

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2525 Session of
2008

INTRODUCED BY CASORIO, HANNA, MAHER, CALTAGIRONE, COHEN, McCALL, ADOLPH, BENNINGTON, BEYER, BIANCUCCI, BUXTON, CAPPELLI, CARROLL, CIVERA, CONKLIN, COSTA, CRUZ, DALEY, DALLY, DeLUCA, DePASQUALE, DiGIROLAMO, ELLIS, FABRIZIO, FRANKEL, FREEMAN, GALLOWAY, GEORGE, GERBER, GERGELY, GIBBONS, GOODMAN, GRUCELA, HARHAI, HARKINS, JOSEPHS, W. KELLER, KILLION, KING, KIRKLAND, KORTZ, KULA, LEACH, LENTZ, MAHONEY, MANN, MANTZ, MARSHALL, McILVAINE SMITH, MELIO, MENSCH, MOYER, MUSTIO, NAILOR, D. O'BRIEN, M. O'BRIEN, OLIVER, O'NEILL, PARKER, PASHINSKI, PAYNE, PAYTON, PETRONE, PRESTON, RAYMOND, READSHAW, RUBLEY, SABATINA, SANTONI, SCAVELLO, SHAPIRO, SHIMKUS, SIPTROTH, K. SMITH, M. SMITH, SOLOBAY, STURLA, J. TAYLOR, R. TAYLOR, TRUE, VEREB, WAGNER, WALKO, WANSACZ, WATSON, J. WHITE, WOJNAROSKI, YOUNGBLOOD, REED AND MANDERINO, MAY 13, 2008

REFERRED TO COMMITTEE ON AGRICULTURE AND RURAL AFFAIRS,
MAY 13, 2008

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 issuance of dog licenses, for applications
16 for dog licenses, for kennels, for requirements for kennels,
17 for out-of-State dealer license, for bills of sale, for
18 revocation, suspension or refusal of kennel licenses, for
19 transportation of dogs, for health certificates for
20 importation, for inspections of premises and dogs and for
21 additional duties of department; providing for refusal of

1 entry; further providing for seizure and detention of dogs,
2 for confinement of dogs, for dog bites, for registration, for
3 certain requirements, for control of dangerous dogs, for
4 public safety, for selling, bartering or trading dogs, for
5 damages caused by coyotes, for burdens of proof, for
6 enforcement, for rules and regulations and for violations;
7 providing for exemption; further defining "releasing agency";
8 and making editorial changes.

9 The General Assembly of the Commonwealth of Pennsylvania
10 hereby enacts as follows:

11 Section 1. Section 102 of the act of December 7, 1982
12 (P.L.784, No.225), known as the Dog Law, amended December 11,
13 1996 (P.L.943, No.151), is amended to read:

14 Section 102. Definitions.

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

18 "Abandon." To forsake entirely or to neglect or refuse to
19 provide or perform the legal obligations for the care and
20 support of an animal by its owner or his agent.

21 "Abandonment." Relinquishment of all rights and claims to an
22 animal by its owner.

23 "Accelerant detection dog." Any dog which is used
24 exclusively for accelerant [detection, commonly referred to as
25 arson canines] or other scent detection.

26 "Agent." A person defined in section 200 who is authorized
27 by this act to process applications for dog license certificates
28 and issue dog license certificates and tags.

29 "Animal control officer." Any person appointed to carry out
30 the duties of dog control.

31 "Attack." The deliberate action of a dog, whether or not in
32 response to a command by its owner, to bite, to seize with its
33 teeth or to pursue any human or domestic animal.

1 "Boarding kennel." Any [kennel] establishment available to
2 the general public where a dog or dogs are housed [or trained]
3 for compensation by the day, week or a specified or unspecified
4 time. The term shall not include a kennel where the practice of
5 veterinary medicine is performed if the kennel is covered by the
6 provisions of the act of December 27, 1974 (P.L.995, No.326),
7 known as the "Veterinary Medicine Practice Act." The term shall
8 include any boarding facility operated by a licensed doctor of
9 veterinary medicine whether or not this facility is on the same
10 premises as a building or structure subject to the provisions of
11 the "Veterinary Medicine Practice Act." The term shall include
12 any establishment that, for consideration, takes control of a
13 dog from the owner for a portion of a day for the purposes of
14 exercise, day care or entertainment of the dog. For the purpose
15 of this term, each time a dog enters the kennel it shall be
16 counted as one dog. This term does not include dog grooming or
17 dog training.

18 ["Breeding kennel." Any kennel operated for the purpose of
19 breeding, buying and selling or in any way transferring dogs for
20 nonresearch purposes.]

21 "Cat." The genus and species known as Felis catus.

22 "Commercial kennel." A kennel that breeds or whelps dogs
23 and:

24 (1) sells or transfers any dog to a dealer or pet shop-
25 kennel; or

26 (2) sells or transfers more than 60 dogs per calendar
27 year.

28 "Confiscate." To appropriate property to the use of the
29 government or to adjudge property to be forfeited to the public,
30 without compensation to the owner of the property.

1 "County animal warden." Any person employed or appointed
2 under section 1002(a.1).

3 "County treasurer." The elected officer for any county or
4 any county employee assigned to the office of the county
5 treasurer charged with the receipt, custody and disbursements of
6 its moneys or funds. The term county treasurer shall include
7 those officials in home rule charter counties responsible for
8 county treasurer's duties.

9 "Coyote." The genus and species known as *Canis latrans*.

10 "Dangerous dog." A dog determined to be a dangerous dog
11 under section 502-A.

12 "Dealer." [Any person who owns or operates a dealer kennel
13 in this Commonwealth or who buys, receives, sells, exchanges,
14 negotiates, barter or solicits the sale, resale, exchange or
15 transfer of a dog in this Commonwealth for the purpose of
16 transferring ownership or possession to a third party.] A person
17 who:

18 (1) publicly or privately sells or offers for sale any
19 dog belonging to another person for consideration, a fee or a
20 commission or percentage of the sale price;

21 (2) transfers dogs at wholesale for resale to another;
22 or

23 (3) offers or maintains dogs at wholesale for resale to
24 another.

25 "Dealer kennel." A kennel operating within the Commonwealth
26 which:

27 (1) publicly or privately sells or offers for sale any
28 dog [belonging to another person] as an owner, agent or
29 assignee for a fee, commission or percentage of the sale
30 price;

1 (2) [acquires, sells,] transfers[, exchanges or barter]
2 dogs at wholesale for resale to another; or

3 (3) offers or maintains dogs [for sale, transfer,
4 exchange or barter] at wholesale for resale to another. The
5 term does not include a pound, shelter or common carrier or a
6 kennel defined elsewhere in this section.

7 "Department." The Pennsylvania Department of Agriculture.

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

9 "Dog control." The apprehending, holding and disposing of
10 stray or unwanted dogs. Dog control may be performed by humane
11 society police officers, police officers, State dog wardens or
12 animal control officers.

13 "Domestic animal." Any dog, cat, equine animal or bovine
14 animal, sheep, goat, pig, poultry, bird, fowl, confined hares,
15 rabbits and mink, or any wild or semiwild animal maintained in
16 captivity.

17 "Establishment." The premises on, in or through which a dog
18 is kept, bred, harbored, boarded, sheltered, maintained, sold,
19 given away, exchanged or in any way transferred.

20 (1) The term shall include all of the following:

21 (i) The home, homestead, place of business or
22 operation of a person, including a dealer, which includes
23 all of the land, property, housing facilities or any
24 combination of land, property or housing facilities of
25 the individual or person.

26 (ii) All of the persons residing in or on the
27 establishment.

28 (iii) A person, organization, business or operation
29 which utilizes offsite or rescue network kennel homes to
30 keep, maintain, breed, train, harbor, board, shelter,

1 sell, give away, adopt, exchange or in any way transfer
2 dogs.

3 (2) The term shall not include a gathering of dog owners
4 where dogs remain in the custody and care of their owners,
5 such as a hotel or campground, grooming or training or an
6 event such as a field trial, hunting event or dog show.

7 "General administrative plan." Written policies or
8 guidelines set forth by the Department of Agriculture relating
9 to inspection of kennels by the Department of Agriculture.

10 "Housing facility." A structure that provides animals with
11 shelter, protection from the elements and protection from
12 temperature extremes.

13 "Humanely killed." A method of destruction in accordance
14 with the act of December 22, 1983 (P.L.303, No.83), referred to
15 as the Animal Destruction Method Authorization Law.

16 "Humane society or association for the prevention of cruelty
17 to animals." A nonprofit society or association duly
18 incorporated pursuant to 15 Pa.C.S. Ch. 53 Subch. A (relating to
19 incorporation generally) for the purpose of the prevention of
20 cruelty to animals.

21 "Humane society police officer." Any person duly appointed
22 pursuant to 22 Pa.C.S. § 501 (relating to appointment by
23 nonprofit corporations) to act as a police officer for a humane
24 society or association for the prevention of cruelty to animals.
25 The term shall include any person who is an agent of a humane
26 society or association for the prevention of cruelty to animals
27 as agent is used in 18 Pa.C.S. § 5511 (relating to cruelty to
28 animals).

29 "Kennel." Any establishment [wherein] in or through which at
30 least 26 dogs are kept [for the purpose of breeding, hunting,

1 training, renting, research or vivisection, buying, boarding,
2 sale, show or any other similar purpose and is so constructed
3 that dogs cannot stray therefrom.] or transferred in a calendar
4 year, or a boarding kennel as defined in this act.

5 "Licensed doctor of veterinary medicine." A person who is
6 currently licensed pursuant to the act of December 27, 1974
7 (P.L.995, No.326), known as the "Veterinary Medicine Practice
8 Act."

9 "Nonprofit kennel." [Any kennel operated by an animal rescue
10 league, a humane society or association for the prevention of
11 cruelty to animals] A kennel registered under the laws of this
12 Commonwealth as a nonprofit entity or a nonprofit animal control
13 kennel under sections 901 and 1002. The term shall include
14 kennels operated by approved medical and veterinary schools and
15 nonprofit institutions conducting medical and scientific
16 research, which shall be required to register, but shall not be
17 required to pay any of the following license fees, and which may
18 use their own identification tags for dogs within their kennels
19 without being required to attach tags hereinafter prescribed
20 while dogs are within such kennels, if approved by the
21 secretary.

22 "Out-of-state dealer." A person who does not reside in the
23 Commonwealth of Pennsylvania and [who buys, receives, sells,
24 exchanges, negotiates, barter or solicits the sale, resale,
25 exchange or transfer of a dog in this Commonwealth for the
26 purpose of transferring ownership or possession to a third
27 party.] who:

28 (1) sells or offers for sale a dog belonging to another
29 person in this Commonwealth, for any type of consideration,
30 fee, commission or percentage of the sales price; or

1 (2) transfers a dog in this Commonwealth for resale to
2 another for any type of consideration, fee, commission or
3 percentage of the sales price.

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

9 "Permanent identification" or "permanently identified." Any
10 long-lasting identification designed to be nonremovable, such as
11 a tattoo or microchip, determined by the Department of
12 Agriculture through regulation. Any dog permanently identified
13 shall be required to bear a license tag in accordance with the
14 provisions of this act.

15 "Person with a disability." A person who receives disability
16 insurance or supplemental security income for the aged, blind or
17 disabled under the Social Security Act (49 Stat. 620, 42 U.S.C.
18 § 301 et seq.) or who receives a rent or property tax rebate
19 under the act of March 11, 1971 (P.L.104, No.3), known as the
20 "Senior Citizens Rebate and Assistance Act," on account of
21 disability or who has a handicapped license plate under 75
22 Pa.C.S. § 1338 (relating to handicapped plate and placard).

23 "Persons." Includes State and local officers, or employees,
24 individuals, corporations, copartnerships and associations.
25 Singular words shall include the plural. Masculine words shall
26 include the feminine and neuter.

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

1 "Police officer." Any person employed or elected by this
2 Commonwealth, or by any municipality and whose duty it is to
3 preserve peace or to make arrests or to enforce the law. The
4 term includes constables and dog, game, fish and forest wardens.

5 "Primary enclosure." The primary structure that restricts a
6 dog's ability to move in a limited amount of space, such as a
7 room, cage or compartment. The term does not include any run
8 described in section 207(i)(6).

9 "Private kennel." A kennel not meeting the definition of
10 commercial kennel, at, in, or adjoining a residence where dogs
11 are kept or bred by their owner, for the purpose of hunting,
12 tracking and exhibiting in dog shows, or field and obedience
13 trials.

14 "Proper enclosure of a dangerous dog." The secure
15 confinement of a dangerous dog either indoors or in a securely
16 enclosed and locked pen or structure, suitable to prevent the
17 entry of young children and domestic animals and designed to
18 prevent the [animal] dangerous dog from escaping. [Such] The pen
19 or structure shall have secure sides and a secure top and shall
20 also provide protection from the elements for the dog. If the
21 pen or structure has no bottom secured to the sides, the sides
22 must be embedded at least two feet into the ground.

23 "Public place." A place in this Commonwealth to which the
24 general public has a right to resort. A public place need not be
25 a place devoted solely to use by the public, but may be a place
26 which is visited by many persons on a regular basis and is
27 usually accessible to the neighboring public. A public place
28 shall also include television and radio media.

29 "Rescue network kennel." A kennel that utilizes rescue
30 network kennel homes with the goal of ultimately transferring

1 the dog to a permanent owner or keeper through any means of
2 transfer.

3 "Rescue network kennel home." An establishment to which a
4 rescue network kennel assigns a dog until the dog is ultimately
5 transferred to a permanent home.

6 "Research." Investigation or experimentation aimed at the
7 discovery and interpretation of facts or procedures, revision of
8 accepted theories or laws in the light of new facts or practical
9 application of such new or revised theories or laws as related
10 to the advancement of medical science and technological
11 treatment of disease or surgical operations, medical procedures,
12 transplants, functions and any form of medical or
13 pharmacological actions on dogs when applied and personally
14 supervised by a qualified scientist with degrees approved by the
15 secretary.

