replaced by the county treasurer
21 upon production of the license certificate. The cost for the
22 issuance of a tag due to loss shall be 50¢ paid to the county
23 treasurer for the use of the county.

24 Section 204. Who shall issue licenses; fees; records.

25 The county treasurer may authorize agents to process
26 applications for dog license certificates and to issue license
27 certificates and tags. The county treasurer shall establish the
28 bonding requirements for all agents designated for purposes of
29 this section, except for district justices who when authorized
30 by the county treasurer shall not be required to furnish a bond.

1 All persons designated by the county treasurer under this
2 section shall charge 75¢ as a service fee for each application
3 processed in addition to the license fees established under
4 section 201. The agent shall retain 25¢ of this service fee and
5 the county treasurer shall retain 50¢ of the service fee for the
6 use of the county except when the agent is a district justice,
7 when the entire service fee shall be remitted to the county
8 treasurer for the use of the county. All records of applications
9 by agents designated by the county treasurer under this section
10 shall be forwarded to the county treasurer who shall maintain
11 all dog license application records for the county.

12 Section 205. Transfer of licenses or tags, other licensing
13 requirements.

14 (a) Transfer of license.--It is unlawful to transfer a
15 license or license tag issued for one dog to another dog, except
16 as otherwise provided in this act. Whenever the ownership or
17 possession of any dog is permanently transferred from one person
18 to another within the same county, the license of such dog may
19 be likewise transferred, upon application to the county
20 treasurer. A new license, or the transfer of a license already
21 secured, is not required when the possession of a dog is
22 temporarily transferred for the purpose of hunting game, or for
23 breeding, boarding and training, trial or show, in this
24 Commonwealth. The county treasurer shall charge and retain 25¢
25 for such transfer application.

26 (b) Dog moved to another county.--Whenever any dog licensed
27 in one county is permanently moved to another county, the county
28 treasurer of the county where the license was issued shall, upon
29 the application of the owner or keeper of such dog, certify such
30 license to the treasurer of the county to which the dog is

1 moved. Such treasurer shall thereupon, and upon the payment of a
2 fee of 50¢, for the use of the county to issue a license and tag
3 for such dog in the county to which it is moved.

4 (c) Owners of unlicensed dogs.--Any person other than as
5 exempt in section 206, becoming the owner after January 1 of any
6 year, of any dog, six months old or older, which has not already
7 been licensed, or any person owning or keeping a dog which
8 becomes six months old after January 1 of any year, shall
9 forthwith apply for and secure, from the county treasurer or his
10 agent of the county where such dogs are kept, a license for such
11 dog in the same manner as the annual license is obtained under
12 the provisions of this act.

13 Section 206. Kennels.

14 (a) Applications and license fees.--Any person who keeps or
15 operates any kennel may on or before January 1 of each year
16 apply to the county treasurer for a kennel license. The county
17 treasurer shall forward all applications for a kennel license to
18 the secretary for approval before a kennel license shall be
19 issued. The application forms and licenses shall be as
20 designated by the secretary. A separate license shall be
21 required for each type of kennel and every location at which a
22 kennel is kept or operated. A kennel license is required to keep
23 or operate any establishment that keeps, harbors, boards,
24 shelters, sells, gives away or in any way transfers a cumulative
25 total of 26 or more dogs of any age in any one calendar year.
26 All kennel licenses shall expire on January 1. The county
27 treasurer shall, after receiving approval on the application
28 from the secretary, issue kennel licenses of the following
29 description, charging the fees indicated for each
30 classification. In addition, the county treasurer shall charge a

1 50¢ service fee for the use of the county. When two or more
2 licensed kennels are operated by the same person at the same
3 location the kennel shall be inspected and licensed for each use
4 but the license fee charged shall be the highest fee.

5 Private Kennel Class I.

6 To keep or operate a kennel for a cumulative total of 50 dogs
7 or less of any age during a calendar year for any nonresearch
8 related purpose - \$30 per year.

9 Private Kennel Class II.

10 To keep or operate a kennel for a cumulative total of 51 to
11 100 dogs of any age during a calendar year for any nonresearch
12 related purpose - \$100 per year.

13 Breeding Kennel Class I.

14 To keep or operate a kennel for a cumulative total of 150
15 dogs of any age or less during a calendar year for any non-
16 research related purpose - \$150 per year.

17 Breeding Kennel Class II.

18 To keep or operate a kennel for a cumulative total of 151 or
19 more dogs of any age during a calendar year for any nonresearch
20 related purpose - \$300 per year.

21 Pet Shop-Kennel Class I.

22 To keep or operate, as a pet shop, a kennel involving the
23 sale of 50 dogs or less of any age during a calendar year - \$30
24 per year.

25 Pet Shop-Kennel Class II.

26 To keep or operate, as a pet shop, a kennel involving the
27 sale of 51 to 100 dogs of any age during a calendar year - \$100
28 per year.

29 Pet Shop-Kennel Class III.

30 To keep or operate, as a pet shop, a kennel involving the

1 sale of 101 to 150 dogs of any age during a calendar year - \$150
2 per year.

3 Pet Shop-Kennel Class IV.

4 To keep or operate, as a pet shop, a kennel involving the
5 sale of 151 or more dogs of any age during a calendar year -
6 \$300 per year.

