

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, MANDERINO, SAMUELSON, THOMAS, BRENNAN, REICHLEY, HORNAMAN AND JAMES, MAY 13, 2008

AS REPORTED FROM COMMITTEE ON AGRICULTURE AND RURAL AFFAIRS, HOUSE OF REPRESENTATIVES, AS AMENDED, JUNE 26, 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 LICENSE CERTIFICATES, for kennels, for ←
17 requirements for kennels, for out-of-State dealer license,
18 for bills of sale, for revocation, suspension or refusal of
19 kennel licenses, for transportation of dogs, for health
20 certificates for importation, for inspections of premises and

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

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

12 Section 1. Section 102 of the act of December 7, 1982
13 (P.L.784, No.225), known as the Dog Law, amended December 11,
14 1996 (P.L.943, No.151), is amended to read:

15 Section 102. Definitions.

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

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

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

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

27 ["ACCELERANT DETECTION DOG." ANY DOG WHICH IS USED <—
28 EXCLUSIVELY FOR ACCELERANT DETECTION, COMMONLY REFERRED TO AS
29 ARSON CANINES.]

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

33 "Animal control officer." Any person appointed to carry out
34 the duties of dog control.

1 "Attack." The deliberate action of a dog, whether or not in
2 response to a command by its owner, to bite, to seize with its
3 teeth or to pursue any human [or], domestic animal, DOG OR CAT. <—

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

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

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

26 "Commercial kennel." A kennel that breeds or whelps dogs
27 and:

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

30 (2) sells or transfers more than 60 dogs per calendar

1 year.

2 "Confiscate." To appropriate property to the use of the
3 government or to adjudge property to be forfeited to the public,
4 without compensation to the owner of the property.

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

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

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

14 "Dangerous dog." A dog determined to be a dangerous dog
15 under section 502-A.

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

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

25 (2) transfers dogs at wholesale for resale to another;
26 or

27 (3) offers or maintains dogs at wholesale for resale to
28 another.

29 "Dealer kennel." A kennel operating within the Commonwealth
30 which:

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

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

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

11 "Department." The Pennsylvania Department of Agriculture.

12 "DETECTION DOG." A DOG WHICH IS TRAINED AND USED FOR ←
13 ACCELERANT DETECTION, BOMB OR EXPLOSIVES DETECTION, NARCOTICS
14 DETECTION OR OTHER SCENT DETECTION.

15 "Dog." The genus and species known as Canis familiaris.

16 "Dog control." The apprehending, holding and disposing of
17 stray or unwanted dogs. Dog control may be performed by humane
18 society police officers, police officers, State dog wardens or
19 animal control officers.

20 "Domestic animal." Any ~~dog, cat,~~ equine animal or bovine ←
21 animal, sheep, goat, pig, poultry, bird, fowl, confined hares,
22 rabbits and mink, or any wild or semiwild animal maintained in
23 captivity.

24 ~~"Establishment." The premises on, in or through which a dog~~ ←

25 "ESTABLISHMENT." ←

26 (1) THE PREMISES ON, IN OR THROUGH WHICH A DOG is kept,
27 bred, harbored, boarded, sheltered, maintained, sold, given
28 away, exchanged or in any way transferred.

29 ~~(1) The term shall include all of the following:~~ ←

30 (2) THE TERM SHALL ENCOMPASS ALL OF THE FOLLOWING ON, IN ←

1 OR THROUGH WHICH ANY OF THE ACTIVITIES UNDER PARAGRAPH (1)

2 TAKE PLACE:

3 (i) The home, homestead, place of business or
4 operation of a person, including a dealer, which includes
5 all of the land, property, housing facilities or any
6 combination of land, property or housing facilities of
7 the individual or person.

8 (ii) All of the persons residing in or on the
9 establishment.

10 (iii) A person, organization, business or operation
11 which utilizes offsite or rescue network kennel homes to
12 keep, maintain, breed, train, harbor, board, shelter,
13 sell, give away, adopt, exchange or in any way transfer
14 dogs.

15 ~~(2)~~ (3) The term shall not include a gathering of dog ←
16 owners where dogs remain in the custody and care of their
17 owners, such as a hotel or campground, grooming or training
18 or an event such as a field trial, hunting event or dog show.

19 "General administrative plan." Written policies or
20 guidelines set forth by the Department of Agriculture relating
21 to inspection of kennels by the Department of Agriculture.

22 "Housing facility." A structure that provides animals with
23 shelter, protection from the elements and protection from
24 temperature extremes.

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

28 "Humane society or association for the prevention of cruelty
29 to animals." A nonprofit society or association duly
30 incorporated pursuant to 15 Pa.C.S. Ch. 53 Subch. A (relating to

1 incorporation generally) for the purpose of the prevention of
2 cruelty to animals.

3 "Humane society police officer." Any person duly appointed
4 pursuant to 22 Pa.C.S. § 501 (relating to appointment by
5 nonprofit corporations) to act as a police officer for a humane
6 society or association for the prevention of cruelty to animals.
7 The term shall include any person who is an agent of a humane
8 society or association for the prevention of cruelty to animals
9 as agent is used in 18 Pa.C.S. § 5511 (relating to cruelty to
10 animals).

11 "Kennel." Any establishment [wherein] in or through which at
12 least 26 dogs are kept [for the purpose of breeding, hunting,
13 training, renting, research or vivisection, buying, boarding,
14 sale, show or any other similar purpose and is so constructed
15 that dogs cannot stray therefrom.] or transferred in a calendar
16 year, or a boarding kennel as defined in this act.

17 "Licensed doctor of veterinary [medicine.]" MEDICINE" OR ←
18 VETERINARIAN." A person who is currently licensed pursuant to
19 the act of December 27, 1974 (P.L.995, No.326), known as the
20 "Veterinary Medicine Practice Act."

21 "Nonprofit kennel." [Any kennel operated by an animal rescue
22 league, a humane society or association for the prevention of
23 cruelty to animals] A kennel registered under the laws of this
24 Commonwealth as a nonprofit entity or a nonprofit animal control
25 kennel under sections 901 and 1002. The term shall include
26 kennels operated by approved medical and veterinary schools and
27 nonprofit institutions conducting medical and scientific
28 research, which shall be required to register, but shall not be
29 required to pay any of the [following] license fees SET BY THIS ←
30 ACT, and which may use their own identification tags for dogs

1 within their kennels without being required to attach tags
2 hereinafter prescribed while dogs are within such kennels, if
3 approved by the secretary.

4 "Out-of-state dealer." A person who does not reside in the
5 Commonwealth of Pennsylvania and [who buys, receives, sells,
6 exchanges, negotiates, barter or solicits the sale, resale,
7 exchange or transfer of a dog in this Commonwealth for the
8 purpose of transferring ownership or possession to a third
9 party.] who:

10 (1) sells or offers for sale a dog IN THIS COMMONWEALTH <—
11 belonging to another person in this Commonwealth, for any <—
12 type of consideration, fee, commission or percentage of the
13 sales price; or

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

17 "Owner." When applied to the proprietorship of a dog,
18 includes every person having a right of property in such dog,
19 and every person who keeps or harbors such dog or has it in his
20 care, and every person who permits such dog to remain on or
21 about any premises occupied by him.

22 "Permanent identification" or "permanently identified." Any
23 long-lasting identification designed to be nonremovable, such as
24 a tattoo or microchip, determined by the Department of
25 Agriculture through regulation. Any dog permanently identified
26 shall be required to bear a license tag in accordance with the
27 provisions of this act.

28 ["Person with a disability." A person who receives <—
29 disability insurance or supplemental security income for the
30 aged, blind or disabled under the Social Security Act (49 Stat.

1 620, 42 U.S.C. § 301 et seq.) or who receives a rent or property
2 tax rebate under the act of March 11, 1971 (P.L.104, No.3),
3 known as the "Senior Citizens Rebate and Assistance Act," on
4 account of disability or who has a handicapped license plate
5 under 75 Pa.C.S. § 1338 (relating to handicapped plate and
6 placard).] ←

7 "Persons." Includes State and local officers, or employees,
8 individuals, corporations, copartnerships and associations.
9 Singular words shall include the plural. Masculine words shall
10 include the feminine and neuter.

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

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

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

23 "Private kennel." A kennel ~~not meeting the definition of~~ ←
24 ~~commercial kennel~~, [at, in, or adjoining a residence] NOT ←
25 MEETING THE DEFINITION OF "COMMERCIAL KENNEL" where dogs are
26 kept or bred by their owner, for the purpose of hunting,
27 tracking and exhibiting in dog shows, or field and obedience
28 trials.

29 "Proper enclosure of a dangerous dog." The secure
30 confinement of a dangerous dog either indoors or in a securely

1 enclosed and locked pen or structure, suitable to prevent the
2 entry of young children and domestic animals and designed to
3 prevent the [animal] dangerous dog from escaping. [Such] The pen
4 or structure shall have secure sides and a secure top and shall
5 also provide protection from the elements for the dog. If the
6 pen or structure has no bottom secured to the sides, the sides
7 must be embedded at least two feet into the ground.

8 "Public place." A place in this Commonwealth to which the
9 general public has a right to resort. A public place need not be
10 a place devoted solely to use by the public, but may be a place
11 which is visited by many persons on a regular basis and is
12 usually accessible to the neighboring public. A public place
13 shall also include television and radio media.

14 "Rescue network kennel." A kennel that utilizes rescue
15 network kennel homes with the goal of ultimately transferring
16 the dog to a permanent owner or keeper through any means of
17 transfer.

18 "Rescue network kennel home." An establishment to which a
19 rescue network kennel assigns a dog until the dog is ultimately
20 transferred to a permanent home.

21 "Research." Investigation or experimentation aimed at the
22 discovery and interpretation of facts or procedures, revision of
23 accepted theories or laws in the light of new facts or practical
24 application of such new or revised theories or laws as related
25 to the advancement of medical science and technological
26 treatment of disease or surgical operations, medical procedures,
27 transplants, functions and any form of medical or
28 pharmacological actions on dogs when applied and personally
29 supervised by a qualified scientist with degrees approved by the
30 secretary.