16 "Research kennel." [Any kennel within the Commonwealth
17 wherein research is conducted with dogs, or where vivisection is
18 practiced with dogs, or any establishment which breeds, buys,
19 sells, or in any way transfers dogs to laboratories, hospitals,
20 establishments for research or any other similar purpose, or
21 which sells, gives away or in any way transfers dogs to another
22 research or dealer kennel.] Any Federal research kennel or other
23 research kennel duly registered with and inspected by the
24 Federal Government under the provisions of the Animal Welfare
25 Act (Public Law 89-544, 7 U.S.C. § 2131 et seq.) and its
26 attendant regulations.

27 "Secretary." The Secretary of Agriculture or any person to
28 whom authority has been delegated by the Secretary of
29 Agriculture.

30 "Seizure." The act of taking possession of property for a

1 violation of law or the taking or removal from the possession of
2 another. The term shall not include the taking of ownership of
3 property.

4 "Service dog." Any dog which has been trained as a guide
5 dog, signal dog or has been trained to do work or perform tasks
6 for the benefit of an individual with a disability, including,
7 but not limited to, guiding individuals with impaired vision,
8 alerting individuals with impaired hearing to intruders or
9 sounds, pulling a wheelchair or fetching dropped items.

10 "Severe injury." Any physical injury that results in broken
11 bones or disfiguring lacerations requiring multiple sutures or
12 cosmetic surgery.

13 "State dog warden." An employee of the department whose
14 primary duty is to enforce this act and the regulations pursuant
15 thereto.

16 "Veterinarian." A doctor of veterinary medicine licensed
17 under the act of December 27, 1974 (P.L.995, No.326), known as
18 the "Veterinary Medicine Practice Act."

19 "Vivisection." The cutting of or operation on a living
20 animal for physical or pathological investigation or animal
21 experimentation.

22 "Wild" or "semiwild animal." A domestic animal which is now
23 or historically has been found in the wild, including, but not
24 limited to, bison, deer, elk, llamas or any species of foreign
25 or domestic cattle, such as ankole, gayal and yak.

26 Section 2. Section 200(a), (b), (e) and (f) of the act,
27 added December 11, 1996 (P.L.943, No.151), are amended and the
28 section is amended by adding subsections to read:

29 Section 200. Issuance of dog licenses; compensation; proof
30 required; deposit of funds; records; license

1 sales; rules and regulations; failure to comply;
2 unlawful acts; penalty.

3 (a) Issuance of dog licenses.--

4 (1) The county treasurer shall be an agent and shall
5 process applications for dog license certificates and issue
6 dog license certificates and tags.

7 (1.1) The county treasurer shall be permitted and may
8 permit agents to issue vanity or collector tags that are
9 approved by the department, in addition to the license.

10 (2) The county treasurer may authorize district justices
11 to be agents and to process applications for dog license
12 certificates and to issue dog license certificates and tags.

13 (3) The county treasurer may authorize other agents
14 within the county to process dog license certificates and to
15 issue dog license certificates and tags. At least half of the
16 agents appointed in each county shall have hours of operation
17 after 5 p.m. at least one weekday and shall be open at least
18 one day of each weekend. Agents who have been appointed by
19 their respective county treasurers under this paragraph shall
20 meet bonding requirements as their respective county
21 treasurers may require.

22 (4) The secretary shall have the authority, after a
23 review of the agents appointed by a county treasurer, to
24 appoint agents within each county to process dog license
25 certificates and to issue dog license certificates and tags.
26 Priority shall be given to licensed doctors of veterinary
27 medicine and kennels licensed under this act. At least half
28 of the agents appointed in each county shall have hours of
29 operation after 5 p.m. at least one weekday and shall be open
30 at least one day of each weekend. Agents appointed by the

1 secretary under this paragraph shall be required to post a
2 bond or other security instrument in a form satisfactory to
3 the secretary in an amount he determines. The secretary may
4 recall the appointment of any agent at any time.

5 (5) Agents who have been appointed by their respective
6 county treasurers prior to the effective date of this section
7 may continue to act as agents for the county treasurers under
8 such bonding requirements as the county treasurer may
9 require.

10 (b) Compensation.--For services rendered in collecting and
11 paying over dog license fees, agents, for as long as they
12 continue to act in that capacity, may collect and retain a sum
13 [of] equal to the cost of a postage stamp plus \$1 for each dog
14 license sold, which amount shall be full compensation for
15 services rendered by them under this act. The compensation shall
16 be retained by the respective agents and shall cover, among
17 other things, the cost of processing and issuing dog licenses,
18 postage, mailing, returns and bonding of the agents. A district
19 justice authorized by the county treasurer to process
20 applications for dog license certificates and issue dog license
21 certificates [and tags] is not authorized to collect
22 compensation under this subsection. Agents under subsection
23 (a)(3) and (5) shall collect an additional 50¢ which shall be
24 remitted to the county treasurer, for the use of the county, in
25 the same manner as records are forwarded under subsection (e).

26 (b.1) Mailings.--Dog license mailings, renewals and other
27 notices related to State dog licenses shall not contain any
28 extraneous advertising, promotions or other materials not
29 previously approved in writing by the department. Department-
30 approved advertising, promotions or other materials may not add

1 to the cost of postage to be paid by the department.

2 * * *

3 (e) Records.--Each agent shall keep on a printed form
4 supplied by the department a correct and complete record of all
5 dog licenses issued and funds that are received or delinquent.
6 The records shall be available at reasonable hours for
7 inspection by any employee of the department charged with the
8 enforcement of this act or any representative of the Department
9 of Auditor General or Office of Attorney General. Within five
10 days following the first day of each month, each agent shall
11 forward to the secretary and to the county treasurer of the
12 county in which the agent is situated, on forms supplied by the
13 department, a complete report of dog licenses issued, in correct
14 numerical sequence. All money collected from the sale of dog
15 licenses, less compensation if collected, and any other
16 information required by the secretary shall be forwarded to the
17 secretary with the report.

18 (e.1) Electronic records.--Within 180 days of the effective
19 date of this section, each county treasurer shall submit to the
20 secretary an electronic data file of license holders. The county
21 treasurer shall monthly update the data file and submit the
22 updated file monthly to reflect all new applicants.

23 (f) License sales.--Each agent shall process applications
24 and issue dog license certificates on a year-round basis.
25 Nothing in this act shall permit an agent while acting in that
26 capacity to suspend license sales during any time. If checks are
27 returned for delinquent funds or the proper dog license fee is
28 not collected for any reason, the agent shall report the
29 delinquency to the department on a form supplied by the
30 department.

1 * * *

2 Section 3. Sections 201 and 206 of the act, amended December
3 11, 1996 (P.L.943, No.151), are amended to read:

4 Section 201. Applications for dog licenses; fees; penalties.

5 (a) General rule.--Except as provided in subsection (b), on
6 or before January 1 of each year, [unless and until the
7 department promulgates regulations establishing a system of dog
8 license renewal on an annual basis throughout the calendar
9 year,] the owner of any dog, three months of age or older,
10 except as hereinafter provided, shall apply to the county
11 treasurer of his respective county or an agent under section
12 200(a), on a form prescribed by the department for [a] the
13 appropriate license for [such] the dog. The application and
14 license certificate shall state the breed, sex, age, color and
15 markings of [such] the dog, the name, address and telephone
16 number of the owner and the year of licensure. The application
17 shall be accompanied by the appropriate license fee [as follows:

18 (1) For each neutered male dog and for each spayed
19 female dog for which the certificate of a licensed doctor of
20 veterinary medicine or the affidavit of the owner is
21 produced, the license fee shall be \$5.

22 (2) For all other male and female dogs, the license fee
23 shall be \$7.

24 (3) For Pennsylvania residents 65 years of age or older
25 and persons with disabilities:

26 (i) For each neutered male dog and for each spayed
27 female dog for which the certificate of a licensed doctor
28 of veterinary medicine or the affidavit of the owner is
29 produced, the license fee shall be \$3.

30 (ii) For all other male and female dogs, the license

1 fee shall be \$5.], which shall be set by regulation and
2 shall include all of the following classes of licenses:

3 (1) Neutered male dog or spayed female dog, the fee for
4 which shall be lower than that paid for all other male and
5 female dogs. For this license classification the owner or
6 keeper of the dog shall provide a certificate of a licensed
7 doctor of veterinary medicine or the affidavit of the owner
8 or keeper as evidence the dog is neutered or spayed.

9 (2) Except as provided in paragraph (1) or (3), all
10 other male or female dogs.

11 (3) Male or female dog owned by a Pennsylvania resident
12 65 years of age or older or a person with a disability, the
13 fee for which shall be lower than that paid by residents
14 under the age of 65 or without disabilities. The following
15 shall apply:

16 (i) For each neutered male dog and for each spayed
17 female dog for which the certificate of a licensed doctor
18 of veterinary medicine or the affidavit of the owner is
19 produced, the fee shall be lower than that paid under
20 paragraph (1).

21 (ii) For all other male and female dogs, the fee
22 shall be lower than that charged under paragraph (2).

23 (4) Compensation, if collected under section 200(b),
24 shall also be paid by all applicants, regardless of age or
25 disability.

26 (5) All additional costs of a vanity or collector tag
27 issued under this subsection shall be in addition to the
28 required license fee under this section. The additional cost
29 shall be split evenly between the county treasurer that
30 issued the license and the Dog Law Restricted Account. No

1 vanity or collector tag may be issued without approval of the
2 department.

3 (b) Lifetime license.--

4 (1) The owner of any dog three months of age or older
5 which has been permanently identified may apply to the county
6 treasurer of his respective county or an agent under section
7 200(a), on a form prescribed by the department for a lifetime
8 license for such a dog. Except as otherwise provided in this
9 act, a dog which has been issued a lifetime license shall be
10 required to wear a license tag. The application and license
11 certificate shall state the breed, sex, age, color and
12 markings of such dog, the type and number of permanent
13 identification and the name, address and telephone number of
14 the owner. The application shall be accompanied by the
15 appropriate license fee [as follows:

16 (1) For each neutered male dog and for each spayed
17 female dog for which the certificate of a licensed doctor of
18 veterinary medicine or the affidavit of the owner is
19 produced, the lifetime license fee shall be \$30.

20 (2) For all other male and female dogs, the license fee
21 shall be \$50.

22 (3) For Pennsylvania residents 65 years of age or older
23 and persons with disabilities:

24 (i) For each neutered male dog and for each spayed
25 female dog for which the certificate of a licensed doctor
26 of veterinary medicine or the affidavit of the owner is
27 produced, the license fee shall be \$20.

28 (ii) For all other male and female dogs, the license
29 fee shall be \$30.

30 (4) Compensation, if collected under section 200(b),

1 shall also be paid by all applicants, regardless of age or
2 disability. A dog which has been issued a lifetime license
3 prior to the effective date of this act shall not be subject
4 to fees under this subsection.], which shall be set by
5 regulations and shall include the license categories under
6 subsection (a). Compensation, if collected under section
7 200(b), shall also be paid by all applicants, regardless of
8 age or disability.

9 (2) A dog which has been issued a lifetime license prior
10 to the effective date of this paragraph shall not be subject
11 to fees under this subsection.

12 (3) All additional costs of a vanity or collector tag
13 issued under this subsection shall be charged in addition to
14 the fees under this section. The additional cost shall be
15 split evenly between the county treasurer that issued the tag
16 and the Dog Law Restricted Account. No vanity or collector
17 tag may be issued without approval of the department.

18 (c) Penalty.--A person who violates this section commits a
19 summary offense and, upon conviction, shall be sentenced to pay
20 a fine of not less than [\$25] \$50 nor more than \$300 for each
21 unlicensed dog. Fraudulent statements, including those related
22 to the breed of the dog, failure to pay the appropriate fee, or
23 failure to update records, including address and contact
24 information, within 120 days of moving, constitute a violation.
25 The burden of proof shall be the same as under section 802.

26 Section 206. Kennels.

27 (a) Applications, kennel license classifications and fees.--
28 Any person who is a dealer or keeps or operates a [Class I,
29 Class II, Class III, Class IV or Class V Kennel, Boarding Kennel
30 Class I, Boarding Kennel Class II, Boarding Kennel Class III or

1 nonprofit] kennel shall, on or before January 1 of each year,
2 apply to the department for a kennel license. Kennels shall be
3 classified by type and the fee for the license, which shall be
4 set by regulation, shall be determined by the kennel type, the
5 number of dogs housed, kept, harbored, boarded, sheltered, sold,
6 given away or transferred in or by the kennel. The application
7 forms and kennel licenses shall be as designated by the
8 secretary. A separate license shall be required for each type of
9 kennel and every location at which a kennel is kept or operated.
10 A kennel license is required to keep or operate any
11 [establishment that keeps, harbors, boards, shelters, sells,
12 gives away or in any way transfers a cumulative total of 26 or
13 more dogs of any age in any one calendar year] kennel. All
14 kennel licenses shall expire on December 31. When two or more
15 licensed kennels are operated by the same person at the same
16 location, each kennel shall be inspected and licensed [for each
17 use.] as required by law.

18 Dealer License.

19 A dealer, whether residing in this Commonwealth or outside
20 this Commonwealth, who sells, exchanges, negotiates, barter,
21 gives away or solicits the sale, resale, exchange or transfer of
22 a dog in this Commonwealth for the purpose of transferring
23 ownership or possession to a third party shall obtain a dealer
24 license from the department, which shall be applied for and may
25 be renewed.

26 Kennel Class I.

27 To keep or operate a private kennel, pet shop-kennel,
28 research kennel, rescue network kennel, dealer kennel or
29 [breeding] kennel for a [cumulative] total of 50 dogs or less of
30 any age during a calendar year [- \$75 per year].

