

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1899 Session of
1991

INTRODUCED BY RITTER, DENT AND VAN HORNE, JULY 11, 1991

REFERRED TO COMMITTEE ON AGRICULTURE AND RURAL AFFAIRS,
JULY 11, 1991

AN ACT

1 Amending the act of December 7, 1982 (P.L.784, No.225), entitled
2 "An act relating to dogs, regulating the keeping of dogs;
3 providing for the licensing of dogs and kennels; providing
4 for the protection of dogs and the detention and destruction
5 of dogs in certain cases; regulating the sale and
6 transportation of dogs; declaring dogs to be personal
7 property and the subject of theft; 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 creating a Dog Law Restricted
14 Account," changing and adding definitions; providing for the
15 powers and duties of animal control officers; further
16 providing for quarantines for seizure and detention of
17 licensed dogs, for enforcement of the act, for penalties, for
18 killing certain dogs, for registration of dangerous dogs, for
19 public safety relating to dangerous dogs, for damages caused
20 by dogs, for payment of claims for damages, for damages
21 caused by coyotes and for the applicability of the act; and
22 making editorial changes.

23 The General Assembly of the Commonwealth of Pennsylvania
24 hereby enacts as follows:

25 Section 1. The definitions of "domestic game bird,"
26 "livestock" and "police officer" in section 102 of the act of
27 December 7, 1982 (P.L.784, No.225), known as the Dog Law, are

1 amended and the section is amended by adding definitions to
2 read:

3 Section 102. Definitions.

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

7 "Animal control officer."

8 (1) In cities of the first class, second class and
9 second class A, the person employed by or under contract with
10 the city as an animal control officer.

11 (2) In cities of the third class, the person employed by
12 the city on a full-time basis as an animal control officer.

13 * * *

14 "Bureau." The Bureau of Dog Law Enforcement.

15 "City treasurer." The elected officer for any city of the
16 first class, second class and second class A and any city of the
17 third class that employs animal control officers who is charged
18 with the receipt, custody and disbursement of city funds. The
19 term includes officials in home rule charter cities responsible
20 for city treasurer's duties.

21 * * *

22 "District justice." A judge of the Philadelphia Municipal
23 Court, the Pittsburgh Magistrates Court or a person holding
24 office under Article V of the Constitution of Pennsylvania and
25 42 Pa.C.S. Ch. 15 (relating to district justices).

26 * * *

27 "Domestic animal." A dog, cat or other animal kept as a pet.

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

1 * * *

2 "Livestock." Members of the equine, bovine[, ovine,
3 caprine,] and porcine species, [and] sheep, goats, confined
4 domesticated hares, rabbits [and], mink and all game birds
5 defined in 34 Pa.C.S. (relating to game) that are kept in
6 captivity.

7 * * *

8 "Police officer." Any person employed or elected by this
9 Commonwealth, or by any municipality and whose duty it is to
10 preserve peace or to make arrests or to enforce the law. The
11 term includes State constabulary, dog, game, fish and forest
12 wardens and employees of the Department of Agriculture.

13 * * *

14 Section 2. Sections 201(a), 207(c), 216, 301 and 302 of the
15 act are amended to read:

16 Section 201. Applications for licenses; fees; county treasurers
17 as agents.

18 (a) General rule.--Except as provided in subsection (b), on
19 or before January 1 of each year, the owner of any dog, six
20 months of age or older, except as hereinafter provided, shall
21 apply to the county treasurer of his respective county or his
22 authorized agent, on a form prescribed by the department for a
23 license for such dog. The application and license certificate
24 shall state the breed, sex, age, color and markings of such dog,
25 and the name, address and telephone number of the owner. The
26 application shall be accompanied by a license fee of \$2.50 for
27 each neutered male dog and for each spayed female dog for which
28 the certificate of a veterinarian or the affidavit of the owner
29 is produced, and by a license fee of \$4.50 for all other male
30 and female dogs. For Pennsylvania residents 65 years of age or