1 "Research kennel." [Any kennel within the Commonwealth
2 wherein research is conducted with dogs, or where vivisection is
3 practiced with dogs, or any establishment which breeds, buys,
4 sells, or in any way transfers dogs to laboratories, hospitals,
5 establishments for research or any other similar purpose, or
6 which sells, gives away or in any way transfers dogs to another
7 research or dealer kennel.] Any Federal research kennel or other
8 research kennel duly registered with and inspected by the
9 Federal Government under the provisions of the Animal Welfare
10 Act (Public Law 89-544, 7 U.S.C. § 2131 et seq.) and its
11 attendant regulations.

12 "SEARCH AND RESCUE DOG." A DOG WHICH IS TRAINED TO LOCATE ←
13 LOST OR MISSING PERSONS, VICTIMS OF NATURAL OR MANMADE DISASTERS
14 AND HUMAN BODIES.

15 "Secretary." The Secretary of Agriculture or any person to
16 whom authority has been delegated by the Secretary of
17 Agriculture.

18 "Seizure." The act of taking possession of property for a
19 violation of law or the taking or removal from the possession of
20 another. The term shall not include the taking of ownership of
21 property.

22 "Service dog." Any dog which has been OR IS IN THE PROCESS ←
23 OF BEING trained as a guide dog, signal dog or has been trained
24 to do work or perform tasks for the benefit of an individual
25 with a disability, including, but not limited to, guiding
26 individuals with impaired vision, alerting individuals with
27 impaired hearing to intruders or sounds, pulling a wheelchair or
28 fetching dropped items.

29 "Severe injury." Any physical injury that results in broken
30 bones or disfiguring lacerations requiring multiple sutures or

1 cosmetic surgery.

2 "State dog warden." An employee of the department whose
3 primary duty is to enforce this act and the regulations pursuant
4 thereto.

5 ~~"Veterinarian." A doctor of veterinary medicine licensed~~ <—
6 ~~under the act of December 27, 1974 (P.L.995, No.326), known as~~
7 ~~the "Veterinary Medicine Practice Act."~~

8 "Vivisection." The cutting of or operation on a living
9 animal for physical or pathological investigation or animal
10 experimentation.

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

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

18 Section 200. Issuance of dog licenses; compensation; proof
19 required; deposit of funds; records; license
20 sales; rules and regulations; failure to comply;
21 unlawful acts; penalty.

22 (a) Issuance of dog licenses.--

23 (1) The county treasurer shall be an agent and shall
24 process applications for dog license certificates and issue
25 dog license certificates and tags.

26 (1.1) The county treasurer shall be permitted and may
27 permit agents to issue vanity or collector tags that are
28 approved by the department, in addition to the license.

29 (2) The county treasurer may authorize district justices
30 to be agents and to process applications for dog license

1 certificates and to issue dog license certificates and tags.

2 (3) The county treasurer may authorize other agents
3 within the county to process dog license certificates and to
4 issue dog license certificates and tags. At least half of the
5 agents appointed in each county shall have hours of operation
6 after 5 p.m. at least one weekday and shall be open at least
7 one day of each weekend. Agents who have been appointed by
8 their respective county treasurers under this paragraph shall
9 meet bonding requirements as their respective county
10 treasurers may require.

11 (4) The secretary shall have the authority, after a
12 review of the agents appointed by a county treasurer, to
13 appoint agents within each county to process dog license
14 certificates and to issue dog license certificates and tags.
15 Priority shall be given to licensed doctors of veterinary
16 medicine and kennels licensed under this act. At least half
17 of the agents appointed in each county shall have hours of
18 operation after 5 p.m. at least one weekday and shall be open
19 at least one day of each weekend. Agents appointed by the
20 secretary under this paragraph shall be required to post a
21 bond or other security instrument in a form satisfactory to
22 the secretary in an amount he determines. The secretary may
23 recall the appointment of any agent at any time.

24 (5) Agents who have been appointed by their respective
25 county treasurers prior to the effective date of this section
26 may continue to act as agents for the county treasurers under
27 such bonding requirements as the county treasurer may
28 require.

29 (b) Compensation.--For services rendered in collecting and
30 paying over dog license fees, agents, for as long as they

1 continue to act in that capacity, may collect and retain a sum
2 [of] equal to the cost of a postage stamp plus \$1 for each dog
3 license sold, which amount shall be full compensation for
4 services rendered by them under this act. The compensation shall
5 be retained by the respective agents and shall cover, among
6 other things, the cost of processing and issuing dog licenses,
7 postage, mailing, returns and bonding of the agents. A district
8 justice authorized by the county treasurer to process
9 applications for dog license certificates and issue dog license
10 certificates [and tags] is not authorized to collect
11 compensation under this subsection. Agents under subsection
12 (a)(3) and (5) shall collect an additional 50¢ which shall be
13 remitted to the county treasurer, for the use of the county, in
14 the same manner as records are forwarded under subsection (e).

15 (b.1) Mailings.--Dog license mailings, renewals and other
16 notices related to State dog licenses shall not contain any
17 extraneous advertising, promotions or other materials not
18 previously approved in writing by the department. Department-
19 approved advertising, promotions or other materials may not add
20 to the cost of postage to be paid by the department.

21 * * *

22 (e) Records.--Each agent shall keep on a printed form
23 supplied by the department a correct and complete record of all
24 dog licenses issued and funds that are received or delinquent.
25 The records shall be available at reasonable hours for
26 inspection by any employee of the department charged with the
27 enforcement of this act or any representative of the Department
28 of Auditor General or Office of Attorney General. Within five
29 days following the first day of each month, each agent shall
30 forward to the secretary and to the county treasurer of the

1 county in which the agent is situated, on forms supplied by the
2 department, a complete report of dog licenses issued, in correct
3 numerical sequence. All money collected from the sale of dog
4 licenses, less compensation if collected, and any other
5 information required by the secretary shall be forwarded to the
6 secretary with the report.

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

12 (f) License sales.--Each agent shall process applications
13 and issue dog license certificates on a year-round basis.
14 Nothing in this act shall permit an agent while acting in that
15 capacity to suspend license sales during any time. If checks are
16 returned for delinquent funds or the proper dog license fee is
17 not collected for any reason, the agent shall report the
18 delinquency to the department on a form supplied by the
19 department.

20 * * *

21 Section 3. Sections 201, 202 and 206 of the act, amended ←
22 December 11, 1996 (P.L.943, No.151), are amended to read:

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

24 (a) General rule.--Except as provided in subsection (b), on
25 or before January 1 of each year, [unless and until the
26 department promulgates regulations establishing a system of dog
27 license renewal on an annual basis throughout the calendar
28 year,] the owner of any dog, three months of age or older,
29 except as hereinafter provided, shall apply to the county
30 treasurer of his respective county or an agent under section

1 200(a), on a form prescribed by the department for [a] the
2 appropriate license for [such] the dog. The application and
3 license certificate shall state the breed, sex, age, color and
4 markings of [such] the dog, the name, address and telephone
5 number of the owner and the year of licensure. The application
6 shall be accompanied by the appropriate license fee [as follows:

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

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

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

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

19 (ii) For all other male and female dogs, the license
20 fee shall be \$5.], which shall be set by regulation and
21 shall include all of the following classes of licenses:

22 (1) Neutered male dog or spayed female dog, the fee for
23 which shall be lower than that paid for all other male and
24 female dogs. For this license classification the owner or
25 keeper of the dog shall provide a certificate of a licensed
26 doctor of veterinary medicine or the affidavit of the owner
27 or keeper as evidence the dog is neutered or spayed.

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

30 (3) Male or female dog owned by a Pennsylvania resident

1 65 years of age or older or a person with a disability, the
2 fee for which shall be lower than that paid by residents
3 under the age of 65 or without disabilities. The following
4 shall apply:

5 (i) For each neutered male dog and for each spayed
6 female dog for which the certificate of a licensed doctor
7 of veterinary medicine or the affidavit of the owner is
8 produced, the fee shall be lower than that paid under
9 paragraph (1).

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

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

15 (5) All additional costs of a vanity or collector tag
16 issued under this subsection shall be in addition to the
17 required license fee under this section. The additional cost
18 shall be ~~split evenly~~ DISTRIBUTED EQUALLY between the county ←
19 treasurer that issued the license and the Dog Law Restricted
20 Account. ~~No~~ A vanity or collector tag ~~may~~ SHALL NOT be issued ←
21 without approval of the department.

22 (b) Lifetime license.--

23 (1) The owner of any dog three months of age or older
24 which has been permanently identified may apply to the county
25 treasurer of his respective county or an agent under section
26 200(a), on a form prescribed by the department for a lifetime
27 license for such a dog. Except as otherwise provided in this
28 act, a dog which has been issued a lifetime license shall be
29 required to wear a license tag. The application and license
30 certificate shall state the breed, sex, age, color and

1 markings of such dog, the type and number of permanent
2 identification and the name, address and telephone number of
3 the owner. The application shall be accompanied by the
4 appropriate license fee [as follows:

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

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

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

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

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

19 (4) Compensation, if collected under section 200(b),
20 shall also be paid by all applicants, regardless of age or
21 disability. A dog which has been issued a lifetime license
22 prior to the effective date of this act shall not be subject
23 to fees under this subsection.], which shall be set by
24 regulations OF THE DEPARTMENT and shall include the license ←
25 categories under subsection (a). Compensation, if collected
26 under section 200(b), shall also be paid by all applicants,
27 regardless of age or disability.

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

1 (3) All additional costs of a vanity or collector tag
2 issued under this subsection shall be charged in addition to
3 the fees under this section. The additional cost shall be
4 ~~split evenly~~ DISTRIBUTED EQUALLY between the county treasurer ←
5 that issued the tag and the Dog Law Restricted Account. No A ←
6 vanity or collector tag ~~may~~ SHALL NOT be issued without ←
7 approval of the department.