1 Kennel Class II.

2 To keep or operate a private kennel, pet-shop kennel,
3 research kennel, rescue network kennel, dealer kennel or
4 [breeding] kennel for a [cumulative] total of 51 to 100 dogs of
5 any age during a calendar year [- \$200 per year].

6 Kennel Class III

7 To keep or operate a private kennel, pet shop-kennel,
8 research kennel, rescue network kennel, dealer kennel or
9 [breeding] kennel for a [cumulative] total of 101 to 150 dogs of
10 any age during a calendar year [- \$300 per year].

11 Kennel Class IV

12 To keep or operate a private kennel, pet shop-kennel,
13 research kennel, rescue network kennel, dealer kennel or
14 [breeding] kennel for a [cumulative] total of 151 to 250 dogs of
15 any age during a calendar year [- \$400 per year].

16 Kennel Class V

17 To keep or operate a private kennel, pet shop-kennel,
18 research kennel, rescue network kennel, dealer kennel or
19 [breeding] kennel for a [cumulative] total of 251 [or more] to
20 500 dogs of any age during a calendar year [- \$500 per year].

21 Kennel Class VI

22 To keep or operate a private kennel, pet shop-kennel,
23 research kennel, rescue network kennel, kennel or dealer kennel
24 for a total of 501 to 750 dogs of any age during a calendar
25 year.

26 Kennel Class VII

27 To keep or operate a private kennel, pet shop-kennel,
28 research kennel, rescue network kennel, kennel or dealer kennel
29 for a total of 751 to 1,000 dogs of any age during a calendar
30 year.

1 Kennel Class VIII

2 To keep or operate a private kennel, pet shop-kennel,
3 research kennel, rescue network kennel, kennel or dealer kennel
4 for a total of 1,001 to 1,500 dogs of any age during a calendar
5 year.

6 Kennel Class IX

7 To keep or operate a private kennel, pet shop-kennel,
8 research kennel, rescue network kennel, kennel or dealer kennel
9 for a total of 1,501 to 2,000 dogs of any age during a calendar
10 year.

11 Kennel Class X

12 To keep or operate a private kennel, pet shop-kennel,
13 research kennel, rescue network kennel, kennel or dealer kennel
14 for a total of 2,001 to 2,500 dogs of any age during a calendar
15 year.

16 Kennel Class XI

17 To keep or operate a private kennel, pet shop-kennel,
18 research kennel, rescue network kennel, kennel or dealer kennel
19 for a total of 2,501 to 3,000 dogs of any age during a calendar
20 year.

21 Kennel Class XII

22 To keep or operate a private kennel, pet shop-kennel,
23 research kennel, rescue network kennel, kennel or dealer kennel
24 for a total of more than 3,001 dogs of any age during a calendar
25 year.

26 Boarding Kennel Class I

27 To keep or operate a boarding kennel having the capacity to
28 accommodate a total of 1 to 10 dogs at any time during a
29 calendar year [- \$100 per year].

30 Boarding Kennel Class II

1 To keep or operate a boarding kennel having the capacity to
2 accommodate a total of 11 to 25 dogs at any time during a
3 calendar year [- \$150 per year].

4 Boarding Kennel Class III

5 To keep or operate a boarding kennel having the capacity to
6 accommodate 26 or more dogs at any time during a calendar year
7 [- \$250 per year].

8 Nonprofit Kennel [- \$25 per year.]

9 To keep or operate a nonprofit kennel.

10 Kennel Class C-I

11 To keep or operate a commercial kennel for a total of 50 dogs
12 or less of any age during a calendar year.

13 Kennel Class C-II

14 To keep or operate a commercial kennel for a total of 51 to
15 100 dogs of any age during a calendar year.

16 Kennel Class C-III

17 To keep or operate a commercial kennel for a total of 101 to
18 150 dogs of any age during a calendar year.

19 Kennel Class C-IV

20 To keep or operate a commercial kennel for a total of 151 to
21 200 dogs of any age during a calendar year.

22 Kennel Class C-V

23 To keep or operate a commercial kennel for a total of 201 to
24 500 dogs of any age during a calendar year.

25 Kennel Class C-VI

26 To keep or operate a commercial kennel for a total of 501 to
27 750 dogs of any age during a calendar year.

28 Kennel Class C-VII

29 To keep or operate a commercial kennel for a total of 751 to
30 1,000 dogs of any age during a calendar year.

1 Kennel Class C-VIII

2 To keep or operate a commercial kennel for a total of 1,001
3 to 1,500 dogs of any age during a calendar year.

4 Kennel Class C-IX

5 To keep or operate a commercial kennel for a total of 1,501
6 to 2,000 dogs of any age during a calendar year.

7 Kennel Class C-X

8 To keep or operate a commercial kennel for a total of 2,001
9 to 2,500 dogs of any age during a calendar year.

10 Kennel Class C-XI

11 To keep or operate a commercial kennel for a total of 2,501
12 to 3,000 dogs of any age during a calendar year.

13 Kennel Class C-XII

14 To keep or operate a commercial kennel for a total of more
15 than 3,001 dogs of any age during a calendar year.

16 (b) Nonprofit kennels.--A nonprofit kennel shall apply for a
17 nonprofit kennel license. Such kennel may use its own
18 identification tags for dogs confined therein. The secretary may
19 approve, upon application, the removal of tags from licensed
20 dogs confined therein. A rescue network kennel may be a
21 nonprofit kennel if it meets the definition of nonprofit kennel.

22 (d) Issuance of tags.--The department shall issue the number
23 of tags equal to the number of dogs three months of age or
24 older, or a lesser number as determined by the kennel owner's
25 needs, approved by the secretary to be kept in a kennel
26 described under this section. All tags shall bear the name of
27 the county where they are issued, the kennel license number and
28 any other information required by the secretary through
29 regulations. The tags shall be utilized and displayed as set
30 forth in section 207(d).

1 (e) Kennel [removed to another county] closing, changing
2 name or moving to another location.--If a person that keeps or
3 operates a kennel [permanently removes the kennel to another
4 county] closes, changes its name or moves to another location,
5 the person shall file an application with the secretary [to
6 transfer the license to the county of removal] notifying the
7 secretary of the move, closure, transfer or change of name. Upon
8 approval by the secretary, which shall require an inspection and
9 approval of the new facility, the kennel license [shall] may be
10 allowed to remain in effect until [it has expired pursuant to
11 this section.] the end of the calendar year at which time it
12 shall be renewed in accordance with this act. If a kennel is
13 closing, the secretary must conduct a post-closure inspection.

14 (f) Adequacy of fees.--On or before July 1[, 1998] of each
15 year, the department shall submit a report to the chairperson
16 and minority chairperson of the Agriculture and Rural Affairs
17 Committee of the Senate and the chairperson and minority
18 chairperson of the Agriculture and Rural Affairs Committee of
19 the House of Representatives comparing the expenses incurred by
20 the department for enforcing this act with regard to kennels and
21 the revenues received by the department in accordance with this
22 section.

23 Section 4. Section 207(a.1), (c) and (d) of the act, amended
24 December 11, 1996 (P.L.943, No.151), are amended and the section
25 is amended by adding subsections to read:

26 Section 207. Requirements for kennels.

27 (a.1) Prohibition to operate; injunction; fines.--It shall
28 be unlawful for kennels described under section 206 to operate
29 without first obtaining a kennel license from the department.
30 The secretary shall not approve any kennel license application

1 unless such kennel has been inspected and approved by a State
2 dog warden or employee of the department. The secretary may file
3 a suit in equity in the Commonwealth Court to enjoin the
4 operation of any kennel that violates any of the provisions of
5 this act. [In addition, the secretary may seek in such suit the
6 imposition of a fine for every day in violation of this act for
7 an amount not less than \$100 nor more than \$500 per day.] It
8 shall be no defense to any civil penalty or criminal prosecution
9 under this act that a person operating a kennel failed to
10 properly obtain the appropriate license.

11 (a.2) Civil penalties and remedies.--The following shall
12 apply to civil penalties and remedies for unlicensed kennels:

13 (1) In addition to proceeding under any other remedy
14 available at law or in equity for a violation of a provision
15 of this act or a rule or regulation adopted or order issued
16 under this act, the secretary may assess a civil penalty, in
17 addition to any penalty under section 903(c), against an
18 unlicensed kennel of not less than \$500 nor more than \$1,000
19 for each day it operates in violation of this act. The
20 penalty shall be premised on the gravity and willfulness of
21 the violation, the potential harm to the health and safety of
22 the animals and the public, previous violations and the
23 economic benefit to the violator for failing to comply with
24 this act.

25 (2) In cases of inability to collect the civil penalty
26 or failure of a person to pay all or a portion of the
27 penalty, the secretary may refer the matter to the Office of
28 Attorney General, which shall institute an action in the
29 appropriate court to recover the penalty.

30 (a.3) Cease and desist order.--

1 (1) The secretary may provide a written order to cease
2 and desist operating to an owner who is operating a kennel
3 without a license. The order shall set forth the general
4 factual and legal basis for the action and shall advise the
5 affected person that within ten days of receipt of the order,
6 he may file with the secretary a written request for an
7 administrative hearing. The order to cease and desist shall
8 become a final order of the department upon expiration of the
9 ten-day period for requesting an administrative hearing,
10 unless a timely request has been filed with the department.
11 Upon receiving a cease and desist order, the unlicensed
12 kennel shall immediately cease and desist from operating a
13 kennel, including boarding, buying, exchanging, selling,
14 giving away or in any way transferring dogs. The kennel shall
15 divest of all dogs over 25 dogs, unless otherwise directed,
16 within a reasonable time period determined by the department
17 but not to exceed ten days. The department shall set forth
18 the manner by which the kennel may divest of the dogs. That
19 person shall be subject to the conditions established under
20 paragraph (2).

21 (2) An unlicensed kennel that has timely filed a request
22 for an administrative hearing shall be allowed to operate
23 under the conditions set forth under section 211(c)(3), (4),
24 (5), (6), (7), (8) and (9) and removal of dogs may occur
25 under section 211(d), (e) and (f).

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

29 (1) The breed, color, markings, sex and age of each dog.

30 (2) The date on which each dog entered the kennel.

1 (3) [From where it came] The full name and physical
2 address of the previous owner or kennel from whom the dog was
3 received.

4 (4) [To whom it belongs] The full name and physical
5 address of the person or kennel to whom the dog belongs.

6 (5) For what purpose each dog is kept in the kennel.

7 (6) The date on which each dog leaves the kennel.

8 (7) How [and to whom it is dispensed.] the dog is
9 dispensed. If the dog was transferred to another person or
10 kennel, the record must state the full name and physical
11 address of the person or kennel to whom the dog was
12 dispensed.

13 (8) The name, address and telephone number of the
14 licensed doctor of veterinary medicine used by the kennel.

15 Such record shall be legible and shall be open to inspection and
16 may be copied by any employee of the department, State dog
17 warden or police officer as defined by this act.

18 (c.1) Nonprofit kennels.--All nonprofit kennels shall be
19 required to keep all records required to be kept under this
20 section to the extent possible.

21 (d) [Additional requirements] Tags.--Every holder of a
22 kennel license shall attach one tag to a collar or harness of
23 each dog three months old or older kept by that person, whenever
24 the dog is not within the kennel except as provided for in
25 section 202[.], or during a hunt, show, performance, event or
26 field trial or, in the case of a dealer or a rescue kennel,
27 utilizing rescue kennel network homes. Dogs housed in rescue
28 kennel network homes shall have and display the dealer's tag or
29 rescue kennel network home's tag or individual dog license as
30 provided in this section.

1 (e) Display of kennel license.--The following shall apply:

2 (1) A person operating a kennel required to be licensed
3 under this act shall display, in a place conspicuous to
4 persons authorized to enter, a current and valid kennel
5 license certificate issued by the department. The kennel
6 license certificate shall show all of the following:

7 (i) The year for which it was issued.

8 (ii) The kennel class and type.

9 (iii) The number of dogs allowed to be housed in
10 that class of kennel per calendar year.

11 (2) Rescue network kennel homes associated with a dealer
12 or rescue kennel network shall display a copy of the dealer's
13 or the rescue kennel network's kennel license.

14 (3) If the secretary revokes, suspends or denies a
15 kennel license, the department shall issue a notice of
16 revocation, suspension or denial. The notice shall be posted
17 in a place conspicuous to persons authorized to enter and
18 approved by the department for a period of time as provided
19 in this subsection. In the case of a revocation or denial of
20 a kennel license, the kennel shall display the notice of
21 revocation or denial until such time as the kennel has ceased
22 to operate or as the department determines and sets forth in
23 the order. In the case of a suspension, the notice of
24 suspension shall be posted until the time period of the
25 suspension has run or the department has reissued a valid
26 kennel license.

27 (4) If the secretary finds a kennel operating without a
28 license, the kennel, upon notice of violation or order, shall
29 display a notice of violation issued by the department. The
30 notice shall be posted in a place conspicuous to persons

1 authorized to enter and approved by the department until the
2 time as the kennel has ceased to operate or as the department
3 determines and sets forth in the order or until such time as
4 the kennel has come into compliance and the secretary has
5 issued a valid kennel license.

6 (5) Failure to display a current and valid kennel
7 license certificate or a notice of revocation, suspension or
8 denial as provided in this subsection constitutes a violation
9 of this act.

10 (f) (Reserved).

11 (g) Additional requirements for boarding kennels, nonprofit
12 kennels and Kennel Class I through XII license holders.--The
13 following shall apply to boarding kennels and Kennel Class I
14 through XII license holders:

15 (1) Kennels under this subsection must develop and
16 follow an appropriate plan to provide dogs with the
17 opportunity for exercise. The plan shall be approved by a
18 veterinarian.

19 (2) All kennels for dogs shall be equipped with smoke
20 alarms or fire extinguishers. Housing facilities shall be
21 equipped with fire extinguishers on the premises. An indoor
22 housing facility may have a sprinkler system.

