

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 669 Session of
2003

INTRODUCED BY BUNT, DALEY, S. MILLER, DeWEESE, BASTIAN,
CREIGHTON, EGOLF, FAIRCHILD, FICHTER, FLEAGLE, GEIST, GEORGE,
GODSHALL, GRUCELA, HARHAI, HENNESSEY, HERMAN, HERSHEY,
HORSEY, JAMES, KIRKLAND, LAUGHLIN, LEH, LEWIS, MAITLAND,
MAJOR, MARSICO, MCGILL, R. MILLER, MYERS, NAILOR, PRESTON,
RUBLEY, SATHER, SAYLOR, SEMMEL, SOLOBAY, STERN, E. Z. TAYLOR,
THOMAS, WALKO, WATSON, WILT, YOUNGBLOOD AND ZUG,
MARCH 5, 2003

REFERRED TO COMMITTEE ON AGRICULTURE AND RURAL AFFAIRS,
MARCH 5, 2003

AN ACT

1 Amending the act of December 7, 1982 (P.L.784, No.225),
2 entitled, as amended, "An act relating to dogs, regulating
3 the keeping of dogs; providing for the licensing of dogs and
4 kennels; providing for the protection of dogs and the
5 detention and destruction of dogs in certain cases;
6 regulating the sale and transportation of dogs; declaring
7 dogs to be personal property and the subject of theft;
8 providing for the abandonment of animals; providing for the
9 assessment of damages done to animals; providing for payment
10 of damages by the Commonwealth in certain cases and the
11 liability of the owner or keeper of dogs for such damages;
12 imposing powers and duties on certain State and local
13 officers and employees; providing penalties; and creating a
14 Dog Law Restricted Account," further providing for
15 definitions, for harboring unlicensed dogs and for damages by
16 coyotes.

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

19 Section 1. Section 102 of the act of December 7, 1982
20 (P.L.784, No.225), known as the Dog Law, is amended by adding a
21 definition to read:

1 Section 102. Definitions.

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

5 * * *

6 "Commission." The Pennsylvania Game Commission.

7 * * *

8 Section 2. Sections 705 and 706 of the act, amended December
9 11, 1996 (P.L.943, No.151), are amended to read:

10 Section 705. Harboring unlicensed dogs; forfeiture of rights of
11 reimbursement.

12 Any person who owns or harbors an unlicensed dog required to
13 be licensed under this act shall forfeit any right to be
14 reimbursed by the department or the commission for any damages
15 to his domestic animal by dogs or coyotes.

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

17 (a) Reimbursement.--A person may make application to the
18 department for reimbursement for damage to a domestic animal by
19 a coyote, whether or not the domestic animal is directly damaged
20 by the coyote or is necessarily destroyed due to damage caused
21 by the coyote, if the damage occurs when the domestic animal is
22 confined in a field or other enclosure adequate for confinement
23 of such animal.

24 (b) Complaint.--To receive reimbursement under subsection
25 (a), a person must file a written, signed complaint with the
26 department. The complaint must state all of the following:

27 (1) The time, place and manner of the damage.

28 (2) The number and type of domestic animal damaged.

29 (3) The amount of the damage. The amount under this
30 paragraph is limited to \$10,000 for each domestic animal.

1 (c) Limitation.--A written complaint under subsection (b)
2 must be filed within five business days of discovery of the
3 damage.

4 (d) Investigation.--Within 48 hours of receipt of a
5 complaint under subsection (b), a State dog warden shall
6 investigate the complaint by examining the site of the
7 occurrence. The State dog warden may examine witnesses under
8 oath or affirmation.

9 (e) Determination.--

10 (1) Within ten business days after the initiation of the
11 investigation under subsection (d), the State dog warden
12 shall issue one of the following determinations:

13 (i) A dismissal of the complaint.

14 (ii) A damage award. The amount under this
15 subparagraph is limited to \$10,000 for each domestic
16 animal, and the award shall not exceed 90% of the
17 appraised value of the domestic animal.

18 (2) Failure to act within the time period under
19 paragraph (1) shall be deemed a damage award in the amount
20 claimed in the complaint under subsection (b)(3).

21 (f) Arbitration.--

22 (1) If the complainant does not agree to the damage
23 award under subsection (e)(1)(ii), the complainant and the
24 State dog warden shall appoint a disinterested, qualified
25 citizen to act as arbitrator.

26 (2) The arbitrator shall determine the damage award. The
27 amount under this paragraph is limited to \$10,000 for each
28 domestic animal.

29 (3) The arbitrator shall receive appropriate
30 compensation paid by the complainant.

(g) Administrative appeal.--

(1) A complainant may appeal to the department a determination under subsection (e)(1)(i) or (f)(2).

(2) The appeal must be filed within 30 days of issuance of the determination.

(3) Within 30 days of filing under paragraph (2), the department must issue one of the following adjudications:

(i) Affirming the original determination.

(ii) Modifying the original determination.

(4) Failure to act within the time period under paragraph (3) shall be deemed a modification of the original determination to grant an award in the amount claimed in the complaint under subsection (b)(3).

(5) This subsection is subject to 2 Pa.C.S Ch. 5 Subch. A (relating to practice and procedure of Commonwealth agencies).

(h) Judicial review.--A complainant may appeal to Commonwealth Court an adjudication under subsection (g)(3). This subsection is subject to 2 Pa.C.S. Ch. 7 Subch. A (relating to judicial review of Commonwealth agency action).

(i) Payment of claims.--All damage claims shall be paid from the [Dog Law Restricted Account] Game Fund. No payment shall be made for any claim which has already been paid by the claimant's insurance carrier. The claimant shall certify to the department that he has not received payment for any damages under this section by any person. Claims paid under this section shall not exceed \$20,000 annually.

(j) Rules and regulations.--The secretary shall promulgate rules and regulations to enforce the provisions of this section.

Section 3. This act shall take effect in 60 days.