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

16 SECTION 202. LICENSE CERTIFICATES; TAG REMOVAL; EXCLUSION FOR ←
17 SOME DOGS.

18 (A) GENERAL RULE.--EACH DOG LICENSE CERTIFICATE SHALL BE
19 DATED AND NUMBERED, AND SHALL BEAR THE NAME OF THE COUNTY WHERE
20 SUCH LICENSE IS ISSUED AND ANY OTHER INFORMATION REQUIRED
21 PURSUANT TO REGULATIONS PROMULGATED BY THE DEPARTMENT. ALL DOG
22 LICENSES EXCEPT LIFETIME LICENSES AS PROVIDED IN SECTION 201(B)
23 SHALL EXPIRE UPON DECEMBER 31 OF THE YEAR FOR WHICH THE LICENSE
24 WAS ISSUED UNLESS AND UNTIL THE DEPARTMENT PROMULGATES
25 REGULATIONS ESTABLISHING A SYSTEM OF DOG LICENSE RENEWAL ON AN
26 ANNUAL BASIS THROUGHOUT THE CALENDAR YEAR. A TAG BEARING THE
27 SAME NUMBER ISSUED WITH THE LICENSE CERTIFICATE SHALL BE AFFIXED
28 TO A SUBSTANTIAL COLLAR OR HARNESS. THE COLLAR OR HARNESS SHALL
29 BE FURNISHED BY THE OWNER, AND, WITH THE TAG ATTACHED, SHALL AT
30 ALL TIMES BE KEPT ON THE DOG FOR WHICH THE LICENSE IS ISSUED,

1 EXCEPT AS OTHERWISE PROVIDED IN THIS ACT. [DOGS WHICH ARE
2 CONFINED OR ARE ACTIVELY ENGAGED IN SHOWS, OBEDIENCE OR FIELD
3 TRIALS ARE EXCLUDED FROM WEARING A CURRENT LICENSE TAG ON A
4 COLLAR OR HARNESS, AS LONG AS A CURRENT TAG IS IN THE POSSESSION
5 OF THE OWNER OR HANDLER FOR EACH DOG.] IT SHALL BE UNLAWFUL FOR
6 ANY PERSON, EXCEPT THE OWNER OR HIS AUTHORIZED AGENT, OR A STATE
7 DOG WARDEN, TO REMOVE ANY LICENSE TAG FROM A DOG'S COLLAR OR
8 HARNESS OR TO REMOVE ANY COLLAR OR HARNESS WITH A LICENSE TAG
9 ATTACHED THERETO FROM ANY DOG, EXCEPT AS PROVIDED IN [THE ACT OF <—
10 JUNE 3, 1937 (P.L.1225, NO.316), KNOWN AS "THE GAME LAW,"] 34 <—
11 PA.C.S. (RELATING TO GAME), and except as herein or otherwise
12 provided.

13 (b) Exception.--The following need not wear a license tag on
14 a collar or a harness:

15 (1) Dogs when confined or restricted to the property of
16 a kennel licensed under this act.

17 (2) Dogs when being transported for law enforcement.

18 (3) Dogs when being transported to or from a veterinary
19 office pursuant to an order of the secretary for humane
20 purposes.

21 (4) Dogs when training for or engaging in dog shows,
22 performance events or hunting activities, and dogs while
23 being transported by or on behalf of their owner or keeper to
24 the location at which they engage in dog shows, events or
25 hunting activities as long as a copy of the kennel license is
26 in possession of the owner or keeper accompanying each dog.

27 Section 206. Kennels.

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

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

19 Dealer License.

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

27 Kennel Class I.

28 To keep or operate a private kennel, pet shop-kennel,
29 research kennel, rescue network kennel, dealer kennel or
30 [breeding] kennel for a [cumulative] total of 50 dogs or less of

1 any age during a calendar year [- \$75 per year].

2 Kennel Class II.

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

7 Kennel Class III

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

12 Kennel Class IV

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

17 Kennel Class V

18 To keep or operate a private kennel, pet shop-kennel,
19 research kennel, rescue network kennel, dealer kennel or
20 [breeding] kennel for a [cumulative] total of 251 [or more] to
21 500 dogs of any age during a calendar year [- \$500 per year].

22 Kennel Class VI

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

27 Kennel Class VII

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

1 year.

2 Kennel Class VIII

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

7 Kennel Class IX

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

12 Kennel Class X

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

17 Kennel Class XI

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

22 Kennel Class XII

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

27 Boarding Kennel Class I

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

1 Boarding Kennel Class II

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

5 Boarding Kennel Class III

6 To keep or operate a boarding kennel having the capacity to
7 accommodate 26 or more dogs at any time during a calendar year
8 [- \$250 per year].

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

10 To keep or operate a nonprofit kennel.

11 Kennel Class C-I

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

14 Kennel Class C-II

15 To keep or operate a commercial kennel for a total of 51 to
16 100 dogs of any age during a calendar year.

17 Kennel Class C-III

18 To keep or operate a commercial kennel for a total of 101 to
19 150 dogs of any age during a calendar year.

20 Kennel Class C-IV

21 To keep or operate a commercial kennel for a total of 151 to
22 200 dogs of any age during a calendar year.

23 Kennel Class C-V

24 To keep or operate a commercial kennel for a total of 201 to
25 500 dogs of any age during a calendar year.

26 Kennel Class C-VI

27 To keep or operate a commercial kennel for a total of 501 to
28 750 dogs of any age during a calendar year.

29 Kennel Class C-VII

30 To keep or operate a commercial kennel for a total of 751 to

1 1,000 dogs of any age during a calendar year.

2 Kennel Class C-VIII

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

5 Kennel Class C-IX

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

8 Kennel Class C-X

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

11 Kennel Class C-XI

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

14 Kennel Class C-XII

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

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

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

1 forth in section 207(d).

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

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

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

27 Section 207. Requirements for kennels.

28 ~~(a.1) Prohibition to operate; injunction; fines. It shall~~ <—

29 (A.1) PROHIBITION TO OPERATE; INJUNCTION; FINES.-- <—

30 (1) IT SHALL be unlawful for kennels described under

1 section 206 to operate without first obtaining a kennel
2 license from the department. ~~The secretary shall not approve~~ <—
3 ~~any kennel license application~~

4 (2) THE SECRETARY SHALL NOT APPROVE ANY KENNEL LICENSE <—
5 APPLICATION unless such kennel has been inspected and
6 approved by a State ~~dog warden or employee of the department.~~ <—
7 ~~The secretary may file~~ DOG WARDEN OR EMPLOYEE OF THE <—
8 DEPARTMENT.

9 (3) THE SECRETARY MAY FILE a suit in equity in the
10 Commonwealth Court to enjoin the operation of any kennel that
11 violates any of the provisions of this act. [In addition, the
12 secretary may seek in such suit the imposition of a fine for
13 every day in violation of this act for an amount not less
14 than \$100 nor more than \$500 per day.] ~~It shall be no defense~~ <—
15 ~~to any civil penalty or criminal prosecution~~

16 (4) IT SHALL BE NO DEFENSE TO ANY CIVIL PENALTY OR <—
17 CRIMINAL PROSECUTION under this act that a person operating a
18 kennel failed to properly obtain the appropriate license.

19 (5) A KENNEL OPERATOR THAT IS APPLYING FOR A DIFFERENT <—
20 LICENSE BECAUSE OF AN INCREASE IN THE TOTAL NUMBER OF DOGS OR
21 DUE TO BIRTH OF ADDITIONAL DOGS IN THE KENNEL DURING A
22 CALENDAR YEAR SHALL NOT BE IN VIOLATION PROVIDED THE
23 APPLICATION IS FILED WITHIN SEVEN DAYS OF THE INCREASE.

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

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 or order issued
29 under this act, the secretary may assess a civil penalty, in
30 addition to any penalty under section 903(c), against an

1 unlicensed kennel of not less than \$500 nor more than \$1,000
2 for each day it operates in violation of this act. The
3 penalty shall be premised on the gravity and willfulness of
4 the violation, the potential harm to the health and safety of
5 the animals and the public, previous violations and the
6 economic benefit to the violator for failing to comply with
7 this act.

8 (2) In cases of inability to collect the civil penalty
9 or failure of a person to pay all or a portion of the
10 penalty, the secretary may refer the matter to the Office of
11 Attorney General, which shall institute an action in the
12 appropriate court to recover the penalty.

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

14 (1) The secretary may provide a written order to cease
15 and desist operating to an owner who is operating a kennel
16 without a license. The order shall set forth the ~~general~~ ←
17 factual and legal basis for the action and shall advise the
18 affected person that within ten days of receipt of the order,
19 he may file with the secretary a written request for an
20 administrative hearing. The order to cease and desist shall
21 become a final order of the department upon expiration of the
22 ten-day period for requesting an administrative hearing,
23 unless a timely request has been filed with the department.
24 Upon receiving a cease and desist order, the unlicensed
25 kennel shall immediately cease and desist from operating a
26 kennel, including boarding, buying, exchanging, selling,
27 OFFERING FOR SALE, giving away or in any way transferring ←
28 dogs. The kennel shall divest of all dogs over 25 dogs,
29 unless otherwise directed, within a reasonable time period
30 determined by the department but not to exceed ten days. The

1 department shall set forth the manner by which the kennel may
2 divest of the dogs. That person shall be subject to the
3 conditions established under paragraph (2).

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

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

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

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

14 (3) [From where it came] The full name and physical
15 address AT THE TIME THE DOGS WERE RECEIVED of the previous <—
16 owner or kennel from whom the dog was received. THIS <—
17 PARAGRAPH SHALL NOT APPLY TO A BOARDING KENNEL.

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

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

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

22 (7) How [and to whom it is dispensed.] the dog is
23 dispensed. If the dog was transferred to another person or
24 kennel, the record must state the full name and physical
25 address of the person or kennel to whom the dog was
26 dispensed.