23 (h) Additional requirements for Kennel Class C license
24 holders.--The following shall apply to primary enclosures for
25 all dogs in a kennel of a Class C license holder:

26 (1) Primary enclosures must be designed and constructed
27 so that they are structurally sound and must be kept in good
28 repair.

29 (2) Primary enclosures must meet the following
30 requirements:

1 (i) Have no sharp points or edges that could injure
2 the dogs.

3 (ii) Be maintained in a manner to protect the dogs
4 from injury.

5 (iii) (Reserved).

6 (iv) Keep animals other than dogs from entering the
7 enclosure.

8 (v) Enable the dogs to remain dry and clean.

9 (vi) Provide shelter and protection from
10 temperatures and weather conditions that may be
11 uncomfortable or hazardous to any dog.

12 (vii) Provide sufficient space to shelter all the
13 dogs housed in the primary enclosure at one time.

14 (viii) Provide potable water at all times, unless
15 otherwise directed by a veterinarian in a writing that
16 shall be kept in the kennel records.

17 (ix) Enable all surfaces in contact with the dogs to
18 be readily cleaned and sanitized in accordance with
19 paragraph (14) or be replaceable when worn or soiled.

20 (x) Have floors that are constructed in a manner
21 that protects the dogs' feet and legs from injury.

22 (xi) Provide space to allow each dog to turn about
23 freely, to stand, sit and lie in a comfortable and normal
24 position. The dog must be able to lie down while fully
25 extended without the dog's head, tail, legs, face or feet
26 touching any side of the enclosure.

27 (xii) The interior height of a primary enclosure
28 shall be at least six inches higher than the head of the
29 tallest dog in the enclosure when it is in a normal
30 standing position.

1 (3) Each bitch with nursing puppies shall be provided
2 with an additional amount of floor space, based on her breed
3 and behavioral characteristics and in accordance with
4 generally accepted husbandry practices as determined by the
5 attending veterinarian. If the additional amount of floor
6 space for each nursing puppy is less than 5% of the minimum
7 requirement for the bitch, the amount of floor space must be
8 approved in writing by the attending veterinarian and shall
9 be kept in the kennel records.

10 (4) All dogs housed in the same primary enclosure must
11 be compatible, as determined by observation. Not more than
12 six adult dogs may be housed in the same primary enclosure.
13 Bitches in heat may not be housed in the same primary
14 enclosure with sexually mature males, except for breeding.
15 Bitches with litters may not be housed in the same primary
16 enclosure with other adult dogs, and puppies under 12 weeks
17 of age may not be housed in the same primary enclosure with
18 adult dogs, other than the dam or foster dam. Dogs with a
19 vicious or aggressive disposition must be housed separately.

20 (5) A program of veterinary care shall be established
21 through consultation with a veterinarian and include a
22 physical examination and vaccination schedule, a protocol for
23 disease control and prevention, pest and parasite control,
24 nutrition, emergency care and euthanasia. A copy of the
25 program shall be kept in the kennel records.

26 (6) Housing facilities for dogs must be sufficiently
27 heated and cooled to protect the dogs from temperature or
28 humidity extremes and to provide for their health and well-
29 being. If dogs are present, the ambient temperature in the
30 facility must not fall below 50 degrees F. The ambient

1 temperature must not rise above 85 degrees F (29.5 degrees C)
2 when dogs are present. The requirements under this paragraph
3 are in addition to all other requirements pertaining to
4 climatic conditions in this chapter.

5 (7) Housing facilities for dogs must be sufficiently
6 ventilated at all times when dogs are present to provide for
7 their health and well-being and to minimize odors, drafts,
8 ammonia levels and to prevent moisture condensation.
9 Ventilation must be provided by windows, vents, fans or air
10 conditioning. Auxiliary ventilation or air conditioning must
11 be provided when the ambient temperature is 85 degrees F or
12 higher. The relative humidity must be maintained at a level
13 that ensures the health and well-being of the dogs housed
14 therein. The ventilation must meet the minimum air flow
15 required for control of moisture condensation under severe
16 conditions. The ventilation in the building shall provide at
17 least six air changes per hour. The building must include
18 ventilation to assure dry kennel floors during cold weather.
19 The ventilation requirements may be achieved through design
20 of the building shell and natural air flow or by means of
21 auxiliary air movement systems. Where auxiliary air movement
22 systems are required or utilized to achieve the required air
23 exchanges, the kennel must still have doors and windows which
24 can be opened to allow air flow in the event of a system
25 malfunction.

26 (8) Housing facilities for dogs must be lighted well
27 enough to permit routine inspection and cleaning of the
28 facility and observation of the dogs. Animal areas must be
29 provided a regular diurnal lighting cycle of either natural
30 or artificial light. Lighting must be uniformly diffused

1 throughout housing facilities and provide sufficient
2 illumination to aid in maintaining good housekeeping
3 practices, adequate cleaning, adequate inspection of animals,
4 and for the well-being of the animals. Primary enclosures
5 must be placed so as to protect the dogs from excessive
6 light. Lighting in an indoor facility must be at least 10
7 foot-candles of light. At least 50 foot-candles of light must
8 be provided in all bathing, grooming and toilet areas and 30
9 foot-candles of light shall be provided in support buildings,
10 including food preparation and storage areas. The lighting in
11 a housing facility must be sufficient to allow observation of
12 the physical condition of the dogs at night. Lighting may not
13 be achieved through open flame.

14 (9) The floors and walls of primary enclosures must be
15 impervious to moisture. The ceilings of indoor housing
16 facilities must be impervious to moisture or be replaceable.

17 (10) All dogs must be provided with adequate food that
18 is clean and free from contaminants.

19 (11) All dogs must be removed from the primary enclosure
20 when the primary enclosure is cleaned in accordance with
21 paragraph (14)(iv).

22 (12) Primary enclosures may not be stacked more than two
23 rows high and the bottom of the uppermost primary enclosure
24 may not be more than four and one-half feet off the housing
25 facility floor. Where the primary enclosures are stacked a
26 tray or other department-approved device which will prevent
27 urine, feces and other debris from passing into or being
28 discharged into the underlying primary enclosure shall be
29 placed under the upper primary enclosures. The tray or
30 approved device must be impermeable to water and capable of

1 being easily sanitized.

2 (13) All kennels shall be equipped with a smoke alarm
3 and shall have a means of fire suppression, such as fire
4 extinguishers or a sprinkler system on the premises.

5 (14) The following shall apply:

6 (i) Excreta, hair, dirt and food waste must be
7 removed from primary enclosures at least daily or more
8 often if necessary to prevent an accumulation of dirt,
9 hair, feces and food waste to prevent soiling of dogs
10 contained in the primary enclosures and to reduce disease
11 hazards, insects, pests and odors.

12 (ii) Used primary enclosures and food and water
13 receptacles must be cleaned and sanitized in accordance
14 with this section before they can be used to house, feed
15 or water another dog, or grouping of dogs.

16 (iii) Used primary enclosures and food and water
17 receptacles for dogs must be sanitized at least once
18 every two weeks using one of the methods under
19 subparagraph (iv) and more often if necessary to prevent
20 an accumulation of dirt, debris, food waste, excreta and
21 other disease hazards.

22 (iv) Hard surfaces of primary enclosures and food
23 and water receptacles must be sanitized using one of the
24 following methods:

25 (A) Live steam under pressure.

26 (B) Washing with water with a temperature of at
27 least 180 degrees F and soap or detergent, as with a
28 mechanical cage washer.

29 (C) Washing all soiled surfaces with appropriate
30 detergent solutions and disinfectant or by using a

1 combination detergent or disinfection product that
2 accomplishes the same purpose with a thorough
3 cleaning of the surfaces to remove organic materials
4 so as to remove all organic material and mineral
5 buildup and to provide sanitization followed by a
6 clean water rinse.

7 (v) Primary enclosures, exercise areas and housing
8 facilities using material that cannot be sanitized using
9 the methods under subparagraph (iv) must be made sanitary
10 by removing the contaminated material as necessary to
11 prevent odors, diseases, pests, insects and vermin
12 infestation.

13 (vi) Premises where primary enclosures are located,
14 including buildings and surrounding grounds, must be kept
15 clean and in good repair to protect the animals from
16 injury, to facilitate the husbandry practices required in
17 this act and to reduce or eliminate breeding and living
18 areas for rodents and other pests and vermin. Premises
19 must be kept free of accumulations of trash, junk, waste
20 products, and discarded matter. Weeds, grasses and bushes
21 must be controlled so as to facilitate cleaning of the
22 premises and pest control and to protect the health and
23 well-being of the animals.

24 (vii) An effective program for the control of
25 insects, external parasites affecting dogs or that are
26 pests must be established and maintained so as to promote
27 the health and well-being of the dogs and reduce
28 contamination by pests in housing facilities.

29 (15) All dogs in a kennel shall have affixed to the
30 front of the primary enclosure something that contains all of

1 the following information:

2 (i) The date of birth of the dog.

3 (ii) The date of the last rabies vaccination.

4 (iii) The date of the dog's last veterinarian check.

5 (16) All veterinarian records shall be kept as long as
6 the dog is at the facility.

7 (17) Notwithstanding any law, a dog may not be
8 euthanized except by a veterinarian.

9 (i) Additional requirements for Kennel Class C license
10 holders.--The following shall apply to dogs over 12 weeks of age
11 in Kennel Class C kennels:

12 (1) A dog housed in a primary enclosure must be provided
13 a minimum amount of floor space in the primary enclosure,
14 calculated as provided under this subparagraph: Find the
15 mathematical square of the sum of the length of the dog in
16 inches, measured from the tip of its nose to the base of its
17 tail, plus six inches, then divide the product by 144, then
18 multiply by 2. The calculation is: (length of dog in inches +
19 6)(length of dog in inches + 6) = required floor space in
20 square inches. Required floor space in inches/144 x 2 =
21 required floor space in square feet. For the second dog
22 placed in the primary enclosure the minimum floor space shall
23 be doubled. The floor space shall be calculated using the
24 longest dog. For each dog above two, the minimum floor space
25 shall be multiplied by 1.5 per additional dog.

26 (2) Primary enclosures must be placed no higher than 12
27 inches above the floor of the housing facility and may not be
28 placed or stacked on top of another cage or primary
29 enclosure.

30 (3) The floor of any primary enclosure must be solid and

1 strong enough so that the floor does not sag or bend between
2 the structural supports.

3 (4) Each primary enclosure shall have an entryway that
4 will allow the dog unfettered clearance out of the enclosure
5 to the exercise area under paragraph (6) if the enclosure is
6 opened.

7 (5) Each primary enclosure shall open onto and be
8 adjacent to an exercise area.

9 (6) Exercise requirements shall be as follows:

10 (i) The exercise run must allow for unfettered
11 clearance for dogs from their primary enclosure.

12 (ii) The exercise run must be at least twice the
13 size of the primary enclosure under paragraph (1).

14 (iii) The exercise run must have adequate means to
15 prevent dogs from escaping.

16 (iv) The exercise run fencing must be kept in good
17 repair and be free of rust, jagged edges or other defects
18 that could cause injury to the dogs.

19 (v) The exercise run shall be cleaned in accordance
20 with the requirements under subsection (h)(14).

21 (vi) Dogs must not be placed in the area in a manner
22 that would cause injury to the dogs.

23 (vii) Compatible dogs, as determined under
24 subsection (h)(4), may be exercised together.

25 (viii) Nursing bitches shall be exercised separately
26 with their puppies when age appropriate.

27 (ix) Exercise area ground must be solid and
28 maintainable. Surfaces such as gravel, packed earth and
29 grass which are solid and maintainable may be utilized.

30 (x) The exercise area must be outdoors.

1 was issued. The forms for the application and license shall be
2 approved by the secretary [through regulations].

3 (b) Unlawful acts.--It shall be unlawful for out-of-state
4 dealers to [transport dogs] sell, exchange, negotiate, barter,
5 give away or solicit the sale, resale, exchange or transfer of a
6 dog or transport a dog into or within the Commonwealth or to
7 operate or maintain a dealer kennel or to deal in any manner
8 with dogs without first obtaining an out-of-state dealer license
9 from the department. It shall be unlawful for a kennel licensed
10 under this act to knowingly accept, receive, buy, barter or
11 exchange a dog with an unlicensed out-of-state dealer for
12 resale. A conviction for a violation of this section shall
13 result in a penalty as determined under section 903(c). Each
14 transaction for each dog shall constitute a separate violation.

15 (c) List of out-of-state dealers.--The department shall
16 annually provide to licensed kennels a list of licensed out-of-
17 state dealers. If a kennel wants to conduct business with an
18 out-of-state dealer not listed on the list, the kennel must
19 first obtain written approval from the department.

20 Section 6. Section 210 of the act is amended to read:

21 Section 210. Bills of sale.

22 All owners or operators of kennels described in section 206,
23 and all out-of-state dealers shall be required to have in their
24 possession a bill of sale for each dog purchased or transported,
25 except for dogs delivered to the kennel licensee for purposes of
26 boarding or for dogs whelped at the kennel. Any bill of sale
27 which is fraudulent or indicates the theft of any dog, shall be
28 prima facie evidence for the immediate revocation of license and
29 imposition of fines and penalties by the secretary. The bill of
30 sale shall contain information required by the secretary through

1 regulations. For each dog exchanged, bartered, given away or in
2 any other way transferred by a kennel described in section 206
3 or an out-of-state dealer, a record of the transaction shall be
4 kept. The bill of sale or record shall include the current and
5 valid kennel license number of the kennel or out-of-state dealer
6 that sold, exchanged, bartered, gave away or transferred the dog
7 and any other information required by the secretary.