1 older, the license fee shall be \$1.25 for each neutered male dog
2 and for each spayed female dog for which the certificate of a
3 veterinarian or the affidavit of the owner is produced, and the
4 license fee shall be \$2.25 for all other male or female dogs.
5 When the license is issued by the county treasurer, an
6 additional service fee of 50¢ shall be paid by all applicants
7 regardless of age to the county treasurer for the use of the
8 county. The county treasurers of this Commonwealth shall be
9 agents of the Commonwealth for the collection of license fees.
10 All county treasurers shall pay all license fees collected
11 through the [Department of Agriculture] department into the
12 State Treasury for credit to the Dog Law Restricted Account.

13 * * *

14 Section 207. Transfer of kennels.

15 * * *

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

- 19 (1) The breed, color, markings, sex and age of each dog.
- 20 (2) The date on which each dog entered the kennel.
- 21 (3) Where it came from.
- 22 (4) To whom it belongs.
- 23 (5) For what purpose each dog is kept in the kennel.
- 24 (6) The date on which each dog leaves the kennel.
- 25 (7) How and to whom it is disposed.

26 Such record shall be legible and shall be open to inspection by
27 any employee of the department, State dog warden [or], police
28 officer, animal control officer or agent of any legally
29 constituted law enforcement agency [as defined by this act].

30 * * *

1 Section 216. County and city treasurer records, licenses and
2 transfers.

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

27 Section 301. Quarantines.

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

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

30 Section 302. Seizure and detention of licensed dogs; costs;

1 destruction of dogs.

2 It shall be the duty of every police officer [or], State dog
3 warden or animal control officer to seize and detain any
4 licensed dog which is found running at large, either upon the
5 public streets or highways of the Commonwealth, or upon the
6 property of a person other than the owner of such dog, and
7 unaccompanied by the owner or keeper. [Every] Any police officer
8 or State dog warden may kill any dog which is found running at
9 large and is deemed after due consideration by the police
10 officer or State dog warden to constitute a threat to the public
11 health and welfare. [The chief of police or his agents of any
12 city, borough, town or township, the constable of any borough
13 and the constable of any incorporated town or township] A police
14 officer, State dog warden or animal control officer shall cause
15 any dog bearing a proper license tag or legible tattoo and so
16 seized and detained to be properly kept and fed and shall cause
17 immediate notice, by registered or certified mail with return
18 receipt, to the person in whose name the license was procured,
19 or his agent, to claim such dog within five days after receipt
20 thereof. The owner or claimant of a dog so detained shall pay a
21 penalty of [\$15 to the political subdivision whose police
22 officers make such seizures and detention and] \$25 to the
23 political subdivision whose police officer or animal control
24 officer effected the seizure and detention or \$25 to the
25 department if the seizure and detention was effected by a State
26 dog warden or State police officer. In addition, the owner or
27 claimant of a dog so detained shall pay all reasonable expenses
28 incurred by reason of its detention to the detaining parties
29 before the dog is returned. If five days after obtaining the
30 postal return receipt, such dog has not been claimed, such

1 [chief of police, or his agent, or a constable, or] State dog
2 warden, police officer or animal control officer shall dispose
3 of such dog by sale or by destruction in some humane manner or
4 by placement with an incorporated humane organization. No dog so
5 caught and detained shall be sold for the purpose of
6 vivisection, or research, or be conveyed in any manner for these
7 purposes. All moneys derived from the sale of such dog, after
8 deducting the expenses of its detention, shall be paid through
9 the [Department of Agriculture] department to the State
10 Treasurer for credit to the Dog Law Restricted Account.

11 Section 3. The heading of Article IV of the act is amended
12 to read:

13 ARTICLE IV

14 [DUTIES OF OFFICERS]

15 INTERFERENCE WITH ENFORCEMENT

16 Section 4. Section 401 of the act is amended to read:
17 Section 401. [Interference with police officer or State dog
18 warden; duties of State dog warden; failure to
19 produce license certificate] Interference
20 illegal.