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

29 Such record shall be legible and shall be open to inspection and
30 may be copied by any employee of the department, State dog

1 warden or police officer as defined by this act.

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

5 (d) [Additional requirements] Tags.--Every holder of a
6 kennel license shall attach one tag to a collar or harness of
7 each dog three months old or older kept by that person, whenever
8 the dog is not within the kennel except as provided for in
9 section 202[.], or during a hunt, show, performance, event or <—
10 field trial or, in the case of a dealer or a rescue kennel,
11 [SECTION 202.] SECTIONS 202 AND 213, OR DURING A HUNT, <—
12 PERFORMANCE, EVENT OR COMMONLY ACCEPTED TRAINING PRACTICES
13 INVOLVING HUNTING DOGS AND DOGS THAT PARTICIPATE IN FIELD TRIALS
14 OR, IN THE CASE OF A DEALER OR A RESCUE KENNEL, utilizing rescue
15 kennel network homes. Dogs housed in rescue kennel network homes
16 shall have and display the dealer's tag or rescue kennel network
17 home's tag or individual dog license as provided in this
18 section.

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

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

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

26 (ii) The kennel class and type.

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

29 (2) Rescue network kennel homes associated with a dealer
30 or rescue kennel network shall display a copy of the dealer's

1 or the rescue kennel network's kennel license.

2 (3) If the secretary revokes, ~~suspends~~ or denies a <—
3 kennel license, the department shall issue a notice of
4 revocation, ~~suspension~~ or denial. The notice shall be posted <—
5 in a place conspicuous to persons authorized to enter and
6 approved by the department for a period of time as provided
7 in this subsection. In the case of a revocation or denial of
8 a kennel license, the kennel shall display the notice of
9 revocation or denial until such time as the kennel has ceased
10 to operate or as the department determines and sets forth in
11 the order. In the case of a ~~suspension~~ AN APPEAL OF <—
12 REVOCATION OR DENIAL, the notice of ~~suspension~~ shall be <—
13 posted until the time period of the ~~suspension~~ has run
14 REVOCATION OR DENIAL SHALL REMAIN POSTED UNTIL THE FINAL <—
15 DISPOSITION OF APPEAL or the department has reissued a valid
16 kennel license.

17 (4) If the secretary finds a kennel operating without a
18 license, the kennel, upon notice of violation or order, shall
19 display a notice of violation issued by the department. The
20 notice shall be posted in a place conspicuous to persons
21 authorized to enter and approved by the department until the
22 time as the kennel has ceased to operate or as the department
23 determines and sets forth in the order or until such time as
24 the kennel has come into compliance and the secretary has
25 issued a valid kennel license.

26 (5) Failure to display a current and valid kennel
27 license certificate or a notice of revocation, suspension or
28 denial as provided in this subsection constitutes a violation
29 of this act.

30 (f) (Reserved).

1 (g) Additional requirements for boarding kennels, nonprofit
2 kennels and Kennel Class I through XII license holders.--The
3 following shall apply to boarding kennels, NONPROFIT KENNELS and <—
4 Kennel Class I through XII license holders:

5 (1) Kennels under this subsection must develop and
6 follow an appropriate plan to provide dogs with the
7 opportunity for exercise. The plan shall be approved by a
8 veterinarian.

9 (2) All kennels for dogs shall be equipped with smoke
10 alarms or fire extinguishers. Housing facilities shall be
11 equipped with fire extinguishers on the premises. An indoor
12 housing facility may have a sprinkler system.

13 (h) Additional requirements for Kennel Class C license
14 holders.— HOLDERS ONLY.--The following shall apply ONLY to <—
15 primary enclosures for all dogs in a kennel of a Class C license <—
16 holder KENNEL CLASS C KENNELS: <—

17 (1) Primary enclosures must be designed and constructed
18 so that they are structurally sound and must be kept in good
19 repair.

20 (2) Primary enclosures must meet the following
21 requirements:

22 (i) Have no sharp points or edges that could injure
23 the dogs.

24 (ii) Be maintained in a manner to protect the dogs
25 from injury.

26 ~~(iii) (Reserved).~~ <—

27 (III) THE HEIGHT OF A PRIMARY ENCLOSURE THAT IS NOT <—
28 FULLY ENCLOSED ON THE TOP SHALL BE SUFFICIENT TO PREVENT
29 THE DOG FROM CLIMBING OVER THE WALLS.

30 (iv) Keep animals other than dogs from entering the

1 enclosure.

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

3 (vi) Provide shelter and protection from
4 temperatures and weather conditions that may be
5 uncomfortable or hazardous to any dog.

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

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

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

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

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

21 (xii) The interior height of a primary enclosure
22 shall be at least six inches higher than the head of the
23 tallest dog in the enclosure when it is in a normal
24 standing position.

25 (3) Each bitch with nursing puppies shall be provided
26 with an additional amount of floor space, based on her breed
27 and behavioral characteristics and in accordance with
28 generally accepted husbandry practices as determined by the
29 attending veterinarian. If the additional amount of floor
30 space for each nursing puppy is less than 5% of the minimum

1 requirement for the bitch, the amount of floor space must be
2 approved in writing by the attending veterinarian and shall
3 be kept in the kennel records.

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

14 (5) A program of veterinary care shall be established
15 through consultation with a veterinarian and include a
16 physical examination and vaccination schedule, a protocol for
17 disease control and prevention, pest and parasite control,
18 nutrition, emergency care and euthanasia. A copy of the
19 program shall be kept in the kennel records.

20 (6) Housing facilities for dogs must be sufficiently
21 heated and cooled to protect the dogs from temperature or
22 humidity extremes and to provide for their health and well-
23 being. If dogs are present, the ambient temperature in the
24 facility must not fall below 50 degrees F. The ambient
25 temperature must not rise above 85 degrees F (~~29.5 degrees C~~) ←
26 when dogs are present. The requirements under this paragraph
27 are in addition to all other requirements pertaining to
28 climatic conditions in this chapter.

29 (7) Housing facilities for dogs must be sufficiently
30 ventilated at all times when dogs are present to provide for

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

20 (8) Housing facilities for dogs must be lighted well
21 enough to permit routine inspection and cleaning of the
22 facility and observation of the dogs. Animal areas must be
23 provided a regular diurnal lighting cycle of either natural
24 or artificial light. Lighting must be uniformly diffused
25 throughout housing facilities and provide sufficient
26 illumination to aid in maintaining good housekeeping
27 practices, adequate cleaning, adequate inspection of animals,
28 and for the well-being of the animals. Primary enclosures
29 must be placed so as to protect the dogs from excessive
30 light. Lighting in an indoor facility must be at least 10

1 foot-candles of light. At least 50 foot-candles of light must
2 be provided in all bathing, grooming and toilet areas and 30
3 foot-candles of light shall be provided in support buildings,
4 including food preparation and storage areas. The lighting in
5 a housing facility must be sufficient to allow observation of
6 the physical condition of the dogs at night. Lighting may not
7 be achieved through open flame.

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

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

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

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

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

29 (14) The following shall apply:

30 (i) Excreta, ~~hair, dirt~~ FECES, HAIR, DIRT, DEBRIS

<—

1 and food waste must be removed from primary enclosures at
2 least daily or more often if necessary to prevent an
3 accumulation of dirt, hair, feces EXCRETA, FECES, HAIR, ←
4 DIRT, DEBRIS and food waste to prevent soiling of dogs
5 contained in the primary enclosures and to reduce disease
6 hazards, insects, pests and odors.

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

11 (iii) Used primary enclosures and food and water
12 receptacles for dogs must be sanitized at least once
13 every two weeks using one of the methods under
14 subparagraph (iv) and more often if necessary to prevent
15 an accumulation of dirt, debris, food waste, excreta ←
16 EXCRETA, FECES, HAIR, DIRT, DEBRIS, FOOD WASTE and other ←
17 disease hazards.

18 (iv) Hard surfaces of primary enclosures and food
19 and water receptacles must be sanitized using one of the
20 following methods:

21 (A) Live steam under pressure.

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

25 (C) Washing all soiled surfaces with appropriate
26 detergent solutions and disinfectant or by using a
27 combination detergent or disinfection product that
28 accomplishes the same purpose with a thorough
29 cleaning of the surfaces to remove organic materials ←
30 EXCRETA, FECES, HAIR, DIRT, DEBRIS AND FOOD WASTE so ←

1 as to remove all organic material and mineral buildup
2 and to provide sanitization followed by a clean water
3 rinse.

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

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

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

26 (15) All dogs in a kennel shall have affixed to the
27 front of the primary enclosure ~~something~~ DOCUMENTATION that ←
28 contains all of the following information:

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

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

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

2 (16) All veterinarian records shall be kept as long as <—
3 the dog is at FOR TWO YEARS AFTER THE DOG HAS LEFT THE CARE <—
4 OF the facility.

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

7 (i) Additional requirements for Kennel Class C license
8 holders.— HOLDERS ONLY.--The following shall apply ONLY to dogs <—
9 over 12 weeks of age in Kennel Class C kennels:

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

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

28 (3) The floor of any primary enclosure must be solid and
29 strong enough so that the floor does not sag or bend between
30 the structural supports.

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

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

7 (6) Exercise requirements shall be as follows:

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

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

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

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

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

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

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

23 (viii) Nursing bitches AND THEIR PUPPIES shall be <—
24 exercised separately with their puppies when age <—
25 appropriate. FROM OTHER DOGS. <—

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

29 (x) The exercise area must be outdoors.

30 (7) Notwithstanding any other provision of law, rabies

1 vaccines may only be administered by a licensed veterinarian.

2 (8) A dog shall be examined by a veterinarian at least
3 once a year or at each pregnancy, whichever occurs more
4 frequently. During the examination the veterinarian shall use
5 appropriate methods to prevent, control, diagnose and treat
6 diseases and injuries.