7 Boarding Kennel.

8 To keep or operate a boarding kennel - \$35 per year.

9 D Kennel Class I.

10 To keep or operate a research, vivisection or dealer kennel
11 for a cumulative total of less than 500 dogs of any age during
12 the calendar year - \$150 per year.

13 D Kennel Class II.

14 To keep or operate a research, vivisection or dealer kennel
15 for a cumulative total of 500 to 5,000 dogs of any age during
16 the calendar year - \$300 per year.

17 D Kennel Class III.

18 To keep or operate a research, vivisection or dealer kennel
19 for a cumulative total of more than 5,000 dogs of any age during
20 the calendar year - \$500 per year.

21 Nonprofit Kennel - No fee.

22 (b) Nonprofit kennels.--A nonprofit kennel shall apply for a
23 nonprofit kennel license. Such kennel may use its own
24 identification tags for dogs confined therein. The secretary may
25 approve, upon application, the removal of tags from licensed
26 dogs confined therein.

27 (c) Prohibition to operate; injunction; fines.--It shall be
28 unlawful for kennels described under this section to operate
29 without first obtaining a kennel license. The secretary may file
30 a suit in equity in the Commonwealth Court to enjoin the

1 operation of any kennel that violates any of the provisions of
2 this act. In addition, the secretary may seek in such suit the
3 imposition of a fine for every day in violation of this act for
4 an amount not to exceed \$50 per day.

5 (d) Issuance of tags.--The county treasurer shall issue the
6 number of tags equal to the number of dogs six months of age or
7 older approved by the secretary to be kept in a kennel
8 described under this section. All tags shall bear the name of
9 the county where they are issued, the kennel license number and
10 any other information required by the secretary through
11 regulations.

12 Section 207. Transfer of kennels.

13 (a) Kennel removed to another county.--Whenever any person
14 who keeps or operates a kennel permanently removes the kennel to
15 another county, he shall file an application with the secretary
16 to transfer his license to the county of removal. Upon approval
17 by the secretary, the kennel license shall remain in effect,
18 until it has expired pursuant to section 206.

19 (b) Maintenance of kennels.--All kennels shall be maintained
20 in a sanitary and humane condition in accordance with standards
21 and sanitary codes promulgated by the secretary.

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

- 25 (1) The breed, color, markings, sex and age of each dog.
- 26 (2) The date on which each dog entered the kennel.
- 27 (3) Where it came from.
- 28 (4) To whom it belongs.
- 29 (5) For what purpose each dog is kept in the kennel.
- 30 (6) The date on which each dog leaves the kennel.

1 (7) How and to whom it is disposed.

2 Such record shall be legible and shall be open to inspection by
3 any employee of the department, State dog warden or police
4 officer or agent of any legally constituted law enforcement
5 agency as defined by this act.

6 (d) Additional requirements.--Every holder of a kennel
7 license shall attach one tag to a collar or harness of each dog
8 six months old or older kept by that person, whenever the dog is
9 not within the kennel except as provided for in section 202.

10 Section 208. Kennels in first and second class cities.

11 All owners or operators of kennels described in section
12 206(a) in cities of the first class, second class and second
13 class A shall apply for an applicable license. Persons operating
14 and maintaining such kennels shall comply with the provisions of
15 this act and shall be subject to the same penalties for
16 violations of this act. Such persons shall apply to the
17 applicable treasurer who shall process the applications in the
18 same manner as provided herein for county treasurers.

19 Section 209. Out-of-state kennel license; application; fee;
20 prohibitions.

21 (a) Out-of-state dealers.--All out-of-state dealers shall on
22 or before January 1 of each year, apply to the secretary for an
23 out-of-state kennel license. The fee for such license shall be
24 \$300. All fees collected under this section shall be remitted to
25 the State Treasury for credit to the Dog Law Restricted Account.
26 All licenses under this section shall expire upon December 31 of
27 the year for which the license was issued. The forms for the
28 application and license shall be approved by the secretary
29 through regulations.

30 (b) Unlawful acts.--It shall be unlawful for out-of-state

1 dealers to transport dogs into or within the Commonwealth or to
2 operate or maintain a kennel or to deal in any manner with dogs
3 without first obtaining an out-of-state kennel license from the
4 department.

5 Section 210. Bills of sale.

6 All owners or operators of kennels described in section 206,
7 and all out-of-state dealers shall be required to have in their
8 possession a bill of sale for each dog purchased or transported,
9 except for dogs delivered to the kennel licensee for purposes of
10 boarding or for dogs whelped at the kennel. Any bill of sale
11 which is fraudulent or indicates the theft of any dog, shall be
12 prima facie evidence for the immediate revocation of license by
13 the secretary. The bill of sale shall contain information
14 required by the secretary through regulations.

15 Section 211. Revocation or refusal of licenses.

16 The secretary shall have the power to revoke or refuse to
17 issue any kennel license for conviction of any violation of this
18 act or the noncompliance with any regulations pursuant to this
19 act or for the conviction for violation of any law relating to
20 cruelty to animals.

21 Section 212. Dogs temporarily in the Commonwealth.

22 Any person may bring, or cause to be brought into the State,
23 for a period of 30 days, one or more dogs for show, trial, or
24 breeding purposes or as a household pet without securing a
25 Pennsylvania license, and any person holding a Pennsylvania
26 nonresident hunting license may, without securing a license or
27 licenses therefor, bring or cause to be brought into the State
28 one or more dogs for the purpose of hunting game during any
29 hunting season when hunting with dogs is permitted by law, if a
30 similar exemption from the necessity of securing dog licenses is

1 afforded for hunting purposes to residents of Pennsylvania by
2 the State of such person's residence; but each dog shall be
3 equipped with a collar bearing a name plate giving the name and
4 address of the owner.