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

25 (b) State dog wardens and department employees to be
26 considered police officers.--State dog wardens and employees of
27 the department are considered to be police officers when
28 enforcing any of the provisions of this act or regulations
29 pursuant to this act.

30 (c) Illegal to interfere.--It shall be unlawful for any

1 person to interfere with any officer or employee of the
2 department in the enforcement of this law.

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

7 (e) Illegal to fail to produce license.--It shall be
8 unlawful for any person to whom a license certificate has been
9 issued to fail or refuse to produce the license certificate for
10 such dog upon demand of any police officer or employee of the
11 department.] It shall be unlawful for any person to interfere
12 with any State dog warden, police officer or animal control
13 officer in the enforcement of this act.

14 Section 5. The act is amended by adding sections to read:
15 Section 402. Illegal to cut leash.

16 It shall be unlawful for any person to forcibly cut the leash
17 or take a dog away from a State dog warden, police officer or
18 animal control officer when such dog was found running at large
19 unaccompanied by the owner or keeper.

20 Section 403. Illegal to fail to produce license.

21 It shall be unlawful for any person to whom a license
22 certificate has been issued to fail or refuse to produce the
23 license certificate for such dog upon demand of any State dog
24 warden, police officer or animal control officer.

25 Section 6. Section 501(a) and (c) of the act are amended to
26 read:

27 Section 501. Killing [dogs; complaints in trespass before
28 district justice; vicious dogs; fines; bonds] or
29 detaining dogs.

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

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

8 * * *

9 [(c) Licensed dogs not included.--Licensed dogs, when
10 accompanied by their owner or handler, shall not be included
11 under the provisions of this section, unless caught in the act
12 of pursuing, wounding or killing any livestock, wounding or
13 killing poultry, wounding or killing any dogs or household pets,
14 or attacking human beings.]

15 * * *

16 Section 7. Sections 502-A(a), 503-A(a), (b) and (d), 505-A
17 and 507-A(f) of the act, added May 31, 1990 (P.L.213, No.46),
18 are amended to read:

19 Section 502-A. [Registration] Determination and registration of
20 dangerous dogs.

21 (a) Determination.--Any person who has been attacked by a
22 dog, or anyone on behalf of such person, a person whose domestic
23 animal has been killed or injured without provocation, [the] a
24 State dog warden [or the], local police officer or animal
25 control officer may make a complaint before a district justice,
26 charging the owner or keeper of such a dog with harboring a
27 dangerous dog. The determination of a dog as a dangerous dog
28 shall be made by the district justice upon evidence of [a] the
29 dog's history or propensity to attack without provocation based
30 upon an incident in which the dog has done one or more of the

1 following:

2 (1) Inflicted severe injury on a human being without
3 provocation on public or private property.

4 (2) Killed or inflicted severe injury on a domestic
5 animal without provocation while off the owner's property.

6 (3) Attacked a human being without provocation.

7 (4) Been used in the commission of a crime.

8 * * *

9 Section 503-A. [Requirements] Registration requirements.

10 (a) Enclosure and insurance.--[The] Except as provided in
11 subsection (b)(2), the department shall issue, upon payment of
12 all fees under subsection (b), a certificate of registration to
13 the owner of such animal within 30 days of notification, in
14 writing, by the department that the dog has been determined to
15 be dangerous and that the owner presents sufficient evidence of:

16 (1) A proper enclosure to confine a dangerous dog and
17 the posting of a premises with a clearly visible warning sign
18 that there is a dangerous dog on the property. In addition,
19 the owner shall conspicuously display a sign with a warning
20 symbol that informs children of the presence of a dangerous
21 dog.