7 (9) An additional area, not counting toward the minimum
8 space requirements under paragraphs (1) and (6)(ii), may be
9 provided to a dog and may be constructed of coated wire
10 flooring to allow for voiding and excrement.

11 (10) Notwithstanding any law to the contrary, it shall
12 not be a violation of the act of December 15, 1986 (P.L.1610,
13 No.181), known as the "Rabies Prevention and Control in
14 Domestic Animals and Wildlife Act," if a rabies ~~shot~~ VACCINE ←
15 is given to a dog within 30 days after a dog has reached
16 three months of age. A record of each such shot shall be kept
17 in accordance with this act.

18 Section 5. Section 209 of the act, amended December 11, 1996
19 (P.L.943, No.151), is amended to read:

20 Section 209. Out-of-state dealer license; application; fee;
21 prohibitions.

22 (a) Out-of-state dealers.--All out-of-state dealers shall on
23 or before January 1 of each year, apply to the secretary for an
24 out-of-state dealer license. The fee for such license shall be
25 [\$300] set by regulation, plus appropriate kennel license fees
26 required under section 206. All fees collected under this
27 section shall be remitted to the State Treasury for credit to
28 the Dog Law Restricted Account. All licenses under this section
29 shall expire upon December 31 of the year for which the license
30 was issued. The forms for the application and license shall be

1 approved by the secretary [through regulations].

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

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

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

20 Section 210. Bills of sale.

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

1 ~~each dog exchanged, bartered, given away or in any other way~~ <—
2 ~~transferred BY A MANNER OTHER THAN SALE by a kennel described in~~ <—
3 ~~section 206 or an out-of-state dealer, a record of the~~
4 ~~transaction shall be kept. The bill of sale or record shall~~
5 ~~include the current and valid kennel license number of the~~
6 ~~kennel or out-of-state dealer that sold, exchanged, bartered,~~
7 ~~gave away or transferred the dog and any other information~~
8 ~~required by the secretary. THE BILL OF SALE OR RECORD SHALL BE~~ <—
9 ~~KEPT FOR TWO YEARS.~~

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

12 Section 211. Revocation[, suspension] or refusal of kennel <—
13 licenses.

14 (a) General powers of secretary.--~~The secretary shall revoke~~
15 ~~a kennel license or out-of-state dealer license if a licensee is~~
16 ~~convicted of a violation of 18 Pa.C.S. § 5511 (relating to~~
17 ~~cruelty to animals) or a cruelty law of another jurisdiction OF~~ <—
18 ~~SUBSTANTIALLY SIMILAR CONDUCT PURSUANT TO A CRUELTY LAW OF~~
19 ~~ANOTHER STATE. The secretary shall not issue a kennel license or~~
20 ~~out-of-state dealer license to a person that has been convicted~~
21 ~~of a violation of 18 Pa.C.S. § 5511 within the last ten years.~~

22 The secretary may revoke or [suspend a kennel license or out-of- <—
23 state dealer license or] refuse to issue a kennel license or <—

24 out-of-state dealer license for any one or more of the following
25 reasons:

26 (1) the person holding or applying for a license has
27 made a [material] misstatement or misrepresentation in the
28 license application;

29 (2) the person holding or applying for a license has
30 made a [material] misstatement or misrepresentation to the

1 department or its personnel regarding a matter relevant to
2 the license;

3 (3) the person holding or applying for a license has
4 [been convicted of any violation of] ~~violated~~ FAILED TO ←
5 COMPLY WITH this act;

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

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

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

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

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

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

28 (8) the person holding or applying for a license has
29 received final disapproval to operate based on a local ←
30 ordinance or zoning ordinance relating to operation of a

~~kennel~~; A FINAL, BINDING ORDER, WHICH IS NOT SUBJECT TO A
PENDING LEGAL CHALLENGE, DECLARING THAT THE PERSON'S KENNEL
IS NOT A PERMITTED USE UNDER THE APPLICABLE ZONING ORDINANCE;

(9) the person holding or applying for a license has or
is acting in concert with a person who has violated the act
of December 15, 1986 (P.L.1610, No.181), known as the "Rabies
Prevention and Control in Domestic Animals and Wildlife Act;

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

(11) the person holding or applying for a license has a
person who does or will play a role in the ownership ~~or~~
~~operation of the kennel who may be refused a kennel license~~
~~under this section~~ OR CARING FOR THE DOGS, AND SUCH OTHER
PERSON WOULD BE REFUSED A LICENSE IF THAT PERSON HAS BEEN THE
APPLICANT. A role shall include, ~~but not be limited to,~~
~~ownership of a direct or indirect financial interest, direct~~
~~or indirect participation in management or actual caretaking~~
~~of the dogs.~~ FINANCIAL INTEREST IN THE KENNEL OPERATION,
CARING FOR THE DOGS OR PARTICIPATION IN THE MANAGEMENT OF THE
KENNEL.

(A.1) FACTORS TO CONSIDER.--IN DETERMINING WHETHER TO REVOKE
OR REFUSE A KENNEL LICENSE OR OUT-OF-STATE DEALER LICENSE FOR A
MISSTATEMENT AS SET FORTH UNDER SUBSECTION (A)(1) OR (2), THE
SECRETARY SHALL CONSIDER THE GRAVITY OF THE MISSTATEMENT. IN
DETERMINING WHETHER TO REVOKE OR REFUSE AN EXISTING KENNEL
LICENSE OR AN OUT-OF-STATE DEALER LICENSE FOR A FAILURE TO
COMPLY WITH A PROVISION OF THE ACT OR REGULATIONS PROMULGATED
UNDER IT AS SET FORTH UNDER PARAGRAPH (3) OR (4), THE SECRETARY
SHALL CONSIDER THE FOLLOWING FACTORS:

- 1 (1) THE GRAVITY OF THE VIOLATION.
- 2 (2) THE NUMBER OF CURRENT OR PAST VIOLATIONS.
- 3 (3) THE POTENTIAL EFFECT OF THE VIOLATION ON THE HEALTH
4 OR WELFARE OF A DOG.
- 5 (4) WHETHER THE KENNEL HAS BEEN WARNED PREVIOUSLY TO
6 CORRECT THE VIOLATION.
- 7 (5) WHETHER THE VIOLATION RESULTED IN A CRIMINAL
8 CONVICTION.
- 9 (6) THE LENGTH OF TIME THAT HAS ELAPSED BETWEEN
10 VIOLATIONS.

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.--

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

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

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

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

1 suspended or refused upon any one or more of the following
2 findings:

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

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

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

12 (5) The secretary may direct that ownership of a
13 particular dog which is seized and impounded pursuant to
14 paragraph (1) is to be forfeited. The department shall serve
15 the owner of the affected dog with written notice of
16 forfeiture. The notice shall indicate that ownership of the
17 dog in question may be forfeited to some entity other than
18 the department. Notice of forfeiture shall be served by
19 personal service or by registered or certified mail, return
20 receipt requested, to the owner of the affected dog or a
21 responsible person at the kennel from which the dog was
22 seized and impounded. The notice shall specify an effective
23 date of forfeiture which shall be not less than ten days from
24 service of the notice. The notice shall further inform the
25 dog owner of his right to request an administrative hearing
26 on the issue of forfeiture by delivering a written request to
27 the department prior to the date of forfeiture. A written
28 hearing request shall act as a supersedeas of the forfeiture
29 action. At the administrative hearing, the department shall
30 have the burden of proving that the affected dog owner did

1 not adequately care for the subject dog, or that no
2 satisfactory evidence or assurances have been given to the
3 department that the subject dog will be adequately cared for
4 if it is returned to the owner, or that the owner has
5 abandoned the subject dog. Abandonment shall be presumed if
6 an owner fails to make timely payment of reasonable costs of
7 transportation, care and feeding of the seized and impounded
8 dog after two written requests to do so have been served by
9 personal service or registered or certified mail, return
10 receipt requested, upon a responsible person at the kennel in
11 question or to the dog owner.

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

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

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

29 (2) the kennel makes written application to the
30 department, setting forth the amount sought, details of a

1 good faith attempt at obtaining payment of the costs from the
2 dog owner and the kennel owner and the dates and number of
3 dogs justifying the amount sought.

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

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

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

30 (3) The kennel may not acquire any additional dogs or

1 increase the number of dogs in the kennel by any means,
2 including breeding, EXCEPT BY BIRTH OF PUPPIES FROM A MOTHER ←
3 THAT AT THE TIME OF REFUSAL OR REVOCATION WAS ALL OF THE
4 FOLLOWING:

5 (I) ON THE PROPERTY.

6 (II) PREGNANT.

7 (III) OWNED BY THE KENNEL OR THE KENNEL OWNER.

8 (4) The department shall be notified prior to the
9 euthanization of any dog. No dog may be euthanized unless it
10 is determined by a veterinarian that the euthanasia will
11 prevent the dog from suffering caused by a medical condition.
12 Where a veterinarian determines a dog should be euthanized, a
13 copy of the veterinarian's findings, signed by the
14 veterinarian, shall be provided to the department. THE ←
15 PROVISIONS OF THIS PARAGRAPH DO NOT APPLY TO AN EMERGENCY
16 SITUATION WHERE IT IS DEEMED BY THE VETERINARIAN THAT
17 IMMEDIATE EUTHANASIA IS NECESSARY TO RELIEVE THE SUFFERING OF
18 THE DOG. FOLLOWING THE PROCEDURE, A COPY OF THE
19 VETERINARIAN'S FINDING WILL BE SIGNED BY THE VETERINARIAN AND
20 PROVIDED TO THE DEPARTMENT.

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

28 (6) The kennel shall permit State dog wardens to inspect
29 the kennel without a warrant in order to determine compliance
30 with the department's order, any relevant court order and any

1 provision of this act.

2 (7) If there are more dogs than specified in paragraph
3 (5) on the premises after the expiration of the time period
4 set forth in paragraph (5), the kennel may select the number
5 of dogs allowed under paragraph (5) ~~on the premises to keep~~ <—
6 TO BE KEPT ON THE PREMISES. The remainder shall be forfeited <—
7 to the entity set forth in the ~~department's or court's~~ <—
8 DEPARTMENT OR COURT order or to an entity approved by the <—
9 department without compensation to the owner.