5 Section 213. Transportation of dogs.

6 It shall be unlawful for any dog required to be licensed as
7 hereinbefore provided, to be transported for any purpose without
8 a current license tag firmly attached to a collar or harness
9 securely fastened to the dog except when a dog is being
10 transported for law enforcement or humane purposes. All vehicles
11 being used to transport dogs are subject to inspection and must
12 meet requirements for such transportation through regulations as
13 promulgated by the secretary.

14 Section 214. Health certificates for importation.

15 It shall be unlawful to transport any dog into this
16 Commonwealth except under the provisions in section 212 without
17 a certificate of health prepared by a licensed graduate
18 veterinarian, which certificate shall accompany such dog while
19 in this Commonwealth. Such certificate shall state that the dog
20 is at least seven weeks of age and show no signs or symptoms of
21 infectious or communicable disease; did not originate within an
22 area under quarantine for rabies; and, as ascertained by
23 reasonable investigation, has not been exposed to rabies within
24 100 days of importation. All dogs over three months and under
25 one year of age shall have been vaccinated against rabies with
26 an approved rabies vaccine. All dogs over one year of age shall
27 have been vaccinated or revaccinated against rabies after one
28 year of age. The vaccination to prevent rabies shall be valid
29 for a period of three years for dogs vaccinated at more than one
30 year of age with an approved three-year MLV vaccine or

1 inactivated vaccine and for a period of one year for all other
2 approved inactivated vaccines. The name of the vaccine
3 manufacturer, the date of administration, and the rabies tag
4 number must appear on health certificates prepared by a licensed
5 graduate veterinarian.

6 Section 215. Selling, bartering or trading dogs.

7 It shall be unlawful for any person to buy, sell, transfer,
8 barter, trade, raffle, rent, auction or offer as an inducement
9 to purchase any product, commodity or service, any dog at any
10 public place other than at licensed kennel locations, pet shop-
11 kennels licensed pursuant to this act, dog shows, or field
12 trials sponsored by a recognized breed or kennel association.
13 For purposes of this section the term public place shall mean a
14 place to which the general public has a right to resort; not
15 necessarily a place devoted solely to the uses of the public,
16 but a place which is in point of fact public rather than
17 private, a place visited by many persons and usually accessible
18 to the neighboring public. It shall be unlawful to barter,
19 trade, sell or in any way transfer any dog under seven weeks of
20 age, unless such puppies have been orphaned and it becomes
21 necessary to transfer said orphaned puppies to a nonprofit
22 kennel.

23 Section 216. County and city treasurer records, licenses and
24 transfers.

25 The county or city treasurer shall keep a record of all dog
26 licenses for a period of two years or more as directed by the
27 secretary and all kennel licenses and all transfers issued
28 during the year. Such record shall contain the name and address
29 of the person to whom each license is issued. In the case of an
30 individual license, the record shall also state the breed, sex,

1 age, color and markings of the dog licensed; and in the case of
2 a kennel license, it shall state the place where the business is
3 conducted. The record shall be a public record and open to
4 persons interested during business hours. Whenever the ownership
5 or possession of any dog licensed under the provisions of this
6 act is transferred from one person to another, as provided in
7 section 205, except the temporary transfer of dogs for hunting
8 purposes or for breeding, trial, or show, such transfer shall be
9 noted on the record of the county or city treasurer and be so
10 reported to the department. The county or city treasurer shall
11 keep an accurate record for two years of all license fees
12 collected by him or paid over to him by any district justice or
13 authorized agent of the treasurer. License fees as herein
14 provided shall be remitted by the county or city treasurer to
15 the State Treasurer through the Department of Agriculture for
16 credit to the Dog Law Restricted Account on or before the 15th
17 day of each calendar month together with a report of each payer
18 on forms furnished by the department.

19 Section 217. Guide dogs, hearing dogs, aid dogs for the
20 handicapped and dogs used by municipal or State
21 Police departments.

22 The provisions of this act relating to the payment of fees
23 and other charges shall not apply to any blind person owning a
24 guide dog or any deaf person owning a hearing dog or any
25 handicapped person who uses a dog for aid or any municipal or
26 State Police department or agency using a dog in the performance
27 of the functions or duties of such department or agency. License
28 tags for dog guides for the blind, hearing dogs for the deaf,
29 aid dogs for the handicapped and dogs used by any municipal or
30 State agency in the performance of the functions or duties of

1 such department or agency shall be issued without charge.