22 (2) (i) A surety bond in the amount of \$50,000 issued
23 by an insurer authorized to do business within this
24 Commonwealth, payable to any person injured by the
25 dangerous dog; or

26 (ii) a policy of liability insurance, such as
27 homeowner's insurance, issued by an insurer authorized to
28 do business within this Commonwealth in the amount of at
29 least \$50,000, insuring the owner for any personal
30 injuries inflicted by the dangerous dog. The policy shall

1 contain a provision requiring the secretary to be named
2 as additional insured for the sole purpose of being
3 notified by the insurance company of cancellation,
4 termination or expiration of the liability insurance
5 policy.

6 (b) Fee.--

7 (1) The registration fee for a dangerous dog certificate
8 shall be \$25 or such amount set by the department as may be
9 necessary to cover the costs of issuing this registration and
10 enforcing this section. This registration fee shall be in
11 addition to any other fees collectable under this act and
12 shall, except as provided in paragraph (2), be credited to
13 the Dog Law Restricted Account for the purpose of
14 administering and enforcing this act.

15 (2) Where the owner resides in a city of the third class
16 that employs an animal control officer, the fee shall be paid
17 to the city treasurer who shall issue a certificate of
18 registration. The department shall supply forms and symbols
19 required for registration to the treasurer of any city of the
20 third class that employs an animal control officer.

21 * * *

22 (d) Other requirements.--The owner shall sign a statement
23 attesting that:

24 (1) The owner shall maintain and not voluntarily cancel
25 the liability insurance required by this section during the
26 period for which licensing is sought unless the owner ceases
27 to own the dangerous dog prior to expiration of the license.

28 [(2) The owner shall notify the Bureau of Dog Law
29 Enforcement, the State dog warden and the local police
30 department within 24 hours if a dangerous dog is on the

1 loose, is unconfined, has attacked another animal, has
2 attacked a human being, has died or has been sold or donated.
3 If the dangerous dog has been sold or donated, the owner
4 shall also provide the Bureau of Dog Law Enforcement and the
5 State dog warden with the name, address and telephone number
6 of the new owner of the dangerous dog.]

7 (2) The owner shall notify the bureau, State dog warden,
8 local police department and local animal control officer
9 immediately upon discovering that a dangerous dog is on the
10 loose, is unconfined, has attacked another animal or has
11 attacked a human being. If the dangerous dog has died or has
12 been sold or donated the owner shall, within 24 hours of sale
13 or donation, notify the bureau, State dog warden, local
14 police department and local animal control officer. If the
15 dangerous dog has been sold or donated, the owner shall also
16 provide the bureau and the State dog warden with the name,
17 address and telephone number of the new owner of the
18 dangerous dog. The bureau shall promptly notify the
19 appropriate police department or animal control officer of
20 the presence of a dangerous dog in their area.

21 Section 505-A. Public safety and penalties.

22 (a) Failure to register and restrain.--A dangerous dog shall
23 be immediately confiscated by a State dog warden [or a] police
24 officer or animal control officer upon the occurrence of any of
25 the following:

26 (1) The dog is not validly registered under this act.

27 (2) The owner does not secure and maintain the liability
28 insurance coverage required under section 503-A.

29 (3) The dog is not maintained in the proper enclosure.

30 (4) The dog is outside of the dwelling of the owner or

1 outside of the proper enclosure and not under physical
2 restraint of the responsible person.

3 In addition, an owner violating this subsection commits a
4 misdemeanor of the third degree.

5 (b) Attacks upon persons or animals.--If a dangerous dog,
6 through the intentional, reckless or negligent conduct of the
7 dog's owner, attacks a person, livestock or [another] domestic
8 animal, the dog's owner is guilty of a misdemeanor of the second
9 degree. In addition, the dangerous dog shall be immediately
10 confiscated by a State dog warden, police officer or animal
11 control officer, placed in quarantine for the proper length of
12 time and thereafter destroyed in an expeditious and humane
13 manner, with costs of quarantine and destruction to be borne by
14 the dog's owner.