8 Section 7. Section 211 of the act, amended December 11, 1996
9 (P.L.943, No.151), is amended to read:

10 Section 211. Revocation, suspension or refusal of kennel
11 licenses.

12 (a) General powers of secretary.--The secretary shall revoke
13 a kennel license or out-of-state dealer license if a licensee is
14 convicted of a violation of 18 Pa.C.S. § 5511 (relating to
15 cruelty to animals) or a cruelty law of another jurisdiction.
16 The secretary shall not issue a kennel license or out-of-state
17 dealer license to a person that has been convicted of a
18 violation of 18 Pa.C.S. § 5511 within the last ten years. The
19 secretary may revoke or suspend a kennel license or out-of-state
20 dealer license or refuse to issue a kennel license or out-of-
21 state dealer license for any one or more of the following
22 reasons:

23 (1) the person holding or applying for a license has
24 made a [material] misstatement or misrepresentation in the
25 license application;

26 (2) the person holding or applying for a license has
27 made a [material] misstatement or misrepresentation to the
28 department or its personnel regarding a matter relevant to
29 the license;

30 (3) the person holding or applying for a license has

1 [been convicted of any violation of] violated this act;

2 (4) the person holding or applying for a license has
3 failed to comply with any regulation promulgated under this
4 act; [or]

5 (5) the person holding or applying for a license has
6 been convicted of any law relating to cruelty to animals[.]
7 and the conviction is more than ten years old, if there is
8 evidence the person has not been rehabilitated and granting a
9 license would jeopardize the health, safety and welfare of
10 the dogs;

11 (6) the person holding or applying for a license has
12 been convicted of a felony;

13 (7) the person holding or applying for a license has:

14 (i) been convicted of a violation of section 9.3 of
15 the act of December 17, 1968 (P.L.1224, No.387), known as
16 the "Unfair Trade Practices and Consumer Protection Law,"
17 which rises to the level of a misdemeanor or requires the
18 person to cease and desist from operating a kennel or
19 owning, selling or caring for dogs, or both; or

20 (ii) entered into an agreement with the Office of
21 Attorney General which requires the person to cease and
22 desist from operating a kennel or owning, selling or
23 caring for dogs, or both;

24 (8) the person holding or applying for a license has
25 received final disapproval to operate based on a local
26 ordinance or zoning ordinance relating to operation of a
27 kennel;

28 (9) the person holding or applying for a license has or
29 is acting in concert with a person who has violated the act
30 of December 15, 1986 (P.L.1610, No.181), known as the "Rabies

1 Prevention and Control in Domestic Animals and Wildlife Act;

2 (10) the person holding or applying has had a yearly
3 license refused or revoked within the past ten years; or

4 (11) the person holding or applying for a license has a
5 person who does or will play a role in the ownership or
6 operation of the kennel who may be refused a kennel license
7 under this section. A role shall include, but not be limited
8 to, ownership of a direct or indirect financial interest,
9 direct or indirect participation in management or actual
10 caretaking of the dogs.

11 (b) Notice of action.--

12 (1) The secretary shall provide written notice of a
13 kennel license or an out-of-state dealer license revocation[,
14 suspension] or refusal to the person whose license is
15 revoked[, suspended] or refused. The notice shall set forth
16 the general factual and legal basis for the action and shall
17 advise the affected person that within ten days of receipt of
18 the notice he may file with the secretary a written request
19 for an administrative hearing. The hearing shall be conducted
20 in accordance with 2 Pa.C.S. (relating to administrative law
21 and procedure).

22 (2) Written notice of revocation[, suspension] or
23 refusal shall be served by personal service or by registered
24 or certified mail, return receipt requested, to the person or
25 to a responsible employee of such person whose license is
26 revoked[, suspended] or refused. Revocation or [suspension
27 shall commence upon service of the written notice.

28 (c) Seizure and constructive seizure.--] refusal shall be
29 effective upon the expiration of the ten-day period for
30 requesting an administrative hearing, unless a timely request

1 for a hearing has been filed with the department.

2 (c) Administrative process.--[(1)] Whenever the secretary
3 revokes[, suspends] or refuses a kennel license or an out-of-
4 state dealer license, the [department may seize and impound any
5 dog in the possession, custody or care of the person whose
6 license is revoked, suspended or refused if there are reasonable
7 grounds to believe that the dog's health, safety or welfare is
8 endangered. Reasonable costs of transportation, care and feeding
9 of a seized and impounded dog shall be paid by the person from
10 whom the dog was seized and impounded.

11 (2) (i) If the person whose kennel license or out-of-
12 state dealer license is revoked, suspended or refused and
13 whose dog has been seized and impounded provides the
14 secretary with satisfactory evidence or assurances that
15 the dog will receive adequate care and has paid all costs
16 of transportation, care and feeding related to the
17 seizure and impoundment of the dog, the person may
18 retrieve the seized and impounded dog.

19 (ii) If the owner of a seized and impounded dog is
20 someone other than the person from whom the dog was
21 seized and impounded, the dog owner may retrieve his dog
22 from impoundment upon payment of all transportation, care
23 and feeding costs applicable to the dog. The person from
24 whom the dog was seized and impounded shall be
25 responsible to reimburse the dog owner for the
26 transportation, care and feeding costs.

27 (3) The secretary shall allow a dog to remain in the
28 physical possession, custody or care of the person whose
29 kennel license or out-of-state dealer license is revoked,
30 suspended or refused upon any one or more of the following

1 findings:

2 (i) if the secretary has no reasonable grounds to
3 believe that the health, safety or welfare of the dog is
4 endangered; or

5 (ii) the person whose license is revoked, suspended
6 or refused has provided satisfactory evidence or
7 assurances that the dog will receive adequate care.

8 (4) Ownership of a dog which has been seized and
9 impounded or which is under constructive seizure may be
10 forfeited upon the written request of its owner.

11 (5) The secretary may direct that ownership of a
12 particular dog which is seized and impounded pursuant to
13 paragraph (1) is to be forfeited. The department shall serve
14 the owner of the affected dog with written notice of
15 forfeiture. The notice shall indicate that ownership of the
16 dog in question may be forfeited to some entity other than
17 the department. Notice of forfeiture shall be served by
18 personal service or by registered or certified mail, return
19 receipt requested, to the owner of the affected dog or a
20 responsible person at the kennel from which the dog was
21 seized and impounded. The notice shall specify an effective
22 date of forfeiture which shall be not less than ten days from
23 service of the notice. The notice shall further inform the
24 dog owner of his right to request an administrative hearing
25 on the issue of forfeiture by delivering a written request to
26 the department prior to the date of forfeiture. A written
27 hearing request shall act as a supersedeas of the forfeiture
28 action. At the administrative hearing, the department shall
29 have the burden of proving that the affected dog owner did
30 not adequately care for the subject dog, or that no

1 satisfactory evidence or assurances have been given to the
2 department that the subject dog will be adequately cared for
3 if it is returned to the owner, or that the owner has
4 abandoned the subject dog. Abandonment shall be presumed if
5 an owner fails to make timely payment of reasonable costs of
6 transportation, care and feeding of the seized and impounded
7 dog after two written requests to do so have been served by
8 personal service or registered or certified mail, return
9 receipt requested, upon a responsible person at the kennel in
10 question or to the dog owner.

11 (d) Reimbursement of transportation, care and feeding
12 costs.--A person described in subsection (c)(1) and (2) who has
13 paid transportation, care and feeding costs with respect to a
14 dog seized under this section may make application to the
15 department for reimbursement of the costs if all persons cited
16 or charged with violations of this act as the result of the
17 conditions at the kennel at issue are acquitted of all charges
18 or violations.

19 (e) Department as guarantor of payment of certain costs.--A
20 kennel at which a dog is impounded by the department under the
21 authority of this section shall be compensated from the Dog Law
22 Restricted Account in the amount of \$5 per dog for each day or
23 portion thereof that the dog is held at the kennel if:

24 (1) the kennel has attempted, without success, to obtain
25 payment for transportation, care and feeding costs from the
26 owner of the dog and the owner of the kennel from which the
27 dog was seized and impounded; and

28 (2) the kennel makes written application to the
29 department, setting forth the amount sought, details of a
30 good faith attempt at obtaining payment of the costs from the

1 dog owner and the kennel owner and the dates and number of
2 dogs justifying the amount sought.

3 (f) Prohibition.--No dog seized under this section shall be
4 sold or given freely for the purpose of vivisection or research
5 or be conveyed in any manner for these purposes or be conveyed
6 to a dealer.] following shall apply:

7 (1) The person whose license refusal or revocation has
8 become effective shall immediately cease and desist from
9 operating a kennel, including boarding, buying, exchanging,
10 selling, giving away or in any way transferring dogs. The
11 kennel owner shall divest himself of all dogs over 25 dogs,
12 unless directed otherwise by a department or court order,
13 within a reasonable time period as determined by the
14 department, but not to exceed ten days. The department's
15 notice of revocation or refusal shall set forth the manner by
16 which the kennel owner may divest himself of the dogs. The
17 person shall be subject to the conditions established under
18 paragraphs (3) through (9).

19 (2) The person whose license is refused or revoked and
20 who has timely filed a request for an administrative hearing,
21 and who would continue to require a kennel license under this
22 act, pending the exhaustion of all administrative appeals
23 shall be considered to be operating under suspension and
24 shall, during the duration of all administrative appeals, and
25 thereafter if the department's action is upheld, be subject
26 to the conditions established under paragraphs (3) through
27 (9).

28 (3) The kennel may not acquire any additional dogs or
29 increase the number of dogs in the kennel by any means,
30 including breeding.

1 (4) The department shall be notified prior to the
2 euthanization of any dog. No dog may be euthanized unless it
3 is determined by a veterinarian that the euthanasia will
4 prevent the dog from suffering caused by a medical condition.
5 Where a veterinarian determines a dog should be euthanized, a
6 copy of the veterinarian's findings, signed by the
7 veterinarian, shall be provided to the department.

8 (5) The kennel shall reduce the number of dogs on the
9 premises to 25, or a lesser number as may be directed by the
10 department or court order, and in the manner and within the
11 time period set forth in the order of the department or the
12 court, not exceeding ten days after an order has become
13 effective or after the exhaustion of any administrative
14 appeal where the department's action is upheld.

15 (6) The kennel shall permit State dog wardens to inspect
16 the kennel without a warrant in order to determine compliance
17 with the department's order, any relevant court order and any
18 provision of this act.

19 (7) If there are more dogs than specified in paragraph
20 (5) on the premises after the expiration of the time period
21 set forth in paragraph (5), the kennel may select the number
22 of dogs allowed under paragraph (5) on the premises to keep.
23 The remainder shall be forfeited to the entity set forth in
24 the department's or court's order or to an entity approved by
25 the department without compensation to the owner.

26 (8) Failure to take actions or to meet the conditions
27 imposed under this subsection, in addition to any other
28 penalties allowed under this act, may result in imposition by
29 the department of a penalty of not less than \$100 nor more
30 than \$500 per day for each violation. Each dog in excess of

1 25 dogs, or a lesser amount if set forth in the department or
2 court order, shall count as one violation.

3 (9) Any violation of this subsection shall constitute a
4 misdemeanor of the third degree.

5 (d) Removal of dogs.--

6 (1) After service of an order under subsection (c)(1) or
7 section 207(a.3) or during the duration of an administrative
8 appeal under subsection (c)(2) or section 207(a.3)(2), the
9 department may order the removal of any dog from that kennel
10 if the department determines, based on the conditions found
11 at that kennel, there are reasonable grounds to believe the
12 dog's health, safety or welfare is endangered because of
13 neglect of duty of care, deprivation of necessary sustenance,
14 water, shelter or veterinary care or access to clean and
15 sanitary shelter which will protect the animal against
16 inclement weather and preserve the animal's body heat and
17 keep it dry or other conditions which a veterinarian
18 determines pose a serious health risk to the dog. The removal
19 may occur immediately upon notice followed by service of the
20 order.

21 (2) The order of removal shall set forth the general
22 factual and legal basis for the action taken and shall advise
23 the kennel owner that within ten days of receipt the kennel
24 owner may file with the secretary a written request for an
25 administrative hearing subject to bonding requirements of
26 this section. The order shall be served by personal service
27 or by registered or certified mail, return receipt requested,
28 to the kennel owner affected or to a responsible employee of
29 such kennel owner. The department order shall become final
30 upon the expiration of the ten-day period for requesting an

1 administrative hearing, unless a timely request for a hearing
2 has been filed with the secretary.

3 (3) The written request for a hearing must be filed by
4 the affected kennel owner with the secretary within ten days
5 of receipt of the order of removal, or such order shall
6 become final. The request for a hearing shall set forth the
7 factual and legal grounds upon which the request is based. A
8 hearing on the matter shall be held in accordance with 2
9 Pa.C.S. (relating to administrative law and procedure). The
10 issue on appeal shall be limited to whether the department
11 order was justified under paragraph (1).

12 (4) If the department's order has become final or after
13 the exhaustion of any administrative appeals, in cases where
14 the department's action is upheld, the dogs removed under the
15 order shall be forfeited to the entity set forth in the
16 department's order or to an entity approved by the department
17 without compensation to the owner.

18 (e) Bonding requirements.--The following shall apply to
19 bonding requirements:

20 (1) If dogs are removed from a kennel under this act and
21 an administrative appeal is filed, the owner of the licensed
22 or unlicensed kennel shall post a bond in the amount required
23 under paragraph (2) within ten days of the filing of such
24 appeal.

25 (2) The amount of the surety bond shall be based on the
26 number of dogs removed and shall be equal to the estimated
27 cost of transportation, care and feeding, pursuant to removal
28 and impoundment, for a period of 31 days. The surety bond
29 shall be payable to the Commonwealth of Pennsylvania,
30 Department of Agriculture, Bureau of Dog Law Enforcement. The

1 department shall remit such funds to the entity holding the
2 dogs.

3 (3) If after appeal the dogs are placed under the care
4 of the owner from which they were removed, the department
5 shall reimburse the owner for the reasonable costs of the
6 bond incurred under this subsection.