2 Section 218. Inspections of premises and dogs.

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

23 ARTICLE III

24 DOGS AT LARGE

25 Section 301. Quarantines.

26 A quarantine may be established by any State dog warden
27 employed by the department, accredited veterinarian having the
28 approval of a State dog warden or veterinarian employed by the
29 department or State or county health department. Any State dog
30 warden employed by the department, accredited veterinarian

1 having the approval of a State dog warden or veterinarian
2 employed by the department or State or county health department
3 may enforce a quarantine whenever it is deemed necessary or
4 advisable by the department to examine, test, treat, control or
5 destroy any dog, or examine, disinfect, or regulate the use of
6 any premises, materials or products for the purpose of
7 preventing or controlling the spread of any disease. Until a
8 quarantine is officially revoked by the secretary or his
9 employee, it shall be unlawful for any owner or person, without
10 a special permit in writing from the department to sell,
11 exchange, lease, lend, give away, allow to stray, remove or
12 allow to be removed any dog or dogs, or any products, goods,
13 materials, containers, vehicles, or other articles or property
14 named or described in the notice of quarantine. When a general
15 rabies quarantine is established at least ten notices thereof
16 shall be posted throughout the area affected thereby and notice
17 thereof shall also be published in at least one issue of a
18 newspaper of general circulation throughout such city, borough,
19 town or township. Any dog suspected of being rabid shall be
20 detained in isolation by the owner, if known, or employee of the
21 department. If such detention has incurred costs not collectible
22 by the employee of the department, then the employee of the
23 department shall approve and reimburse the actual cost of such
24 detention to the person providing facilities for such detention.
25 Any police officer or State dog warden may kill any dog running
26 at large in a rabies quarantined area without any liability for
27 damages for such killing.

28 Section 302. Seizure and detention of licensed dogs; costs;
29 destruction of dogs.

30 It shall be the duty of every police officer or State dog

1 warden to seize and detain any licensed dog which is found
2 running at large, either upon the public streets or highways of
3 the Commonwealth, or upon the property of a person other than
4 the owner of such dog, and unaccompanied by the owner or keeper.
5 Every police officer or State dog warden may kill any dog which
6 is found running at large and is deemed after due consideration
7 by the police officer or State dog warden to constitute a threat
8 to the public health and welfare. The chief of police or his
9 agents of any city, borough, town and township, the constable of
10 any borough and the constable of any incorporated town or
11 township shall cause any dog bearing a proper license tag or
12 legible tattoo and so seized and detained to be properly kept
13 and fed and shall cause immediate notice, by registered or
14 certified mail with return receipt, to the person in whose name
15 the license was procured, or his agent, to claim such dog within
16 five days after receipt thereof. The owner or claimant of a dog
17 so detained shall pay a penalty of \$15 to the political
18 subdivision whose police officers make such seizures and
19 detention and all reasonable expenses incurred by reason of its
20 detention to the detaining parties before the dog is returned.
21 If five days after obtaining the postal return receipt, such dog
22 has not been claimed, such chief of police, or his agent, or a
23 constable, or State dog warden, shall dispose of such dog by
24 sale or by destruction in some humane manner. No dog so caught
25 and detained shall be sold for the purpose of vivisection, or
26 research, or be conveyed in any manner for these purposes. All
27 moneys derived from the sale of such dog, after deducting the
28 expenses of its detention, shall be paid through the Department
29 of Agriculture to the State Treasurer for credit to the Dog Law
30 Restricted Account.

1 Section 303. Seizure and detention of unlicensed dogs; costs;
2 destruction of dogs.

3 Except as is otherwise provided by section 305, any police
4 officer, State dog warden, animal control officer or constable
5 shall cause any unlicensed or untattooed dog to be seized,
6 detained, kept and fed for a period of 48 hours at any legally
7 constituted or authorized kennel approved by the secretary;
8 except any dog seriously ill or injured, or forfeited with the
9 owner's permission. Any person may view such detained dogs
10 during normal business hours. Any unlicensed dog remaining
11 unclaimed after 48 hours may be euthanized in a humane manner.
12 No dog so caught and detained by any legally constituted law
13 enforcement agency or municipality shall be sold or given freely
14 for the purpose of vivisection or research or be conveyed in any
15 manner for any such purposes.

16 Section 304. Dogs in heat, confinement thereof.

17 It shall be unlawful for the owner or keeper of any female
18 dog to permit such female dog to go beyond the premises of such
19 owner or keeper at any time she is in heat, unless such female
20 dog is properly confined or under control.

21 Section 305. Confinement of dogs.

22 It shall be unlawful for the owner or keeper of any dog to
23 fail to keep at all times such dog either:

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

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

28 (3) under the reasonable control of some person, or when
29 engaged in lawful hunting, exhibition or field training.

30 ARTICLE IV

1 DUTIES OF OFFICERS

2 Section 401. Interference with police officer or State dog
3 warden; duties of State dog warden; failure to
4 produce license certificate.

5 (a) Police officers to perform duties.--It shall be unlawful
6 for any police officer to fail or refuse to perform his duties
7 under the provisions of this act and to refuse to assist in the
8 enforcement of this law upon request of the secretary.

9 (b) State dog wardens and department employees to be
10 considered police officers.--State dog wardens and employees of
11 the department are considered to be police officers when
12 enforcing any of the provisions of this act or regulations
13 pursuant to this act.

14 (c) Illegal to interfere.--It shall be unlawful for any
15 person to interfere with any officer or employee of the
16 department in the enforcement of this law.

17 (d) Illegal to cut leash.--It shall be unlawful for any
18 person to forcibly cut the leash or take a dog away from such
19 officer having it in his possession when found running at large
20 unaccompanied by the owner or keeper.

21 (e) Illegal to fail to produce license.--It shall be
22 unlawful for any person to whom a license certificate has been
23 issued to fail or refuse to produce the license certificate for
24 such dog upon demand of any police officer or employee of the
25 department.