15 (c) Attacks causing severe injury or death.--The owner of
16 any dog that, through the intentional, reckless or negligent
17 conduct of the dog's owner, aggressively attacks and causes
18 severe injury or death of any human shall be guilty of a
19 misdemeanor of the first degree. In addition, the dog shall be
20 immediately confiscated by a State dog warden [or a] police
21 officer or animal control officer, placed in quarantine for the
22 proper length of time and thereafter destroyed in an expeditious
23 and humane manner, with costs of quarantine and destruction to
24 be borne by the dog's owner.

25 (d) Dog owned by a minor.--If the owner of the dangerous dog
26 is a minor, the parent or guardian of the minor shall be liable
27 for injuries and property damages caused by an unprovoked attack
28 by the dangerous dog under [section 4 of the act of July 27,
29 1967 (P.L.186, No.58), entitled "An act imposing liability upon
30 parents for personal injury, or theft, destruction, or loss of

property caused by the willful, tortious acts of children under eighteen years of age, setting forth limitations, and providing procedure for recovery."] 23 Pa.C.S. Ch. 55 (relating to liability for tortious acts of children).

(e) Mandatory reporting.--All known incidents of dog attacks shall be reported to the State dog warden, who shall investigate each incident and notify the department if a dog has been determined to be dangerous.

Section 507-A. Construction of article.

* * *

(f) Procedure in certain cities.--In cities of the first class, second class [and], second class A and cities of the third class that employ animal control officers, the following procedure shall apply:

(1) A person who has been attacked by a dog, or anyone on behalf of such person, or a person whose domestic animal has been killed or injured without provocation while the attacking dog was off the owner's property or a police officer or an animal control officer [employed by or under contract with the city] may make a complaint before a district justice, charging the owner or keeper of such a dog with harboring a dangerous dog. The district justice shall make a report of the determination under section 502-A(a) to the police or an animal control officer [employed by or under contract with the city] and to the [Bureau of Dog Law Enforcement] bureau. The [Bureau of Dog Law Enforcement] bureau shall give notice of this determination to the respective city treasurer.

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

1 registration.

2 (3) Enforcement of this article in these cities will be
3 under the jurisdiction of the local police or an animal
4 control officer [employed by or under contract with the city]
5 with notification requirements in section 503-A(d)(2) to be
6 made to the licensing authority and the local police or an
7 animal control officer [employed by or under contract with
8 the city].

9 (4) Copies of all dangerous dog determinations,
10 certificates and reports on the status of the dangerous dog
11 shall be sent to the [Bureau of Dog Law Enforcement] bureau.

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

15 Section 8. Section 701 of the act, amended May 16, 1986
16 (P.L.194, No.59), is amended to read:

17 Section 701. Damages; complaints; examination of claims;
18 liability; quarantines.

19 (a) General rule.--Whenever any person sustains any loss by
20 dogs to livestock or poultry [or to game birds raised in
21 captivity], and while confined within an enclosure, or if any
22 person sustains loss of livestock from rabies, or if any
23 livestock or poultry [or game bird raised in captivity], and
24 while confined within an enclosure, is necessarily destroyed
25 because of having been bitten by a dog, except when such loss,
26 destruction or damage, with the exception of loss by rabies,
27 shall have been caused by a dog harbored by the owner of such
28 livestock or poultry [or domestic game bird], such person or his
29 agent or attorney may, immediately after the damage was done,
30 complain to a State dog warden or employee of the department and