7 (f) Prohibitions.--No dog removed under this section may be:

8 (1) sold or given freely for the purpose of vivisection,
9 auction or research;

10 (2) conveyed in any manner for purposes of vivisection,
11 auction or research; or

12 (3) conveyed to a dealer.

13 Section 8. Section 213 of the act is amended to read:

14 Section 213. Transportation of dogs.

15 It shall be unlawful for any dog required to be licensed as
16 hereinbefore provided, to be transported for any purpose without
17 a current license tag firmly attached to a collar or harness
18 securely fastened to the dog except when a dog is being
19 transported for law enforcement or to receive veterinary care
20 pursuant to an order of the secretary for humane purposes. All
21 vehicles being used to transport dogs are subject to inspection
22 and must meet requirements for such transportation through
23 regulations as promulgated by the secretary.

24 Section 9. Sections 214, 218 and 219 of the act, amended or
25 added December 11, 1996 (P.L.943, No.151), are amended to read:

26 Section 214. Health certificates for importation.

27 It shall be [unlawful] a violation of this act to transport
28 any dog into this Commonwealth except under the provisions in
29 section 212 without a certificate of health prepared by a
30 licensed doctor of veterinary medicine, which certificate, or

1 copy of such, shall accompany [such] the dog while in this
2 Commonwealth. [Such] The certificate shall state that the dog is
3 at least [seven] eight weeks of age and shows no signs or
4 symptoms of infectious or communicable disease; did not
5 originate within an area under quarantine for rabies; and, as
6 ascertained by reasonable investigation, has not been exposed to
7 rabies within 100 days of importation. All dogs must have been
8 vaccinated for rabies in accordance with the act of December 15,
9 1986 (P.L.1610, No.181), known as the "Rabies Prevention and
10 Control in Domestic Animals and Wildlife Act." The name of the
11 vaccine manufacturer, the date of administration, and the rabies
12 tag number must appear on health certificates prepared by a
13 licensed doctor of veterinary medicine.

14 Section 218. Inspections [of premises and dogs].

15 (a) Premises and dogs.--State dog wardens and other
16 employees of the department are hereby authorized to inspect all
17 licensed kennels [and], all dogs within the Commonwealth and all
18 unlicensed establishments which are operating as a kennel as
19 defined by section 206. For purposes of inspection, a State dog
20 warden and other full-time employees of the department shall be
21 authorized to enforce the provisions of this act and regulations
22 promulgated by the department [pursuant to] under this act.

23 State dog wardens and employees of the department shall inspect
24 all licensed kennels within the Commonwealth at least [once]
25 twice per calendar year to enforce the provisions of this act
26 and regulations promulgated by the department under this act.

27 State dog wardens and only regular, full-time employees of the
28 department shall be authorized to enter upon the premises of
29 approved medical, dental or veterinary schools, hospitals,
30 clinics or other medical or scientific institutions,

1 organizations or persons where research is being conducted or
2 where pharmaceuticals, drugs or biologicals are being produced.
3 [Research facilities in the Commonwealth that are currently
4 under Federal Government inspection shall be exempt from State
5 inspection if they have undergone no less than one Federal
6 Government inspection within the past 12 months. Submission of
7 such evidence of Federal inspection by documentation to the
8 department may be established by regulation subject to
9 legislative review.] It shall be unlawful for any person to
10 refuse admittance to such State dog wardens and employees of the
11 department for the purpose of making inspections and enforcing
12 the provisions of this act.

13 (b) Records.--State dog wardens and other employees of the
14 department shall be authorized to inspect the records required
15 under this act of all licensed and unlicensed kennels.

16 (c) Search warrant.--State dog wardens and other employees
17 of the department may apply for a search warrant to any
18 Commonwealth official authorized to issue a search warrant for
19 the purposes of inspecting or examining any kennel, property,
20 building, premise, place, dog, book, record or other physical
21 evidence or for the purpose of removing any dog under section
22 207 or 211. The warrant shall be issued upon probable cause. It
23 shall be sufficient probable cause to show any of the following:

24 (1) The inspection, examination or seizure is pursuant
25 to a general administrative plan to determine compliance with
26 this act.

27 (2) The State dog warden or employee of the department
28 has reason to believe that a violation of this act or the
29 regulations promulgated under the authority of this act has
30 occurred.

1 Section 219. Additional duties of the department.

2 (a) Enforcement of licensure requirement; development of
3 plan.--By no later than June 30, 1997, the department shall
4 develop and begin to implement a written plan to increase the
5 number of dog licenses issued in this Commonwealth. Such plan
6 shall be developed in consultation with the several counties and
7 municipalities which enforce the provisions of this act and in
8 consultation with the Dog Law Advisory Board and shall at least
9 include methodology for increasing the number of dog licenses
10 issued and assuring the annual renewal of such licenses. The
11 methodology may include the periodic use of public service
12 advertisements, newspaper advertisements, school and special
13 events-based educational programs conducted in conjunction with
14 counties and organizations concerned with the humane care and
15 treatment of dogs, and literature designed to increase awareness
16 of this act which may be provided to purchasers of dogs at the
17 point of sale.

18 (b) Analysis of plan; report.--By no later than June 30,
19 1998, and annually thereafter, the department shall submit to
20 the chairperson and minority chairperson of the Agriculture and
21 Rural Affairs Committee of the Senate and the chairperson and
22 minority chairperson of the Agriculture and Rural Affairs
23 Committee of the House of Representatives a report analyzing the
24 activities adopted by the department to implement the plan and
25 the results of such activities.

26 Section 10. The act is amended by adding a section to read:
27 Section 220. Refusal of entry.

28 (a) Violation.--It shall be a violation of this act if a
29 person refuses entry to an agent of the Commonwealth acting to
30 enforce this act. A refusal shall include any of the following:

1 which is found running at large and is deemed after due
2 consideration by the police officer, State dog warden, employee
3 of the department or animal control officer to constitute a
4 threat to the public health and welfare.

5 (b) Licensed dogs.--The State dog warden or employee of the
6 department, the animal control officer, or the chief of police
7 or his agents of any city, borough, town or township, the
8 constable of any borough and the constable of any incorporated
9 town or township shall cause any dog bearing a proper license
10 tag or permanent identification and so seized and detained to be
11 properly kept and fed at any licensed kennel approved by the
12 secretary for [such] those purposes and shall cause immediate
13 notice, by registered or certified mail with return receipt
14 requested, to the person in whose name the license was procured,
15 or his agent, to claim [such] the dog within five days after
16 receipt thereof. The owner or claimant of a dog so detained
17 shall pay a penalty of [\$15] \$50 to the political subdivision
18 whose police officers make [such] the seizures and detention and
19 all reasonable expenses incurred by reason of its detention to
20 the detaining parties before the dog is returned. If five days
21 after obtaining the postal return receipt, [such] the dog has
22 not been claimed, such chief of police, or his agent, or a
23 constable, or State dog warden or employee of the department
24 shall dispense [such] the dog by sale or by giving it to a
25 humane society or association for the prevention of cruelty to
26 animals. No dog so caught and detained shall be sold for the
27 purpose of vivisection, or research, or be conveyed in any
28 manner for these purposes. All moneys derived from the sale of
29 [such] the dog, after deducting the expenses of its detention,
30 shall be paid through the Department of Agriculture to the State

1 Treasurer for credit to the Dog Law Restricted Account.

2 (c) Unlicensed dogs.--Except as otherwise provided by
3 section 305, any police officer, State dog warden, employee of
4 the department or animal control officer shall cause any
5 unlicensed dog to be seized, detained, kept and fed for a period
6 of 48 hours at any licensed kennel approved by the secretary for
7 [such] those purposes, except any dog seriously ill or injured
8 or forfeited with the owner's permission. The 48-hour period
9 shall not include weekends or days the approved kennel is not
10 open to the general public. Any person may view [such] the
11 detained dogs during normal business hours. Any unlicensed dog
12 remaining unclaimed after 48 hours may be humanely killed or
13 given to a humane society or association for the prevention of
14 cruelty to animals. No dog so caught and detained shall be sold
15 for the purpose of vivisection, or research, or be conveyed in
16 any manner for these purposes.

17 Section 13. Section 305 of the act is amended to read:

18 Section 305. Confinement and housing of dogs not part
19 of a kennel.

20 (a) Confinement and control.--It shall be unlawful for the
21 owner or keeper of any dog to fail to keep at all times [such
22 dog either] the dog in any of the following manners:

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

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

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

30 (b) Housing.--It shall be unlawful for the owner or keeper

1 of a dog to house the dog for any period of time in a drum,
2 barrel, refrigerator or freezer regardless of the material of
3 which the drum, barrel, refrigerator or freezer is constructed.

4 Section 14. Sections 502 and 502-A of the act, amended
5 December 11, 1996 (P.L.943, No.151), are amended to read:

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

7 (a) Confinement.--Any dog which bites or attacks a human
8 being shall be confined in quarters approved by a designated
9 employee of the Department of Health, a State dog warden or
10 employee of the Department of Agriculture, an animal control
11 officer or a police officer. [Such] The dog may be detained and
12 isolated in an approved kennel or at the dog owner's property or
13 to another location approved by the investigating officer. Where
14 [such] the dog is detained is at the discretion of the
15 investigating officer. All dogs so detained must be isolated for
16 a minimum of ten days. Any costs incurred in the detaining and
17 isolation of [such] the dog shall be paid by the offending dog's
18 owner or keeper or both. [When] If the dog's owner or keeper is
19 not known, the Commonwealth is responsible for all reasonable
20 costs for holding and detaining [such] the dog.

21 (b) Bite victims.--The following shall apply:

22 (1) The investigating officer shall be responsible for
23 notifying the bite victim of the medical results of the
24 offending dog's confinement. Any cost to the victim for
25 medical treatment resulting from an attacking or biting dog
26 must be paid fully by the owner or keeper of [such] the dog.
27 The Commonwealth shall not be liable for medical treatment
28 costs to the victim.

29 (2) (i) For the purpose of this subsection, the term
30 "medical results of the offending dog's confinement"

1 shall mean, except as provided in subparagraph (ii),
2 information as to whether the quarantined dog is still
3 alive and whether it is exhibiting any signs of being
4 infected with the rabies virus.

5 (ii) If a nonlethal test for rabies is developed,
6 the term shall mean the results of the test and not the
7 meaning given in subparagraph (i).

8 (c) Exception.--When a dog that bites or attacks a human
9 being is a service dog or a police work dog in the performance
10 of duties, [said] the dog need not be confined if it is under
11 the active supervision of a licensed doctor of veterinary
12 medicine.

13 Section 502-A. [Registration] Court proceedings, certificate of
14 registration and disposition.

15 (a) Summary offense of harboring a dangerous dog.--Any
16 person who has been attacked by one or more dogs, or anyone on
17 behalf of [such] the person, a person whose domestic animal has
18 been killed or injured without provocation, the State dog warden
19 or the local police officer may file a complaint before a
20 district justice, charging the owner or keeper of [such] the a
21 dog with harboring a dangerous dog. The owner or keeper of the
22 dog shall be guilty of the summary offense of harboring a
23 dangerous dog if the district justice finds beyond a reasonable
24 doubt that the following elements of the offense have been
25 proven:

26 (1) The dog has done [one or more] any of the following:

27 (i) Inflicted severe injury on a human being without
28 provocation on public or private property.

29 (ii) Killed or inflicted severe injury on a domestic
30 animal without provocation while off the owner's

1 property.

2 (iii) Attacked a human being without provocation.

3 (iv) Been used in the commission of a crime.

4 (2) The dog has either or both of the following:

5 (i) A history of attacking human beings and/or
6 domestic animals without provocation.

7 (ii) A propensity to attack human beings and/or
8 domestic animals without provocation. A propensity to
9 attack may be proven by a single incident of the conduct
10 described in paragraph (1)(i), (ii), (iii) or (iv).

11 (3) The defendant is the owner or keeper of the dog.

12 (a.1) Effect of conviction.--A finding by a district justice
13 that a person is guilty under subsection (a) of harboring a
14 dangerous dog shall constitute a determination that the dog is a
15 dangerous dog for purposes of this act.

16 (b) Report of conviction.--The district justice shall make a
17 report of a conviction under subsection (a) to the Bureau of Dog
18 Law Enforcement, identifying the convicted party, identifying
19 and describing the dog or dogs and providing [such] other
20 information as the bureau might reasonably require.

21 (c) Certificate of registration required.--It is unlawful
22 for an owner or keeper to have a dangerous dog without a
23 certificate of registration issued under this article. This
24 article shall not apply to dogs used by law enforcement
25 officials for police work, certified guide dogs for the blind,
26 hearing dogs for the deaf nor aid dogs for the handicapped.

27 (d) Disposition of dog during court proceedings.--An owner
28 or keeper of any dog who has been charged with harboring a
29 dangerous dog shall keep [such] the dog or dogs confined in a
30 proper enclosure or, when off the property of the owner or

1 keeper for purposes of veterinary care, muzzled and on a leash
2 until [such] the time a report is made under subsection (b). If
3 an appeal of a decision under subsection (b) is filed, [such]
4 the dog or dogs shall remain so confined until [such] the
5 proceedings are completed. It shall be unlawful for an owner or
6 keeper of a dog who has been charged with harboring a dangerous
7 dog to dispense, move, sell, give away or transfer the dog in
8 any manner except to [be] have it humanely killed or move the
9 dog to a licensed kennel if approved by the investigating
10 officer. A violation of this subsection shall constitute a
11 summary offense accompanied by a fine of not less than [\$200]
12 \$500.

13 Section 15. Sections 503-A and 504-A of the act, added May
14 31, 1990 (P.L.213, No.46), are amended to read:

15 Section 503-A. Requirements.

16 [(a) Enclosure and insurance.--The department shall issue,
17 upon payment of all fees under subsection (b), a certificate of
18 registration to the owner of such animal within 30 days of
19 notification, in writing, by the department that the dog has
20 been determined to be dangerous and that the owner presents
21 sufficient evidence of:

22 (1) A proper enclosure to confine a dangerous dog and
23 the posting of a premises with a clearly visible warning sign
24 that there is a dangerous dog on the property. In addition,
25 the owner shall conspicuously display a sign with a warning
26 symbol that informs children of the presence of a dangerous
27 dog.