26 ARTICLE V

27 OFFENSES OF DOGS

28 Section 501. Killing dogs; complaints in trespass before
29 district justice; vicious dogs; fines; bonds.

30 (a) Legal to kill certain dogs.--Any person may kill any dog

1 which he sees in the act of pursuing or wounding any livestock,
2 or wounding or killing poultry, wounding or killing other dogs
3 or household pets, or attacking human beings, whether or not
4 such a dog bears the license tag required by the provisions of
5 this act. There shall be no liability on such persons in damages
6 or otherwise for such killing.

7 (b) Private nuisance.--Any dog that enters any field or
8 enclosure where livestock or poultry are confined, provided that
9 the enclosure is adequate for the purpose intended, shall
10 constitute a private nuisance and the owner or tenant of such
11 field, or their agent or servant, may detain such dog and turn
12 it over to the local police authority or State dog warden. While
13 so detained, the dog shall be treated in a humane manner.

14 (c) Licensed dogs not included.--Licensed dogs, when
15 accompanied by their owner or handler, shall not be included
16 under the provisions of this section, unless caught in the act
17 of pursuing, wounding or killing any livestock, wounding or
18 killing poultry, wounding or killing any dogs or household pets,
19 or attacking human beings.

20 (d) Persons attacked by a dog may make a complaint in
21 trespass.--Any person who has been attacked by a dog, or anyone
22 for such person, may make a complaint in trespass before a
23 district justice, charging the owner or keeper of such dog with
24 harboring a vicious dog. A copy of such complaint shall be
25 served upon the person so charged, in the same manner and
26 subject to the same laws regulating the service of summons in
27 civil suits, directing him to appear for a hearing of such
28 complaint at a time fixed therein. If such person shall fail to
29 appear at the time fixed, or if, upon a hearing of the parties
30 and their witnesses, the district justice shall find the person

1 so charged is the owner or keeper of the dog in question and
2 that the dog has, viciously and without cause, attacked a human
3 being when off the premises of the owner or keeper, such
4 official shall order the said owner or keeper to henceforth keep
5 such dog securely confined. It shall be unlawful for the owner
6 or keeper of any vicious dog, after receiving such order, to
7 permit such dog to run at large, or for the dog to appear on the
8 public highways unless on leash. Any such dog found running at
9 large may be killed by any constable, police officer or State
10 dog warden without liability for damages for such killing. Any
11 owner or keeper who does not keep a vicious dog confined shall,
12 upon summary conviction, be sentenced to pay a fine of not less
13 than \$100 and not more than \$500. The district justice shall
14 also require the owner or keeper of the vicious dog to post bond
15 with sufficient surety in the amount of \$2,000 to insure payment
16 of damages or injuries caused by the vicious dog.

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

18 (a) Confinement.--Any dog which bites or attacks a human
19 being shall be confined in quarters approved by a designated
20 employee of the Department of Health, a State dog warden or
21 employee of the Department of Agriculture, an animal control
22 officer or a police officer. Such dog may be detained and
23 isolated in an approved kennel or at the dog owner's property.
24 Where such dog is detained is at the discretion of the
25 investigating officer. All dogs so detained must be isolated for
26 a minimum of ten days. Any costs incurred in the detaining and
27 isolation of such dog shall be paid by the offending dog's
28 owner. When the dog's owner is not known, the Commonwealth is
29 responsible for all reasonable costs for holding and detaining
30 such dog.

1 (b) Bite victims.--The investigating officer shall be
2 responsible for notifying the bite victim of the medical results
3 of the offending dog's confinement. Any cost to the victim for
4 medical treatment resulting from an attacking or biting dog must
5 be paid fully by the owner of such dog. The Commonwealth shall
6 not be liable for medical treatment costs to the victim.

7 (c) Exception.--When a dog that bites or attacks a human
8 being is a guide dog for the blind, a hearing dog for the deaf,
9 an aid dog for the handicapped or a police work dog in the
10 performance of duties, said dog need not be confined if it is
11 under the active supervision of an accredited veterinarian.

12 ARTICLE VI

13 INJURY TO DOGS

14 Section 601. Theft; poison; abandonment.

15 (a) Dogs to be personal property.--All dogs are hereby
16 declared to be personal property and subjects of theft. Except
17 as provided in sections 301, 302, 303, 501 and 704 and in the
18 act of June 3, 1937 (P.L.1225, No.316), known as "The Game Law,"
19 it shall be unlawful for any person, except a police officer,
20 State dog warden or accredited veterinarian to kill, injure, or
21 to attempt to kill or injure, any dog.

22 (b) Poison illegal.--It shall be unlawful for a person to
23 place any poison or harmful substance of any description in any
24 place, on his own premises or elsewhere, where it may be easily
25 found and eaten by dogs.

26 (c) Abandonment illegal.--It shall be unlawful for any
27 person to abandon or attempt to abandon any dog within the
28 Commonwealth. Anyone convicted of abandoning or attempting to
29 abandon any dog within the Commonwealth will pay a fine of \$300
30 to \$1,000, plus costs.

1 Section 602. Dogs used for law enforcement.

2 (a) Illegal to taunt law enforcement dogs.--It shall be
3 unlawful for any person to willfully and maliciously taunt,
4 torment, tease, beat, kick or strike any dog used by any
5 municipal or State police department or agency in the
6 performance of the functions or duties of such department or
7 agency or to interfere with or meddle with any such dog used by
8 the department or agency or any member thereof in the
9 performance of the functions or duties of the department or
10 agency or of such officer or member.