1 may make application to the department for reimbursement of such
2 loss or damage. Such complaint shall be in writing, shall be
3 signed by the person making such complaint, and shall state
4 when, where and how such damage was done, and by whose dog or
5 dogs, if known, or when the animal died from rabies or was
6 killed because of rabies. Claims covering damage due to rabies
7 shall be made immediately following the death of the animal, and
8 shall be supported by a certificate from a licensed and duly
9 qualified veterinarian and a report from any laboratory approved
10 by the department, to the effect that such animal was affected
11 with rabies. It shall not be necessary to prove that an animal
12 dying from or killed because of rabies was actually bitten by a
13 dog. The presumption shall exist that such animal was so bitten.
14 Upon receipt of such notice, the State dog warden shall at once
15 examine the place where the alleged loss or damage was sustained
16 and the livestock or poultry [or domestic game bird] injured or
17 killed, or in case of rabies where it died or was killed. The
18 State dog warden may examine under oath or affirmation any
19 witness called before him. After making diligent inquiry in
20 relation to such claim, such investigating officer shall
21 determine whether any damage has been sustained and the amount
22 thereof, and, if possible, who was the owner of the dog or dogs
23 by which such damage was done. After making diligent inquiry in
24 relation to such claim, such appraiser shall determine whether
25 any damage has been sustained and the amount thereof, and, if
26 possible, who was the owner of the dog or dogs by which such
27 damage was done. If the owner of the dog or the owner of the
28 livestock or poultry does not agree as to the amount of damage
29 allowed by the appraiser, the owner requesting the appraisal and
30 the appraiser may appoint a disinterested qualified citizen to

1 assist in determining the amount of damage sustained. For such
2 services, the said disinterested citizens shall receive
3 appropriate compensation which shall be paid by the owner
4 requesting the appraisal. Any owner or keeper of such dog or
5 dogs, except in the case of rabies, shall be liable to the
6 Commonwealth for the damages paid by the Commonwealth and the
7 costs incurred as hereinafter provided. There shall be a maximum
8 allowable claim loss on each occurrence of \$10,000 per animal;
9 however, in no instance shall the payment exceed 90% of the
10 appraised value. The secretary shall promulgate rules and
11 regulations to enforce the provisions of this section. All
12 claims shall be paid from the Dog Law Restricted Account.

13 (b) Excess damages.--If the owner of the livestock or
14 poultry [or domestic game bird] feels that he has sustained
15 damages, including consequential and future damages, beyond the
16 amount of damage as finally appraised or paid by the
17 Commonwealth, he may commence a civil action for the excess
18 amount against the owner or keeper of the dog by which such
19 damage was done. The receipt of payment from the owner of the
20 dog of the appraised amount or the receipt of payment from the
21 Commonwealth shall not preclude such an action, but shall be
22 considered in determining the total amount of damages sustained
23 and recoverable.

24 Section 9. Section 702 of the act is amended to read:

25 Section 702. Quarantines due to damages.

26 When the inhabitants of any city, borough, town or township,
27 or any part thereof, have suffered an excessive amount of damage
28 by dogs to livestock or poultry [or domestic game birds], a
29 petition may be presented to the secretary, signed by 20 or more
30 of such residents who are owners of livestock or poultry [or

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

22 Section 10. Section 703 of the act, amended May 16, 1986
23 (P.L.194, No.59), is amended to read:

24 Section 703. Payments of claims out of Dog Law Restricted
25 Account; rights against dog owners inuring to the
26 Commonwealth.

27 The owner of any dog or dogs known to have caused any damage
28 to livestock[,] or poultry [or domestic game birds] shall be
29 liable for all damages and costs. If the owner cannot be found
30 or is unknown, then the secretary shall issue a requisition for

1 the payment of the amount of the allowable claim. All such
2 payments shall be from funds in the Dog Law Restricted Account.
3 No payment shall be made for any item which has already been
4 paid by the claimant's insurance carrier. The claimant shall
5 certify to the department that he has not received payment for
6 any damages under section 701(a) by any person. Upon payment by
7 the State of damages under section 701(a), the rights of the
8 owner of such livestock[,] or poultry [or domestic game bird]
9 against the owner of the dog or dogs causing the damages shall,
10 to the extent of the damages so paid, inure to the benefit of
11 the Commonwealth.