10 (8) Failure to take actions or to meet the conditions
11 imposed under this subsection, in addition to any other
12 penalties allowed under this act, may result in imposition by
13 the department of a penalty of not less than \$100 nor more
14 than \$500 per day for each violation. Each dog in excess of
15 25 dogs, or a lesser amount if set forth in the department or
16 court order, shall count as one violation.

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

19 (d) ~~Removal~~ SEIZURE of dogs.-- <—

20 (1) After service of an order under subsection (c)(1) or
21 section 207(a.3) or during the duration of an administrative
22 appeal under subsection (c)(2) or section 207(a.3)(2), the
23 department may order the ~~removal~~ SEIZURE of any dog from that <—
24 kennel if the department determines, based on the conditions
25 found at that kennel, there are reasonable grounds to believe
26 the dog's health, safety or welfare is endangered because of
27 neglect of duty of care, deprivation of necessary sustenance,
28 water, shelter or veterinary care or access to clean and
29 sanitary shelter which will protect the animal against
30 inclement weather and preserve the animal's body heat and

1 keep it dry or other conditions which a veterinarian
2 determines pose a serious health risk to the dog. The ~~removal~~ <—
3 SEIZURE may occur immediately upon notice, WHETHER PERSONAL <—
4 OR OTHERWISE, AND SHALL BE followed by service of the order.

5 (2) The order of ~~removal~~ SEIZURE shall set forth the <—
6 general factual and legal basis for the action taken and
7 shall advise the kennel owner that within ten days of receipt
8 the kennel owner may file with the secretary a written
9 request for an administrative hearing subject to bonding
10 requirements of this section. The order shall be served by
11 personal service or by registered or certified mail, return
12 receipt requested, to the kennel owner affected or to a
13 responsible employee of such kennel owner. The department
14 order shall become final upon the expiration of the ten-day
15 period for requesting an administrative hearing, unless a
16 timely request for a hearing has been filed with the
17 secretary.

18 (3) The written request for a hearing must be filed by
19 the affected kennel owner with the secretary within ten days
20 of receipt of the order of ~~removal~~ SEIZURE, or such order <—
21 shall become final. The request for a hearing shall set forth
22 the factual and legal grounds upon which the request is
23 based. A hearing on the matter shall be held in accordance
24 with 2 Pa.C.S. (relating to administrative law and
25 procedure). The issue on appeal shall be limited to whether
26 the department order was justified under paragraph (1).

27 (4) If the department's order has become final or after
28 the exhaustion of any administrative appeals, in cases where
29 the department's action is upheld, the dogs ~~removed~~ SEIZED <—
30 under the order shall be forfeited to the entity set forth in

1 the department's order or to an entity approved by the
2 department without compensation to the owner.

3 (e) Bonding requirements.--The following shall apply to
4 bonding requirements:

5 (1) If dogs are ~~removed~~ SEIZED from a kennel under this <—
6 act and an administrative appeal is filed, the owner of the
7 licensed or unlicensed kennel shall post a ~~bond in the amount~~ <—
8 ~~required under paragraph (2) within ten days of the filing of~~
9 ~~such appeal.~~ SURETY BOND WITHIN TEN DAYS OF THE FILING OF THE <—
10 APPEAL IN THE AMOUNT DETERMINED BY THE DEPARTMENT APPLYING
11 THE CRITERIA SET FORTH IN PARAGRAPH (2).

12 (2) The amount of the surety bond shall be based on the
13 number of dogs ~~removed~~ SEIZED and shall be equal to the <—
14 estimated cost of transportation, care and feeding, pursuant
15 to removal and impoundment, for a period of 31 days. The
16 surety bond shall be payable to the Commonwealth of
17 Pennsylvania, Department of Agriculture, Bureau of Dog Law
18 Enforcement. The department shall remit such funds to the
19 entity holding the dogs.

20 (3) If after appeal the dogs are placed under the care
21 of the owner from which they were ~~removed~~ SEIZED, the <—
22 department shall reimburse the owner for the reasonable costs
23 of the bond incurred under this subsection.

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

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

27 (2) conveyed in any manner for purposes of vivisection,
28 auction or research; ~~or~~ <—

29 ~~(3) conveyed to a dealer.~~

30 (3) CONVEYED TO A DEALER; <—

1 (4) SOLD TO PAY THE COSTS OF THEIR TRANSPORTATION, CARE
2 AND FEEDING UNDER THIS SECTION BEFORE THE ISSUANCE OF A FINAL
3 ORDER AND THE EXHAUSTION OF ALL APPEALS; OR

4 (5) SPAYED OR NEUTERED BEFORE THE ISSUANCE OF A FINAL
5 ORDER AND THE EXHAUSTION OF ALL APPEALS.

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

7 Section 213. Transportation of dogs.

8 It shall be unlawful for any dog required to be licensed as
9 hereinbefore provided, to be transported for any purpose without
10 a current license tag firmly attached to a collar or harness
11 securely fastened to the dog except when a dog is being

12 transported for law enforcement [or], to receive veterinary care <—

13 pursuant to an order of the secretary for humane purposes[.] OR <—

14 BY THE OWNER TO OR FROM A HUNT, SHOW, PERFORMANCE EVENT, FIELD

15 TRIAL OR COMMONLY ACCEPTED TRAINING PRACTICE INVOLVING HUNTING

16 DOGS AND DOGS THAT PARTICIPATE IN SUCH EVENTS. All vehicles

17 being used to transport dogs are subject to inspection and must

18 meet requirements for such transportation through regulations as

19 promulgated by the secretary.

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

22 Section 214. Health certificates for importation.

23 It shall be [unlawful] a violation of this act to transport

24 any dog into this Commonwealth except under the provisions in

25 section 212 without a certificate of health prepared by a

26 licensed doctor of veterinary medicine, which certificate, or

27 copy of such, shall accompany [such] the dog while in this

28 Commonwealth. [Such] The certificate shall state that the dog is

29 at least [seven] eight weeks of age and shows no signs or

30 symptoms of infectious or communicable disease; did not

1 originate within an area under quarantine for rabies; and, as
2 ascertained by reasonable investigation, has not been exposed to
3 rabies within 100 days of importation. All dogs must have been
4 vaccinated for rabies in accordance with the act of December 15,
5 1986 (P.L.1610, No.181), known as the "Rabies Prevention and
6 Control in Domestic Animals and Wildlife Act." The name of the
7 vaccine manufacturer, the date of administration, and the rabies
8 tag number must appear on health certificates prepared by a
9 licensed doctor of veterinary medicine.

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

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

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

23 State dog wardens and only regular, full-time employees of the
24 department shall be authorized to enter upon the premises of
25 approved medical, dental or veterinary schools, hospitals,
26 clinics or other medical or scientific institutions,
27 organizations or persons where research is being conducted or
28 where pharmaceuticals, drugs or biologicals are being produced.

29 [Research facilities in the Commonwealth that are currently
30 under Federal Government inspection shall be exempt from State

1 inspection if they have undergone no less than one Federal
2 Government inspection within the past 12 months. Submission of
3 such evidence of Federal inspection by documentation to the
4 department may be established by regulation subject to
5 legislative review.] It shall be unlawful for any person to
6 refuse admittance to such State dog wardens and employees of the
7 department for the purpose of making inspections and enforcing
8 the provisions of this act.

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

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

21 (1) The inspection, examination or seizure is pursuant <—
22 to a general administrative plan NECESSARY to determine <—
23 compliance with this act. THIS PARAGRAPH SHALL NOT APPLY TO <—
24 PRIVATE KENNELS.

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

29 (D) RESULTS OF INSPECTION.--ONLY EMPLOYEES OF THE DEPARTMENT <—
30 WHO HAVE RECEIVED THE TRAINING REQUIRED UNDER SECTION 901(B) MAY

1 ISSUE REPORTS OF THE INSPECTION.

2 Section 219. Additional duties of the department.

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

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

27 Section 10. The act is amended by adding a section to read:

28 Section 220. Refusal of entry.

29 (a) Violation.--It shall be a violation of this act if a
30 person KENNEL refuses entry to an agent of the Commonwealth

<—

1 acting to enforce this act. A refusal THE TERM "REFUSAL OF <—
2 ENTRY" shall include any of the following:

3 (1) Preventing an agent from entering property <—
4 ESTABLISHMENT. <—

5 (2) Preventing an agent from inspecting a dog.

6 (3) Hiding a dog from an agent.

7 (4) An act or omission that prevents an agent from
8 gaining entry to the property ESTABLISHMENT. <—

9 (b) Order of inspection.--When a State dog warden or
10 employee of the department attempts a kennel inspection in a
11 building and no person is present to grant him access, a State
12 dog warden or employee of the department may post an order on an
13 entrance to the building demanding access to the building within
14 24 36 hours. Failure to permit an inspection within the 24-hour <—
15 36-HOUR time period indicated in the order that was posted shall <—
16 be a violation of this act and shall constitute a refusal OF <—
17 ENTRY for purposes of subsection (a), UNLESS THERE ARE NO DOGS <—
18 AT THE KENNEL.

19 (C) AFFIRMATIVE DEFENSE.--IT SHALL BE AN AFFIRMATIVE DEFENSE
20 TO SUBSECTION (B) THAT THERE WERE NO DOGS IN THE KENNEL AT THE
21 TIME THE ORDER WAS POSTED.