28 (2) (i) A surety bond in the amount of \$50,000 issued
29 by an insurer authorized to do business within this
30 Commonwealth, payable to any person injured by the

1 dangerous dog; or

2 (ii) a policy of liability insurance, such as
3 homeowner's insurance, issued by an insurer authorized to
4 do business within this Commonwealth in the amount of at
5 least \$50,000, insuring the owner for any personal
6 injuries inflicted by the dangerous dog. The policy shall
7 contain a provision requiring the secretary to be named
8 as additional insured for the sole purpose of being
9 notified by the insurance company of cancellation,
10 termination or expiration of the liability insurance
11 policy.]

12 (a) Certificate of registration requirements.--The owner or
13 keeper of a dog who has been convicted of harboring a dangerous
14 dog shall keep the dog properly confined and shall register the
15 dog with the department. Within 30 days of receiving written
16 notification from the department that the dog has been
17 determined to be dangerous, the owner or keeper of the dog shall
18 comply with all the provisions of this section. The department
19 shall issue, upon sufficient evidence of compliance with the
20 requirements of this section and payment of all fees under
21 subsection (b), a certificate of registration to the owner or
22 keeper of the dangerous dog.

23 (a.1) Compliance requirements.--The owner or keeper of a dog
24 who has been convicted of harboring a dangerous dog shall do all
25 of the following:

26 (1) Present sufficient evidence of a proper enclosure to
27 confine a dangerous dog and the posting of a premises with a
28 clearly visible warning sign that there is a dangerous dog on
29 the property. In addition, the owner shall conspicuously
30 display a sign with a warning symbol that informs children of

1 the presence of a dangerous dog.

2 (2) Pay court-ordered restitution to a victim of a
3 dangerous dog.

4 (3) Permanently identify the dangerous dog by having a
5 microchip implanted in the dangerous dog. The microchip shall
6 be implanted by a properly licensed doctor of veterinary
7 medicine and the costs shall be borne by the owner or keeper
8 of the dangerous dog. The owner or keeper of the dangerous
9 dog and the veterinarian implanting the microchip shall sign
10 a form, developed by the department, verifying the dangerous
11 dog has had a microchip implanted and setting forth the
12 microchip number.

13 (4) Have the dangerous dog spayed or neutered. The
14 spaying or neutering shall be done by a properly licensed
15 doctor of veterinary medicine and the costs shall be borne by
16 the owner or keeper of the dangerous dog. The owner or keeper
17 of the dangerous dog and the veterinarian performing the
18 spaying or neutering shall sign a form, developed by the
19 department, verifying the dangerous dog has been spayed or
20 neutered.

21 (5) Obtain:

22 (i) a surety bond in the amount of \$50,000 issued by
23 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] Registration fee.--The registration fee for a
7 dangerous dog certificate shall be [\$25 or such] \$500 per
8 calendar year for the life of the dog plus an additional amount
9 set by the department as may be necessary to cover the costs of
10 issuing this registration and enforcing this section. This
11 registration fee shall be in addition to any other fees
12 collectable under this act and shall be credited to the Dog Law
13 Restricted Account for the purpose of administering and
14 enforcing this act.

15 (c) Uniform identifiable symbol.--The department shall have
16 the authority to establish a uniform identifiable symbol for
17 visual recognition of dangerous dogs. [The "Ugh Dog" symbol
18 developed by Animal-Vues may be adopted as the standard symbol
19 to identify dangerous dogs.]

20 (d) Other requirements.--The owner or keeper of a dangerous
21 dog shall [sign a statement attesting that]:

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

26 (2) The owner or keeper shall notify the Bureau of Dog
27 Law Enforcement, the State dog warden and the local police
28 department within 24 hours if a dangerous dog is on the
29 loose, is unconfined, has attacked another animal, has
30 attacked a human being, has died or has been sold or donated.

1 If the dangerous dog has been sold or donated, the owner
2 shall also provide the Bureau of Dog Law Enforcement and the
3 State dog warden with the name, address and telephone number
4 of the new owner or new address of the dangerous dog.

5 (3) The new owner or keeper of the dangerous dog shall
6 be required to comply with all of the provisions of this act
7 and regulations pertaining to a dangerous dog.

8 Section 504-A. Control of dangerous dogs.

9 It is unlawful for an owner or keeper of a dangerous dog to
10 permit the dog to be outside the proper enclosure unless the dog
11 is muzzled and restrained by a substantial chain or leash and
12 under physical restraint of a responsible person. The muzzle
13 shall be made in a manner that will not cause injury to the dog
14 or interfere with its vision or respiration but shall prevent it
15 from biting any person or animal or from destroying property
16 with its teeth.

17 Section 16. Sections 505-A, 603, 706, 802 and 901 of the
18 act, amended or added December 11, 1996 (P.L.943, No.151), are
19 amended to read:

20 Section 505-A. Public safety and penalties.

21 (a) Failure to register and restrain.--[A dangerous dog
22 shall be immediately confiscated by a State dog warden or a
23 police officer upon the occurrence of any of the following:] The
24 owner or keeper of a dangerous dog who violates any of the
25 following provisions on the first occurrence commits a
26 misdemeanor of the third degree:

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

28 (2) The owner [does not secure and maintain the
29 liability insurance coverage required under section 503-A.]
30 or keeper of a dangerous dog fails to comply with the

1 provisions of section 503-A or 504-A.

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

4 (4) The dangerous dog is outside of the dwelling of the
5 owner or keeper or outside of the proper enclosure and not
6 under physical restraint of the responsible person.

7 [In addition, an owner violating this subsection commits a
8 misdemeanor of the third degree.]

9 (a.1) Subsequent violations.--The owner or keeper of a
10 dangerous dog who commits a subsequent violation of any of the
11 provisions under subsection (a) commits a misdemeanor of the
12 second degree and upon conviction shall pay a fine not to exceed
13 \$5,000, plus the costs of quarantine, kennel charges and
14 destruction of the dangerous dog. The dangerous dog shall be
15 forfeited immediately by the owner or keeper to a dog warden,
16 police officer or game warden and shall be placed in a kennel
17 or, if necessary, quarantined for a length of time to be
18 determined by the department. After a period of ten days, if no
19 appeal has been filed and the necessary quarantine period has
20 elapsed, the dangerous dog shall be destroyed humanely in an
21 expeditious manner. If an appeal is filed, the dangerous dog
22 shall remain confined at the owner's or keeper's expense until
23 the proceedings are completed.

24 (a.2) Utilization of fines.--All fines collected under this
25 section shall be deposited into the Dog Law Restricted Account
26 and may be utilized to pay the expenses of the department in
27 administering its duties under this act.

28 (a.3) Collection.--In cases of inability to collect the fine
29 assessed or failure of any person to pay all or a portion of the
30 fine, the secretary may refer the matter to the Office of

1 Attorney General, which shall institute an action in the
2 appropriate court to recover the fine.

3 (b) Attacks by dangerous dog.--If a dangerous dog, through
4 the intentional, reckless or negligent conduct of the dog's
5 owner or keeper, attacks a person or a domestic animal, the
6 dog's owner [is] or keeper shall be guilty of a misdemeanor of
7 the second degree. In addition, the dangerous dog shall be
8 immediately confiscated[, placed in quarantine for the proper
9 length of time and thereafter humanely killed in an expeditious
10 manner, with costs of quarantine and destruction to be borne by
11 the dog's owner.] by a dog warden or a police officer and placed
12 in quarantine for a length of time to be determined by the
13 department. After a period of ten days, if no appeal has been
14 filed by the owner or keeper of the dangerous dog and after the
15 quarantine period has expired, the dangerous dog shall be
16 humanely destroyed in an expeditious manner, with costs of
17 kenneling, quarantine and destruction to be borne by the dog's
18 owner or keeper. If an appeal is filed, the dangerous dog shall
19 remain confined at the owner's or keeper's expense until the
20 proceedings are completed and if found guilty of the cited
21 offense, the dangerous dog shall thereafter be humanely
22 destroyed in an expeditious manner, with costs of kenneling,
23 quarantine and destruction to be borne by the dog's owner or
24 keeper.

25 (c) Attacks causing severe injury or death.--The owner or
26 keeper of any dog that, through the intentional, reckless or
27 negligent conduct of the dog's owner or keeper, aggressively
28 attacks and causes severe injury or death of any human shall be
29 guilty of a misdemeanor of the first degree. In addition, the
30 dog shall be immediately confiscated by a State dog warden or a

1 police officer[, placed in quarantine for the proper length of
2 time and thereafter humanely killed in an expeditious manner,
3 with costs of quarantine and destruction to be borne by the
4 dog's owner.] and placed in quarantine for a length of time to
5 be determined by the department. After a period of ten days, if
6 no appeal has been filed by the owner or keeper of the dangerous
7 dog, and after the quarantine period has expired, the dangerous
8 dog shall be humanely destroyed in an expeditious manner, with
9 costs of kenneling, quarantine and destruction to be borne by
10 the dog's owner or keeper. If an appeal is filed, the dangerous
11 dog shall remain confined at the owner's or keeper's expense
12 until the proceedings are completed and if found guilty of the
13 cited offense, the dangerous dog shall be humanely destroyed in
14 an expeditious manner, with costs of kenneling, quarantine and
15 destruction to be borne by the dog's owner or keeper.

16 (d) Dog owned by a minor.--If the owner of the dangerous dog
17 is a minor, the parent or guardian of the minor shall be liable
18 for injuries and property damages caused by an unprovoked attack
19 by the dangerous dog under section 4 of the former act of July
20 27, 1967 (P.L.186, No.58), entitled "An act imposing liability
21 upon parents for personal injury, or theft, destruction, or loss
22 of property caused by the willful, tortious acts of children
23 under eighteen years of age, setting forth limitations, and
24 providing procedure for recovery."

25 (e) Mandatory reporting.--

26 (1) All known incidents of dog attacks shall be reported
27 to the State dog warden, who shall investigate each incident
28 and notify the department if a dog has been determined to be
29 dangerous.

30 (2) A State dog warden or police officer who has

1 knowledge of a dog which has attacked a person shall file a
2 written report summarizing the circumstances of the attack
3 with the police in the municipality where the owner of the
4 dog resides or if the attack occurred outside the owner's
5 municipality of residence, with the police having
6 jurisdiction in the municipality where the attack occurred.
7 The report shall be available for public inspection.

8 Section 603. Selling, bartering or trading dogs.

9 (a) Illegal transfers.--It shall be unlawful to offer a dog
10 as an inducement to purchase a product, commodity or service.
11 The sale of a dog by a licensed kennel shall not be considered
12 to be an inducement.

13 (b) Illegal to transfer ownership of certain puppies.--It
14 shall be unlawful to barter, trade, raffle, sell, auction or in
15 any way transfer ownership of a dog under [seven] eight weeks of
16 age, unless the dog has been orphaned and it becomes necessary
17 to transfer ownership of the orphaned dog to a nonprofit kennel,
18 or from a nonprofit kennel with approval by a licensed doctor of
19 veterinary medicine.

20 (c) Illegal for certain persons to transfer dogs.--It shall
21 be unlawful for any person to buy, sell, transfer, barter,
22 trade, raffle, auction or rent a dog at any public place in this
23 Commonwealth other than a kennel licensed pursuant to this act,
24 or a dog show or field trial sponsored by a recognized breed or
25 kennel association or transfer by a rescue network kennel within
26 its own network or to another rescue network kennel. If a
27 purchase, sale, transfer, barter, trade, raffle, auction or
28 rental of a dog occurs at or on the premises of a kennel, the
29 transaction shall be unlawful unless one of the parties to the
30 transaction is an employee, volunteer or other person acting as

1 an authorized representative of the kennel.

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

3 (a) Reimbursement.--A person may make application to the
4 department for reimbursement for damage to a domestic animal by
5 a coyote, whether or not the domestic animal is directly damaged
6 by the coyote or is necessarily destroyed due to damage caused
7 by the coyote, if the damage occurs when the domestic animal is
8 confined in a field or other enclosure adequate for confinement
9 of such animal.

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

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

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

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

17 (c) Limitation.--A written complaint under subsection (b)
18 must be filed within five business days of discovery of the
19 damage.

20 (d) Investigation.--Within 48 hours of receipt of a
21 complaint under subsection (b), a State dog warden shall
22 investigate the complaint by examining the site of the
23 occurrence. The State dog warden may examine witnesses under
24 oath or affirmation.

25 (e) Determination.--

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

29 (i) A dismissal of the complaint.

30 (ii) A damage award. The amount under this

1 subparagraph is limited to \$10,000 for each domestic
2 animal, and the award shall not exceed 90% of the
3 appraised value of the domestic animal.

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

7 (f) Arbitration[.--

8 (1) If the complainant does not agree to the damage
9 award under subsection (e)(1)(ii), the complainant and the
10 State dog warden shall appoint a disinterested, qualified
11 citizen to act as arbitrator.

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

15 (3) The arbitrator shall receive appropriate
16 compensation paid by the complainant.] disallowed.--
17 Arbitration shall not be permitted under this section or
18 section 701.1(f).

19 (g) Administrative appeal.--

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

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

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

26 (i) Affirming the original determination.

27 (ii) Modifying the original determination.

28 (4) Failure to act within the time period under
29 paragraph (3) shall be deemed a modification of the original
30 determination to grant an award in the amount claimed in the

1 complaint under subsection (b)(3).

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

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

9 (i) Payment of claims.--All damage claims shall be paid from
10 the Dog Law Restricted Account. No payment shall be made for any
11 claim which has already been paid by the claimant's insurance
12 carrier. The claimant shall certify to the department that he
13 has not received payment for any damages under this section by
14 any person. Claims paid under this section shall not exceed
15 \$20,000 annually.