12 Section 11. Section 706 of the act, added May 13, 1988
13 (P.L.396, No.63), is amended to read:

14 Section 706. Damages caused by coyotes; complaints; liability.

15 (a) General rule.--Whenever any person sustains any loss by
16 coyote to livestock or poultry[, or to game birds raised in
17 captivity,] and while confined within a field or other
18 enclosure, provided that the enclosure is adequate for the
19 purpose intended, such person or his agent or attorney may,
20 immediately after the damage was done, complain to a State dog
21 warden or employee of the department and may make application to
22 the department for reimbursement of such loss or damage. The
23 complaint shall be in writing, shall be signed by the person
24 making the complaint and shall state when, where and how the
25 damage was done. Upon receipt of such notice, the State dog
26 warden shall at once examine the place where the alleged loss
27 was sustained and the livestock or poultry [or domestic game
28 bird] injured or killed. The State dog warden may examine under
29 oath or affirmation any witness called before him. After making
30 diligent inquiry in relation to such claim, the investigating

1 officer shall determine whether any damage has been sustained
2 and the amount of the damage. If the owner of the livestock or
3 poultry [or domestic game bird] does not agree as to the amount
4 of damage allowed by the appraiser, the owner requesting the
5 appraisal and the appraiser may appoint a disinterested
6 qualified citizen to assist in determining the amount of damage
7 sustained. For such services, the said disinterested citizen
8 shall receive appropriate compensation which shall be paid by
9 the owner requesting the appraisal. There shall be a maximum
10 allowable claim loss on each occurrence of \$10,000 per animal;
11 however, in no instance shall the payment exceed 90% of the
12 appraised value. All claims shall be paid from the Dog Law
13 Restricted Account; however, in no instance shall the sum total
14 of paid claims for the purpose of this section exceed \$20,000
15 per annum. The secretary shall have the power to promulgate such
16 rules and regulations as may be necessary to implement this
17 section.

18 (b) Definition.--As used in this section, the term "coyote"
19 means the genus and species known as canis latrans.

20 Section 12. Section 901 of the act, amended May 31, 1990
21 (P.L.213, No.46), is amended to read:

22 Section 901. Enforcement of this act by the [Secretary of
23 Agriculture] secretary; provisions for
24 inspections.

25 (a) General rule.--The secretary, through State dog wardens,
26 employees of the department [and], police officers[,] and animal
27 control officers shall be charged with the general enforcement
28 of this law. The secretary may employ all proper means for the
29 enforcement of this act and may enter into agreements with local
30 agencies and organizations for the purpose of dog control. State

1 dog wardens and employees of the department are hereby
2 authorized to enter upon the premises of any persons for the
3 purpose of investigation. A dog warden may enter into a home or
4 other building only with the permission of the occupant or with
5 a duly issued search warrant.

6 (b) Training for dog wardens and animal control officers.--
7 The secretary shall establish training requirements for dog
8 wardens and animal control officers which shall include dog
9 handling and humane capture, preliminary recognition of dog
10 pathology, knowledge of proper dog sanitation and shelter and
11 dog law enforcement.

12 (c) Advisory board.--The secretary shall appoint a Dog Law
13 Advisory Board to advise him in the administration of this act.
14 The board shall consist of one representative from each of the
15 following: Pennsylvania Veterinarian Medical Association,
16 Federation of Humane Societies, Sportsmen's Association, dog
17 clubs, animal research establishments, dog dealers, Pennsylvania
18 Farmers Association, State Grange, lamb and wool growers and
19 poultry farmers associations. The board shall be chaired by the
20 secretary or his designee and shall convene when called by the
21 secretary.

22 Section 13. Section 1201 of the act is amended to read:
23 Section 1201. Applicability to cities of the first class,
24 second class [and], second class A and cities of
25 the third class that employ animal control
26 officers.

27 Insofar as this act provides for the individual licensing of
28 dogs and the payment of damages for livestock or poultry injured
29 by dogs or for licensed dogs illegally killed, it shall not
30 apply to cities of the first class, second class [and], second

1 class A and cities of the third class that employ animal control
2 officers. Such individual dog licensing and payment of damages
3 in cities of the first class, second class [and], second class A
4 and cities of the third class that employ animal control
5 officers shall continue to be carried on under the provisions of
6 existing laws.

7 Section 14. This act shall take effect in 60 days.