22 Section 11. The heading of Article III of the act is amended
23 to read:

24 ARTICLE III
25 QUARANTINES, DOGS AT LARGE, CONFINEMENT

26 Section 12. Section 302 of the act, amended December 11,
27 1996 (P.L.943, No.151), is amended to read:

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

30 (a) General rule.--It shall be the duty of every police

1 officer, State dog warden, employee of the department or animal
2 control officer to seize and detain any dog which is found
3 running at large, either upon the public streets or highways of
4 the Commonwealth, or upon the property of a person other than
5 the owner of [such] the dog, and unaccompanied by the owner or
6 keeper. Every police officer, State dog warden, employee of the
7 department or animal control officer may humanely kill any dog
8 which is found running at large and is deemed after due
9 consideration by the police officer, State dog warden, employee
10 of the department or animal control officer to constitute a
11 threat to the public health and welfare.

12 (b) Licensed dogs.--The State dog warden or employee of the
13 department, the animal control officer, or the chief of police
14 or his agents of any city, borough, town or township, the
15 constable of any borough and the constable of any incorporated
16 town or township shall cause any dog bearing a proper license
17 tag or permanent identification and so seized and detained to be
18 properly kept and fed at any licensed kennel approved by the
19 secretary for [such] those purposes and shall cause immediate
20 notice, by registered or certified mail with return receipt
21 requested, to the person in whose name the license was procured,
22 or his agent, to claim [such] the dog within five days after
23 receipt thereof. The owner or claimant of a dog so detained
24 shall pay a penalty of [\$15] \$50 to the political subdivision
25 whose police officers make [such] the seizures and detention and
26 all reasonable expenses incurred by reason of its detention to
27 the detaining parties before the dog is returned. If five days
28 after obtaining the postal return receipt, [such] the dog has
29 not been claimed, such chief of police, or his agent, or a
30 constable, or State dog warden or employee of the department

1 shall dispense [such] the dog by sale or by giving it to a
2 humane society or association for the prevention of cruelty to
3 animals. No dog so caught and detained shall be sold for the
4 purpose of vivisection, or research, or be conveyed in any
5 manner for these purposes. All moneys derived from the sale of
6 [such] the dog, after deducting the expenses of its detention,
7 shall be paid through the Department of Agriculture to the State
8 Treasurer for credit to the Dog Law Restricted Account.

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

24 Section 13. Section 305 of the act is amended to read:
25 Section 305. Confinement and housing of dogs not part
26 of a kennel.

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

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

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

4 (3) under the reasonable control of some person, or when
5 engaged in lawful hunting, exhibition, performance events or
6 field training.

7 (b) Housing.--It shall be unlawful for the owner or keeper
8 of a dog to house the dog for any period of time in a drum,
9 barrel, refrigerator or freezer regardless of the material of
10 which the drum, barrel, refrigerator or freezer is constructed.

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

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

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

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

29 (1) The investigating officer shall be responsible for
30 notifying the bite victim of the medical results of the

1 offending dog's confinement. Any cost to the victim for
2 medical treatment resulting from an attacking or biting dog
3 must be paid fully by the owner or keeper of [such] the dog.
4 The Commonwealth shall not be liable for medical treatment
5 costs to the victim.

6 (2) (i) For the purpose of this subsection, the term
7 "medical results of the offending dog's confinement"
8 shall mean, except as provided in subparagraph (ii),
9 information as to whether the quarantined dog is still
10 alive and whether it is exhibiting any signs of being
11 infected with the rabies virus.

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

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

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

22 (a) Summary offense of harboring a dangerous dog.--Any
23 person who has been attacked by one or more dogs, or anyone on
24 behalf of [such] the person, a person whose domestic animal, DOG ←
25 OR CAT has been killed or injured without provocation, the State
26 dog warden or the local police officer may file a complaint
27 before a district justice, charging the owner or keeper of
28 [such] the a dog with harboring a dangerous dog. The owner or
29 keeper of the dog shall be guilty of the summary offense of
30 harboring a dangerous dog if the district justice finds beyond a

1 reasonable doubt that the following elements of the offense have
2 been proven:

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

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

6 (ii) Killed or inflicted severe injury on a domestic
7 animal, DOG OR CAT without provocation while off the owner's property. ←

9 (iii) Attacked a human being without provocation.

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

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

12 (i) A history of attacking human beings and/or
13 domestic animals, DOGS OR CATS without provocation. ←

14 (ii) A propensity to attack human beings and/or
15 domestic animals, DOGS OR CATS without provocation. A ←
16 propensity to attack may be proven by a single incident
17 of the conduct described in paragraph (1)(i), (ii), (iii)
18 or (iv).

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

20 (a.1) Effect of conviction.--A finding by a district justice
21 that a person is guilty under subsection (a) of harboring a
22 dangerous dog shall constitute a determination that the dog is a
23 dangerous dog for purposes of this act.

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

29 (c) Certificate of registration required.--It is unlawful
30 for an owner or keeper to have a dangerous dog without a

1 certificate of registration issued under this article. This
2 article shall not apply to dogs used by law enforcement
3 officials for police work, certified guide dogs for the blind,
4 hearing dogs for the deaf nor aid dogs for the handicapped.

5 (d) Disposition of dog during court proceedings.--An owner
6 or keeper of any dog who has been charged with harboring a
7 dangerous dog shall keep [such] the dog or dogs confined in a
8 proper enclosure or, when off the property of the owner or
9 keeper for purposes of veterinary care, muzzled and on a leash
10 until [such] the time a report is made under subsection (b). If
11 an appeal of a decision under subsection (b) is filed, [such]
12 the dog or dogs shall remain so confined until [such] the
13 proceedings are completed. It shall be unlawful for an owner or
14 keeper of a dog who has been charged with harboring a dangerous
15 dog to dispense, move, sell, OFFER TO SELL, give away or ←
16 transfer the dog in any manner except to [be] have it humanely
17 killed or move the dog to a licensed kennel if approved by the
18 investigating officer. A violation of this subsection shall
19 constitute a summary offense accompanied by a fine of not less
20 than [\$200] \$500.

21 Section 15. Sections 503-A and 504-A of the act, added May
22 31, 1990 (P.L.213, No.46), are amended to read:

23 Section 503-A. Requirements.

24 [(a) Enclosure and insurance.--The department shall issue,
25 upon payment of all fees under subsection (b), a certificate of
26 registration to the owner of such animal within 30 days of
27 notification, in writing, by the department that the dog has
28 been determined to be dangerous and that the owner presents
29 sufficient evidence of:

30 (1) A proper enclosure to confine a dangerous dog and

1 the posting of a premises with a clearly visible warning sign
2 that there is a dangerous dog on the property. In addition,
3 the owner shall conspicuously display a sign with a warning
4 symbol that informs children of the presence of a dangerous
5 dog.

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

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

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

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

4 (1) Present sufficient evidence of a proper enclosure to
5 confine a dangerous dog and the posting of a premises with a
6 clearly visible warning sign that there is a dangerous dog on
7 the property. In addition, the owner shall conspicuously
8 display a sign with a warning symbol that informs children of
9 the presence of a dangerous dog.

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

12 (3) Permanently identify the dangerous dog by having a
13 microchip implanted in the dangerous dog. The microchip shall
14 be implanted by a properly licensed doctor of veterinary
15 medicine and the costs shall be borne by the owner or keeper
16 of the dangerous dog. The owner or keeper of the dangerous
17 dog and the veterinarian implanting the microchip shall sign
18 a form, developed by the department, verifying the dangerous
19 dog has had a microchip implanted and setting forth the
20 microchip number.

21 (4) Have the dangerous dog spayed or neutered. The
22 spaying or neutering shall be done by a properly licensed
23 doctor of veterinary medicine and the costs shall be borne by
24 the owner or keeper of the dangerous dog. The owner or keeper
25 of the dangerous dog and the veterinarian performing the
26 spaying or neutering shall sign a form, developed by the
27 department, verifying the dangerous dog has been spayed or
28 neutered.

29 (5) Obtain:

30 (i) a surety bond in the amount of \$50,000 issued by

1 an insurer authorized to do business within this
2 Commonwealth, payable to any person injured by the
3 dangerous dog; or

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

14 (b) [Fee] Registration fee.--The registration fee for a
15 dangerous dog certificate shall be [\$25 or such] \$500 per
16 calendar year for the life of the dog plus an additional amount
17 set by the department as may be necessary to cover the costs of
18 issuing this registration and enforcing this section. This
19 registration fee shall be in addition to any other fees
20 collectable under this act and shall be credited to the Dog Law
21 Restricted Account for the purpose of administering and
22 enforcing this act.

23 (c) Uniform identifiable symbol.--The department shall have
24 the authority to establish a uniform identifiable symbol for
25 visual recognition of dangerous dogs. [The "Ugh Dog" symbol
26 developed by Animal-Vues may be adopted as the standard symbol
27 to identify dangerous dogs.]

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

30 (1) The owner shall maintain and not voluntarily cancel

1 the liability insurance required by this section during the
2 period for which licensing is sought unless the owner ceases
3 to own the dangerous dog prior to expiration of the license.

4 (2) The owner or keeper shall notify the Bureau of Dog
5 Law Enforcement, the State dog warden and the local police
6 department within 24 hours if a dangerous dog is on the
7 loose, is unconfined, has attacked another animal, has
8 attacked a human being, has died or has been sold or donated.
9 If the dangerous dog has been sold or donated, the owner
10 shall also provide the Bureau of Dog Law Enforcement and the
11 State dog warden with the name, address and telephone number
12 of the new owner or new address of the dangerous dog.

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

16 Section 504-A. Control of dangerous dogs.

17 It is unlawful for an owner or keeper of a dangerous dog to
18 permit the dog to be outside the proper enclosure unless the dog
19 is muzzled and restrained by a substantial chain or leash and
20 under physical restraint of a responsible person. The muzzle
21 shall be made in a manner that will not cause injury to the dog
22 or interfere with its vision or respiration but shall prevent it
23 from biting any person or animal or from destroying property
24 with its teeth.