11 (b) Illegal to torture certain dogs.--It shall be unlawful
12 for any person to willfully or maliciously torture, mutilate,
13 injure, disable, poison or kill any dog used by any municipal or
14 State police department or agency in the performance of the
15 functions or duties of the department or agency or to interfere
16 with or meddle with any such dog used by the department or
17 agency or any member thereof in the performance of any of the
18 functions or duties of the department or agency or of such
19 officer or member. Any person who violates any of the provisions
20 of this section is guilty of a summary offense.

21 (c) Quarantine of certain dogs not required.--Quarantine of
22 dogs as required by law shall not apply to dogs owned by any
23 municipal or State police department or agency when such dogs
24 are under the direct supervision and care of a police officer
25 and subject to routine veterinary care.

26 ARTICLE VII

27 DOG CAUSED DAMAGES

28 Section 701. Damages; complaints; examination of claims;
29 liability; quarantines.

30 Whenever any person sustains any loss by dogs to livestock or

1 poultry or to game birds raised in captivity, and while confined
2 within an enclosure, or if any person sustains loss of livestock
3 from rabies, or if any livestock or poultry or game bird raised
4 in captivity, and while confined within an enclosure, is
5 necessarily destroyed because of having been bitten by a dog,
6 except when such loss, destruction or damage, with the exception
7 of loss by rabies, shall have been caused by a dog harbored by
8 the owner of such livestock or poultry or domestic game bird,
9 such person or his agent or attorney may, immediately after the
10 damage was done, complain to a State dog warden or employee of
11 the department and may make application to the department for
12 reimbursement of such loss or damage. Such complaint shall be in
13 writing, shall be signed by the person making such complaint,
14 and shall state when, where and how such damage was done, and by
15 whose dog or dogs, if known, or when the animal died from rabies
16 or was killed because of rabies. Claims covering damage due to
17 rabies shall be made immediately following the death of the
18 animal, and shall be supported by a certificate from a licensed
19 and duly qualified veterinarian and a report from any laboratory
20 approved by the department, to the effect that such animal was
21 affected with rabies. It shall not be necessary to prove that an
22 animal dying from or killed because of rabies was actually
23 bitten by a dog. The presumption shall exist that such animal
24 was so bitten. Upon receipt of such notice, the State dog warden
25 shall at once examine the place where the alleged loss or damage
26 was sustained and the livestock or poultry or domestic game bird
27 injured or killed, or in case of rabies where it died or was
28 killed. The State dog warden may examine under oath or
29 affirmation any witness called before him. After making diligent
30 inquiry in relation to such claim, such investigating officer

1 shall determine whether any damage has been sustained and the
2 amount thereof, and, if possible, who was the owner of the dog
3 or dogs by which such damage was done. After making diligent
4 inquiry in relation to such claim, such appraiser shall
5 determine whether any damage has been sustained and the amount
6 thereof, and, if possible, who was the owner of the dog or dogs
7 by which such damage was done. If the owner of the dog or the
8 owner of the livestock or poultry does not agree as to the
9 amount of damage allowed by the appraiser, the owner requesting
10 the appraisal and the appraiser may appoint a disinterested
11 qualified citizen to assist in determining the amount of damage
12 sustained. For such services, the said disinterested citizens
13 shall receive appropriate compensation which shall be paid by
14 the owner requesting the appraisal. Any owner or keeper of such
15 dog or dogs except in the case of rabies shall be liable to the
16 Commonwealth as hereinafter provided. There shall be a maximum
17 allowable claim loss on each occurrence of \$10,000 per animal,
18 however, in no instance shall the payment exceed 90% of the
19 appraised value. The secretary shall promulgate rules and
20 regulations to enforce the provisions of this section. All
21 claims shall be paid from the Dog Law Restricted Account.

22 Section 702. Quarantines due to damages.

23 When the inhabitants of any city, borough, town or township,
24 or any part thereof, have suffered an excessive amount of damage
25 by dogs to livestock or poultry or domestic game birds, a
26 petition may be presented to the secretary, signed by 20 or more
27 of such residents who are owners of livestock or poultry or
28 domestic game birds, alleging such excessive damage and
29 requesting that a quarantine be placed on all dogs within the
30 limits of such city, borough, town or township, or such part

1 thereof. Upon receipt of such petition, the secretary may,
2 through his State dog wardens, have an investigation made of the
3 facts alleged therein and, if convinced that condition in such
4 city, borough, town or township, or such designated area, demand
5 such stringent measures, he may establish a dog control
6 quarantine therein. When such quarantine is established, at
7 least ten notices thereof shall be posted through the area
8 affected thereby and notice thereof shall also be published in
9 at least one issue of a newspaper of general circulation
10 throughout such city, borough, town or township. It shall be
11 unlawful for any person, residing in the area affected by such
12 quarantine, to permit a dog, owned or harbored by him to run at
13 large in such quarantined area, or to leave the premises where
14 it is kept, unless accompanied by and under the control of
15 himself or a handler. Any police officer or State dog warden may
16 kill any dog running at large in a quarantined area, in
17 violation of such quarantine, without any liability for damages
18 for such killing.

19 Section 703. Payments of claims out of Dog Law Restricted
20 Account; rights against dog owners inuring to the
21 Commonwealth.