16 (j) Rules and regulations.--The secretary shall promulgate
17 rules and regulations to enforce the provisions of this section.
18 Section 802. Burdens of proof.

19 (a) Licensing.--In any proceeding under this act, the burden
20 of proof of the fact that a dog has been licensed, or has been
21 imported for breeding, trial, hunting, performance event or show
22 purposes, or that a dog is under the required licensed age of
23 three months as hereinbefore provided, shall be on the owner of
24 such dog. Any dog not bearing a license tag shall prima facie be
25 deemed to be unlicensed except as provided under section 207(d).
26 It is unlawful for any person dealing in and with dogs, to use a
27 false or fictitious name unless such name is registered with the
28 Commonwealth.

29 (b) Age and name.--In a proceeding under this act, the
30 burden of proof of the age of a dog shall be on the owner of the

1 dog. It shall be unlawful for a person dealing in and with dogs
2 to use a false or fictitious name unless the name is registered
3 with the Commonwealth.

4 Section 901. Enforcement of this act by the secretary;
5 provisions for inspections.

6 (a) General rule.--The secretary, through State dog wardens,
7 employees of the department and police officers, shall be
8 charged with the general enforcement of this law. The secretary
9 may employ all proper means for the enforcement of this act
10 [and], including issuing notices and orders, assessing criminal
11 and injunctive penalties, assessing civil penalties and entering
12 into consent agreements. The secretary may enter into agreements
13 pursuant to section 1002, which shall be filed with the
14 department, for the purpose of dog control. State dog wardens
15 and employees of the department are hereby authorized to enter
16 upon the premises of any [persons] person for the purpose of
17 investigation. A dog warden or employee of the department may
18 enter into a home or other building only with the permission of
19 the occupant or with a duly issued search warrant.

20 (b) Training for dog wardens.--The secretary shall establish
21 training requirements for dog wardens and other employees of the
22 department charged with the enforcement of this act which shall
23 include dog handling [and], cruelty, humane capture, preliminary
24 recognition of dog pathology, knowledge of proper dog
25 sanitation, kennel inspection procedures and shelter and dog law
26 enforcement.

27 (b.1) Training requirements.--The department shall establish
28 a program for initial training of dog wardens and employees of
29 the department which must include, at a minimum, a total of [56]
30 64 hours of instruction, in accordance with [paragraphs (1), (2)

1 and (3).] this subsection. The following shall apply:

2 (1) The program for initial training of dog wardens must
3 include at least 32 hours of instruction in the following
4 group of instructional areas:

5 (i) Dog laws and applicable rules and regulations.

6 (ii) Care and treatment of dogs.

7 (iii) Pennsylvania criminal law and criminal
8 procedure.

9 (2) At least [24] 32 hours of instruction in the initial
10 training program must be provided in the following group of
11 instructional areas:

12 (i) Dog handling and humane capture.

13 (ii) Preliminary recognition of dog pathology.

14 (iii) Proper dog sanitation and shelter.

15 (iv) Kennel inspection procedures.

16 (v) Biosecurity risks, techniques and protocol.

17 (3) The initial training program must also require an
18 individual, as a prerequisite to successful completion of the
19 training program, to take and pass a final examination that
20 sufficiently measures the individual's knowledge and
21 understanding of the instructional material.

22 (4) Training shall be conducted in accordance with 22
23 Pa.C.S. Ch. 37 (relating to humane society police officers).

24 (b.2) Limitation on the possession of firearms.--No dog
25 warden or employee of the department shall carry, possess or use
26 a firearm in the performance of duties. [unless the person has
27 the approval of the secretary and holds a current and valid
28 certification in the use and handling of firearms pursuant to at
29 least one of the following:

30 (1) The act of June 18, 1974 (P.L.359, No.120), referred

1 to as the Municipal Police Education and Training Law.

2 (2) The act of October 10, 1974 (P.L.705, No.235), known
3 as the "Lethal Weapons Training Act."

4 (3) The act of February 9, 1984 (P.L.3, No.2), known as
5 the "Deputy Sheriffs' Education and Training Act."

6 (4) Any other firearms program which has been determined
7 by the Commissioner of the Pennsylvania State Police to be of
8 sufficient scope and duration to provide the participant with
9 basic training in the use and handling of firearms. The
10 department may provide for such firearms training for dog
11 wardens.]

12 (b.3) Application of section to prior dog wardens.--

13 (1) Any dog warden or employee of the department who,
14 prior to the effective date of this act, has successfully
15 completed a training program similar to that required under
16 subsection [(b)] (b.1) shall, after review by the secretary,
17 be certified as having met the training requirements of this
18 act. Any dog warden or employee of the department who, prior
19 to the effective date of this act, has not successfully
20 completed a training program similar to that required under
21 subsection [(b)] (b.1) may continue to perform the duties of
22 a dog warden until the person has successfully completed the
23 required training program, but not longer than two years from
24 the effective date of this act.

25 (2) [Any dog warden or employee of the department who,
26 prior to the effective date of this act, has not received
27 approval of the secretary and been certified in the use and
28 handling of firearms pursuant to one or more of the acts set
29 forth in subsection (b.2)(1), (2) and (3) shall not carry or
30 possess a firearm in the performance of the duties of a dog

1 warden on or after the effective date of this act until the
2 person has, under subsection (b.2), received approval of the
3 secretary and been certified in the use and handling of
4 firearms.] (Reserved).

5 (b.4) Refusal, suspension or revocation authorized.--The
6 department may refuse to employ a person to act as a dog warden
7 or may suspend or revoke the employment of a person who is
8 acting as a dog warden if the department determines that the
9 person has:

10 (1) Failed to satisfy the training requirements of
11 subsection (b.1).

12 (2) Had a criminal history record which would disqualify
13 the applicant from becoming a law enforcement officer.

14 (3) Been convicted of violating 18 Pa.C.S. § 5301
15 (relating to official oppression).

16 (b.5) Additional grounds.--The department may refuse to
17 employ a person to act as a dog warden or other employee charged
18 with the enforcement of this act or may suspend or revoke the
19 employment of a person who is acting as a dog warden or is
20 charged with the enforcement of this act if the department
21 determines that the person has:

22 (1) Made a false or misleading statement in the
23 application for employment.

24 (2) Carried or possessed a firearm in the performance of
25 his or her duties [without certification pursuant to
26 subsection (b.2)].

27 (3) Engaged in conduct which constitutes a prima facie
28 violation of 18 Pa.C.S. [§ 5301] §§ 5301 and 5511 (relating
29 to cruelty to animals).

30 (4) Knowingly failed to enforce any of the provisions of

1 this act.

2 (5) Violated any of the provisions of this act.

3 (b.6) Training available to others.--The department may
4 provide training under subsections (b.1) and (b.2) to any person
5 not employed by the department and may charge a reasonable fee
6 to cover the costs incurred for providing this service. Training
7 for any person not employed by the department need not include
8 instruction in kennel inspection procedures.

9 (c) Advisory board.--The secretary shall appoint a Dog Law
10 Advisory Board to advise [him] the secretary in the
11 administration of this act. The board shall consist of the
12 following[:], who shall either be a resident of this
13 Commonwealth or an organization of this Commonwealth:

14 (1) The secretary or his designee, who shall act as
15 chairman.

16 (2) A representative of animal research establishments.

17 (3) A representative of a Statewide veterinary medical
18 association.

19 (4) Two representatives of animal welfare organizations.

20 (5) Three representatives of farm organizations, with
21 one from each Statewide general farm organization.

22 (6) A representative of dog clubs.

23 (7) A representative of commercial kennels.

24 (8) A representative of pet store kennels.

25 (9) A representative of sportsmen.

26 (10) A representative of a national purebred canine
27 pedigree registry.

28 (11) A representative of lamb and wool growers.

29 (12) A county treasurer.

30 (13) A representative of hunting-sporting dog

1 organizations.

2 (14) A representative of the police.

3 (15) Eight members representing the general public who
4 are recommended by the Governor.

5 (d) Terms.--The length of the initial term of each
6 appointment to the board shall be set by the secretary and shall
7 be staggered so that the terms of approximately one-third of the
8 appointments expire each year.

9 (e) Absences.--Three consecutive unexcused absences from
10 regular board meetings or failure to attend at least 50% of the
11 regularly scheduled board meetings in any calendar year shall be
12 considered cause for termination of appointment unless the
13 secretary, upon written request of the member, finds that the
14 member should be excused from attending a meeting because of
15 illness or death of a family member or for a similar emergency.

16 (f) Vacancies.--Vacancies in the membership of the board
17 shall be filled for the balance of an unexpired term in the same
18 manner as the original appointment.

19 (g) Recommendations.--The board may make nonbinding
20 recommendations to the secretary on all matters related to the
21 provisions of this act.

22 Section 17. Section 902 of the act is amended to read:

23 Section 902. Rules and regulations.

24 The secretary[, after due notice and a public hearing,] may
25 promulgate rules and regulations to carry out the provisions and
26 intent of this act.

27 Section 18. Section 903 of the act, amended December 11,
28 1996 (P.L.943, No.151), is amended to read:

29 Section 903. [Violations.

30 Unless heretofore provided, any person found in violation of

1 any provision of Article II through Article VIII of this act
2 shall be guilty of a summary offense for the first violation and
3 for a second and subsequent violation which occurs within one
4 year of sentencing for the first violation shall be guilty of a
5 misdemeanor of the third degree.] Enforcement and penalties.

6 (a) Criminal penalties.--Unless otherwise provided under
7 this act, a person who violates a provision of Articles II
8 through VII or a rule or regulation adopted or order issued
9 under this act commits the following:

10 (1) For the first offense, a summary offense and shall,
11 upon conviction, be sentenced for each offense to pay a fine
12 of not less than \$100 nor more than \$500 or to serve a term
13 of imprisonment for not more than 90 days, or both.

14 (2) For a subsequent offense which occurs within one
15 year of sentencing for the first violation, a misdemeanor of
16 the third degree and shall, upon conviction, be sentenced for
17 each offense to pay a fine of not less than \$500 nor more
18 than \$1,000 plus costs of prosecution or to serve a term of
19 imprisonment of not more than one year, or both.

20 (b) Representation.--Upon prior authorization and approval
21 of the district attorney for the county in which the proceeding
22 is held, a State dog warden may be represented in any proceeding
23 under this section by an attorney employed by the Office of
24 General Counsel.

25 (c) Civil penalty.--

26 (1) In addition to proceeding under any other remedy
27 available at law or in equity for a violation of a provision
28 of this act or a rule or regulation adopted under this act,
29 the Bureau of Dog Law Enforcement may assess a civil penalty
30 of not less than \$100 nor more than \$1,000 per day of each

1 offense. The factors for consideration in determining the
2 amount of the penalty are:

3 (i) The gravity of the violation.

4 (ii) The potential harm to the public.

5 (iii) The potential effect to the dog or dogs.

6 (iv) The willfulness of the violation.

7 (v) Previous violations.

8 (vi) The economic benefit to the violator for
9 failing to comply with this act.

10 (2) If the Bureau of Dog Law Enforcement finds that a
11 violation did not cause harm or an adverse effect to a dog,
12 it may issue a warning in lieu of assessing a penalty where
13 the owner or operator, upon notice, takes immediate action to
14 resolve the violation and come into compliance.

15 (3) In cases of inability to collect the civil penalty
16 or failure of any person to pay all or a portion of the
17 penalty, the Bureau of Dog Law Enforcement may refer the
18 matter to the Office of General Counsel or the Office of
19 Attorney General, which shall institute an action in the
20 appropriate court to recover the penalty.

21 (d) Civil remedies.--In addition to any other remedies
22 provided for in this act, a violation of this act or the
23 regulations promulgated under this act shall be abatable in the
24 manner provided by law or equity.

25 (e) Equitable relief.--In cases where the circumstances
26 require it, a mandatory preliminary injunction, special
27 injunction or temporary restraining order may be issued upon the
28 terms prescribed by the court, provided that notice of the
29 application has been given to the defendant in accordance with
30 the rules of equity practice. In any such proceeding, the court

1 shall issue a prohibitory or mandatory preliminary injunction if
2 it finds that the defendant is engaging in unlawful conduct as
3 defined by this act or is engaging in conduct which is causing
4 immediate and irreparable harm to the public. In addition to an
5 injunction, the court in such equity proceeding may assess civil
6 penalties in accordance with this section.

7 (f) Penalties collected.--All civil penalties collected
8 under this act shall be remitted to the Dog Law Restricted
9 Account.

10 Section 19. The act is amended by adding a section to read:
11 Section 908. Exemption.

12 Research kennels in this Commonwealth that are currently
13 registered with and inspected by the Federal Government under
14 the Animal Welfare Act (Public Law 89-544, 7 U.S.C. § 2131 et
15 seq.) shall be exempt from this act and regulations promulgated
16 under this act if they can provide documentation to the
17 department demonstrating that the research kennel has undergone
18 at least one Federal inspection in the last 12 months and the
19 research kennel sill maintains a valid Federal registration.
20 Submission of such evidence of Federal inspection and
21 registration by documentation to the department may be
22 established by regulation.

23 Section 20. The definition of "releasing agency" in section
24 901-A of the act, added December 11, 1996 (P.L.943, No.151), is
25 amended to read:

26 Section 901-A. Definitions.

27 The following words and phrases when used in this article
28 shall have the meanings given to them in this section unless the
29 context clearly indicates otherwise:

30 * * *

1 "Releasing agency." A public or private pound, animal
2 shelter, humane society, society for the prevention of cruelty
3 to animals, rescue kennel network or other similar entity that
4 releases a dog or cat for adoption.

5 * * *

6 Section 21. This act shall take effect as follows:

7 (1) The addition of section 207(h) and (i) of the act
8 shall take effect in 180 days.

9 (2) The remainder of this act shall take effect
10 immediately.