22 The owner of any dog or dogs known to have caused any damage
23 to livestock, poultry or domestic game birds shall be liable for
24 all damages and costs. If the owner cannot be found or is
25 unknown, then the secretary shall issue a requisition for the
26 payment of the amount of the allowable claim. All such payments
27 shall be from funds in the Dog Law Restricted Account. No
28 payment shall be made for any item which has already been paid
29 by the claimant's insurance carrier. The claimant shall certify
30 to the department that he has not received payment for any

1 damages under section 701 by any person. Upon payment by the
2 State of damages under section 701, the rights of the owner of
3 such livestock, poultry or domestic game bird against the owner
4 of the dog or dogs causing the damages shall inure to the
5 benefit of the Commonwealth.

6 Section 704. Killing of dogs causing damages.

7 If the identity of the owner of the dog or dogs has been
8 established under section 701 and 703, the secretary may notify
9 the owner or keeper of such dog or dogs to immediately kill it
10 or them. It shall be unlawful and a violation of this act for
11 the owner or keeper, after notification by the secretary, to
12 allow to leave or to remove such dog or dogs from the premises,
13 while they are alive, except a State dog warden to a
14 veterinarian or animal shelter for euthanasia purposes. The
15 killing of such dogs does not remove the liability of the owner
16 for damages caused by the dog or dogs. Upon failure, however, of
17 such owner to comply with such order within a period of ten
18 days, the secretary may authorize the killing of such dog or
19 dogs wherever found.

20 Section 705. Harboring unlicensed dogs; forfeiture of rights of
21 reimbursement.

22 Any person who owns or harbors an unlicensed dog required to
23 be licensed under this act, shall forfeit any right to be
24 reimbursed by the department for any damages to his livestock,
25 poultry or domestic game birds by dogs.

26 ARTICLE VIII

27 STATEMENTS AND PROOFS

28 Section 801. False statements.

29 It is unlawful for any person knowingly to make any false
30 statement or to conceal any fact required to be disclosed under

1 any of the provisions of this act.

2 Section 802. Burdens of proof.

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

12 ARTICLE IX

13 ENFORCEMENT AND PENALTIES

14 Section 901. Enforcement of this act by the Secretary of
15 Agriculture; provisions for inspections.

16 (a) General rule.--The secretary, through State dog wardens,
17 employees of the department and police officers, shall be
18 charged with the general enforcement of this law. The secretary
19 may employ all proper means for the enforcement of this act and
20 may enter into agreements with local agencies and organizations
21 for the purpose of dog control. State dog wardens and employees
22 of the department are hereby authorized to enter upon the
23 premises of any persons for the purpose of investigation upon
24 displaying his badge of identification furnished by the
25 department.

26 (b) Training for dog wardens.--The secretary shall establish
27 training requirements for dog wardens which shall include dog
28 handling and humane capture, preliminary recognition of dog
29 pathology, knowledge of proper dog sanitation and shelter and
30 dog law enforcement.

1 (c) Advisory board.--The secretary shall appoint a Dog Law
2 Advisory Board to advise him in the administration of this act.
3 The board shall consist of one representative from each of the
4 following: Pennsylvania Veterinarian Medical Association,
5 Federation of Humane Societies, Sportsmen's Association, dog
6 clubs, animal research establishments, dog dealers, Pennsylvania
7 Farmers Association, State Grange, lamb and wool growers and
8 poultry farmers associations. The board shall be chaired by the
9 secretary or his designee and shall convene when called by the
10 secretary.

11 Section 902. Rules and regulations.

12 The secretary, after due notice and a public hearing, may
13 promulgate rules and regulations to carry out the provisions and
14 intent of this act.

15 Section 903. Violations.

16 Unless heretofore provided, any person found in violation of
17 any provision of article II through article VIII of this act
18 shall be guilty of a summary offense for the first and second
19 violation and for a third and subsequent violation shall be
20 guilty of a misdemeanor of the third degree.

21 Section 904. Tattoos altered.

22 It shall be unlawful to change or alter any tattoo. Any
23 person convicted of defacing or altering any tattoo shall be
24 guilty of a summary offense and upon conviction thereof shall be
25 sentenced to pay a fine of \$300 or to imprisonment for not less
26 than 90 days, or both. A bill of sale shall accompany all
27 tattooed dogs when sold.

28 Section 905. Disposition of fines and penalties.

29 If a prosecution pursuant to this act is initiated by a State
30 dog warden, employee of the department or State Police officer,

1 all fines forfeited, recognizances and other forfeitures
2 imposed, lost or forfeited under this act shall be payable
3 through the Department of Agriculture into the State Treasury
4 for credit to the Dog Law Restricted Account. If a prosecution
5 pursuant to this act is initiated by a local police officer or
6 animal control officer, all fines forfeited, recognizances and
7 other forfeitures imposed, lost or forfeited under this act
8 shall be payable to the political subdivision which employs such
9 local police officer or animal control officer.

10 ARTICLE X

11 DISPOSITION AND APPROPRIATION OF FUNDS

12 Section 1001. Dog Law Restricted Account; disposition and
13 appropriation of funds accruing under the
14 provisions of this act.

15 (a) Dog Law Restricted Account created.--All moneys paid
16 into the State Treasury under the provisions of this act shall
17 be paid into a restricted account hereby created and to be known
18 as the Dog Law Restricted Account.

19 (b) Appropriation.--As much as may be necessary of such
20 moneys in the Dog Law Restricted Account are hereby appropriated
21 to pay:

22 (1) all salaries of the employees of the department in
23 administering their duties under this act;

24 (2) all expenses of the secretary and the department in
25 administering their duties under this act;

26 (3) all payments of all allowable damage claims pursuant
27 to sections 701, 702 and 703, and the maintenance of a
28 \$100,000 indemnity fund;

29 (4) all payments to counties pursuant to section
30 1002(a); and

(5) all payments from surplus moneys declared to be available by the secretary pursuant to section 1002(b).

(c) Subsidized services.--No funds credited to the restricted account created by this section shall be used for government subsidized veterinary services.

Section 1002. County dog law programs.

(a) Dog control facilities.--Any county except counties of the first class or any incorporated humane organization may submit requests for funding to establish and maintain dog control facilities or other functions of dog control within the county to complement the Commonwealth dog law enforcement program.

(b) Surplus funds.--The secretary may declare that there is a surplus of money in the Dog Law Restricted Account. The secretary may authorize additional payments to the counties, except to counties of the first class, and to incorporated humane organizations from any amount declared to be surplus. Such payments shall be based on the secretary's evaluation pursuant to rules and regulations promulgated under this act.

ARTICLE XI

LIABILITY OF THE COMMONWEALTH

Section 1101. Liability of the State.

Nothing in this act shall be construed to prevent the owner of a licensed dog from recovering by action at law the value of any dog which has been illegally killed by any person, provided the Commonwealth shall be liable to the owner of any legally licensed dog, for the value thereof, if illegally killed by any police officer or employee of the Commonwealth and the Commonwealth may thereupon recover the amount so paid to such owner from the police officer or employee of the Commonwealth

1 doing the illegal killing, by an action at law. Whenever the
2 Commonwealth shall be liable for any killing the value of said
3 dog shall be ascertained in the same manner as provided in
4 section 701, for assessing the damage done to livestock by dogs.

5 ARTICLE XII

6 MISCELLANEOUS PROVISIONS

7 Section 1201. Applicability to cities of the first class,
8 second class and second class A.

9 Insofar as this act provides for the individual licensing of
10 dogs and the payment of damages for livestock or poultry injured
11 by dogs or for licensed dogs illegally killed, it shall not
12 apply to cities of the first class, second class and second
13 class A. Such individual dog licensing and payment of damages in
14 cities of the first class, second class and second class A shall
15 continue to be carried on under the provisions of existing laws.

16 Section 1202. Abandonment of animals by owner.

17 (a) Disposal.--Any animal placed in the custody of a
18 licensed doctor of veterinary medicine for treatment, boarding,
19 or other care which shall be abandoned by its owner or his agent
20 for a period of more than ten days after written notice by
21 registered return receipt mail is given to the owner or his
22 agent at his last known address and return receipt is received
23 by the doctor, may be turned over to the custody of the nearest
24 Humane Society or dog pound in the area for disposal after 48
25 hours as such custodian may deem proper. During such 48-hour
26 period, the animal may be released only to the owner or his
27 agent. If the owner claims the animal, he shall be liable for
28 room and board charges for the animal during the abandonment
29 period.

30 (b) Notice.--The giving of notice to the owner, or the agent

1 of the owner, of such animal by the licensed doctor of
2 veterinary medicine as provided in subsection (a) and receipt of
3 return receipt by the doctor which he shall retain for 12 days,
4 shall relieve the doctor of veterinary medicine, and any
5 custodian to whom such animal may be given, of any further
6 liability for disposal. It is further provided that such
7 procedure by the licensed doctor of veterinary medicine shall
8 not constitute grounds for disciplinary procedure under this
9 act.

10 (c) Definition.--For the purpose of this section, the term
11 "abandonment" means to forsake entirely or to neglect or refuse
12 to provide or perform the legal obligations for the care and
13 support of an animal by its owner or his agent. Such abandonment
14 shall constitute relinquishment of all rights and claims by the
15 owner to such animal.

16 Section 1203. Severability.

17 The provisions of this act shall be severable, and, if any of
18 its provisions shall be held to be unconstitutional, the
19 decision of the court shall not affect or impair any of the
20 remaining provisions of this act. It is hereby declared as a
21 legislative intent that this act would not have been adopted had
22 such unconstitutional provisions been included therein.

23 Section 1204. Acts not affected.

24 This act does not repeal or in any way affect any of the
25 provisions of the following acts:

26 (1) The act of July 22, 1913 (P.L.928, No.441), entitled
27 "An act relating to domestic animals; defining domestic
28 animals so as to include poultry; providing methods of
29 improving the quality thereof, and of preventing,
30 controlling, and eradicating diseases thereof; imposing

1 certain duties upon practitioners of veterinary medicine in
2 Pennsylvania; regulating the manufacture, use and sale of
3 tuberculin, mallein and other biological products for use
4 with domestic animals; defining the powers and duties of the
5 State Livestock Sanitary Board, and the officers and
6 employees thereof; fixing the compensation of the Deputy
7 State Veterinarian; and providing penalties for the violation
8 of this act."

9 (2) The act of June 3, 1937 (P.L.1225, No.316), known as
10 "The Game Law."

11 Section 1205. Repealer.

12 (a) The act of December 22, 1965 (P.L.1124, No.437), known
13 as the "Dog Law of 1965," is repealed.

14 (b) Section 34, act of December 27, 1974 (P.L.995, No.326),
15 known as the "Veterinary Medicine Practice Act," is repealed.

16 Section 1206. Effective date.

17 This act shall take effect on January 1, 1983.