25 Section 16. ~~Section 505-A, 603, 706, 802 and 901 of the act,~~ <—
26 ~~amended or added~~ OF THE ACT, AMENDED December 11, 1996 (P.L.943, <—
27 No.151), ~~are~~ IS amended to read: <—

28 Section 505-A. Public safety and penalties.

29 (a) Failure to register and restrain.--[A dangerous dog
30 shall be immediately confiscated by a State dog warden or a

1 police officer upon the occurrence of any of the following:] The
2 owner or keeper of a dangerous dog who violates any of the
3 following provisions on the first occurrence commits a
4 misdemeanor of the third degree IF: ←

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

6 (2) The owner [does not secure and maintain the
7 liability insurance coverage required under section 503-A.]
8 or keeper of a dangerous dog fails to comply with the
9 provisions of section 503-A or 504-A.

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

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

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

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

1 the proceedings are completed.

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

6 (a.3) Collection.--In cases of inability to collect the fine
7 assessed or failure of any person to pay all or a portion of the
8 fine, the secretary may refer the matter to the Office of
9 Attorney General, which shall institute an action in the
10 appropriate court to recover the fine.

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

1 quarantine and destruction to be borne by the dog's owner or
2 keeper.

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

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

1 under eighteen years of age, setting forth limitations, and
2 providing procedure for recovery."

3 (e) Mandatory reporting.--

4 (1) All known incidents of dog attacks shall be reported
5 to the State dog warden, who shall investigate each incident
6 and notify the department if a dog has been determined to be
7 dangerous.

8 (2) A State dog warden or police officer who has
9 knowledge of a dog which has attacked a person shall file a
10 written report summarizing the circumstances of the attack
11 with the police in the municipality where the owner of the
12 dog resides or if the attack occurred outside the owner's
13 municipality of residence, with the police having
14 jurisdiction in the municipality where the attack occurred.
15 The report shall be available for public inspection.

16 SECTION 16.1. SECTION 507-A(F) OF THE ACT, ADDED MAY 31,
17 1990 (P.L.213, NO.46), IS AMENDED TO READ:

<—

18 SECTION 507-A. CONSTRUCTION OF ARTICLE.

19 * * *

20 (F) PROCEDURE IN CERTAIN CITIES.--IN CITIES OF THE FIRST
21 CLASS, SECOND CLASS AND SECOND CLASS A, THE FOLLOWING PROCEDURE
22 SHALL APPLY:

23 (1) A PERSON WHO HAS BEEN ATTACKED BY A DOG, OR ANYONE
24 ON BEHALF OF SUCH PERSON, OR A PERSON WHOSE DOMESTIC ANIMAL,
25 DOG OR CAT HAS BEEN KILLED OR INJURED WITHOUT PROVOCATION
26 WHILE THE ATTACKING DOG WAS OFF THE OWNER'S PROPERTY OR A
27 POLICE OFFICER OR AN ANIMAL CONTROL OFFICER EMPLOYED BY OR
28 UNDER CONTRACT WITH THE CITY MAY MAKE A COMPLAINT BEFORE A
29 DISTRICT JUSTICE, CHARGING THE OWNER OR KEEPER OF SUCH A DOG
30 WITH HARBORING A DANGEROUS DOG. THE DISTRICT JUSTICE SHALL

1 MAKE A REPORT OF THE DETERMINATION UNDER SECTION 502-A(A) TO
2 THE POLICE OR AN ANIMAL CONTROL OFFICER EMPLOYED BY OR UNDER
3 CONTRACT WITH THE CITY AND TO THE BUREAU OF DOG LAW
4 ENFORCEMENT. THE BUREAU OF DOG LAW ENFORCEMENT SHALL GIVE
5 NOTICE OF THIS DETERMINATION TO THE RESPECTIVE CITY
6 TREASURER.

7 * * *

8 SECTION 16.2. SECTIONS 602, 603, 706, 802 AND 901 OF THE
9 ACT, AMENDED OR ADDED DECEMBER 11, 1996 (P.L.943, NO.151), ARE
10 AMENDED TO READ:

11 SECTION 602. DOGS USED FOR LAW ENFORCEMENT.

12 (A) ILLEGAL TO TAUNT LAW ENFORCEMENT DOGS.--IT SHALL BE
13 UNLAWFUL FOR ANY PERSON TO WILLFULLY AND MALICIOUSLY TAUNT,
14 TORMENT, TEASE, BEAT, KICK OR STRIKE ANY DOG, INCLUDING ANY
15 SEARCH AND RESCUE OR [ACCELERANT] DETECTION DOGS, USED BY ANY
16 MUNICIPAL, COUNTY OR STATE POLICE OR SHERIFF'S DEPARTMENT OR
17 AGENCY, FIRE DEPARTMENT OR AGENCY OR HANDLER UNDER THE
18 SUPERVISION OF SUCH DEPARTMENT OR AGENCY, IN THE PERFORMANCE OF
19 THE FUNCTIONS OR DUTIES OF SUCH DEPARTMENT OR AGENCY OR TO
20 COMMIT ANY OF THE STATED ACTS IN THE COURSE OF INTERFERING WITH
21 ANY SUCH DOG USED BY THE DEPARTMENT OR AGENCY OR ANY MEMBER OR
22 SUPERVISED HANDLER THEREOF IN THE PERFORMANCE OF THE FUNCTIONS
23 OR DUTIES OF THE DEPARTMENT OR AGENCY OR OF SUCH OFFICER OR
24 MEMBER OR SUPERVISED HANDLER. ANY PERSON WHO VIOLATES ANY OF THE
25 PROVISIONS OF THIS SUBSECTION COMMITS A FELONY OF THE THIRD
26 DEGREE.

27 (B) ILLEGAL TO TORTURE CERTAIN DOGS.--IT SHALL BE UNLAWFUL
28 FOR ANY PERSON TO WILLFULLY OR MALICIOUSLY TORTURE, MUTILATE,
29 INJURE, DISABLE, POISON OR KILL ANY DOG, INCLUDING ANY SEARCH
30 AND RESCUE OR [ACCELERANT] DETECTION DOG, USED BY ANY MUNICIPAL,

1 COUNTY OR STATE POLICE OR SHERIFF'S DEPARTMENT OR AGENCY, FIRE
2 DEPARTMENT OR AGENCY OR HANDLER UNDER THE SUPERVISION OF SUCH
3 DEPARTMENT OR AGENCY, IN THE PERFORMANCE OF THE FUNCTIONS OR
4 DUTIES OF THE DEPARTMENT OR AGENCY OR TO COMMIT ANY OF THE
5 STATED ACTS IN THE COURSE OF INTERFERING WITH ANY SUCH DOG USED
6 BY THE DEPARTMENT OR AGENCY OR ANY MEMBER OR SUPERVISED HANDLER
7 THEREOF IN THE PERFORMANCE OF ANY OF THE FUNCTIONS OR DUTIES OF
8 THE DEPARTMENT OR AGENCY OR OF SUCH OFFICER OR MEMBER OR
9 SUPERVISED HANDLER. ANY PERSON WHO VIOLATES ANY OF THE
10 PROVISIONS OF THIS SUBSECTION COMMITS A FELONY OF THE THIRD
11 DEGREE.

12 (C) ILLEGAL TO DENY FACILITIES OR SERVICE DUE TO POLICE DOG
13 USE.--IT SHALL BE UNLAWFUL FOR THE PROPRIETOR, MANAGER OR
14 EMPLOYEE OF A THEATER, HOTEL, MOTEL, RESTAURANT OR OTHER PLACE
15 OF ENTERTAINMENT, AMUSEMENT OR ACCOMMODATION TO REFUSE, WITHHOLD
16 FROM OR DENY TO ANY PERSON, DUE TO THE USE OF A WORKING POLICE
17 DOG USED BY ANY STATE OR COUNTY OR MUNICIPAL POLICE OR SHERIFF'S
18 DEPARTMENT OR AGENCY, EITHER DIRECTLY OR INDIRECTLY, ANY OF THE
19 ACCOMMODATIONS, ADVANTAGES, FACILITIES OR PRIVILEGES OF THE
20 THEATER, HOTEL, MOTEL, RESTAURANT OR OTHER PLACE OF PUBLIC
21 ENTERTAINMENT, AMUSEMENT OR ACCOMMODATION. ANY PERSON WHO
22 VIOLATES ANY OF THE PROVISIONS OF THIS SUBSECTION COMMITS A
23 MISDEMEANOR OF THE THIRD DEGREE.

24 (D) QUARANTINE OF CERTAIN DOGS NOT REQUIRED.--QUARANTINE OF
25 DOGS AS REQUIRED BY LAW SHALL NOT APPLY TO DOGS OWNED BY ANY
26 MUNICIPAL OR STATE POLICE DEPARTMENT OR AGENCY WHEN SUCH DOGS
27 ARE UNDER THE DIRECT SUPERVISION AND CARE OF A POLICE OFFICER
28 AND SUBJECT TO ROUTINE VETERINARY CARE.

29 Section 603. Selling, bartering or trading dogs.

30 (a) Illegal transfers.--It shall be unlawful to offer a dog

1 as an inducement to purchase a product, commodity or service.
2 The sale of a dog by a licensed kennel shall not be considered
3 to be an inducement.

4 (b) Illegal to transfer ownership of certain puppies.--It
5 shall be unlawful to barter, trade, raffle, sell, auction or in
6 any way transfer ownership of a dog under [seven] eight weeks of
7 age, unless the dog has been orphaned and it becomes necessary
8 to transfer ownership of the orphaned dog to a nonprofit kennel,
9 or from a nonprofit kennel with approval by a licensed doctor of
10 veterinary medicine.

11 (c) Illegal for certain persons to transfer dogs.--It shall
12 be unlawful for any person to buy, sell, OFFER TO SELL, ←
13 transfer, barter, trade, raffle, auction or rent a dog at any
14 public place in this Commonwealth other than a kennel licensed
15 pursuant to this act, or a dog show or field trial sponsored by
16 a recognized breed or kennel association or transfer by a rescue
17 network kennel within its own network or to another rescue
18 network kennel. If a purchase, sale, transfer, barter, trade,
19 raffle, auction or rental of a dog occurs at or on the premises
20 of a kennel, the transaction shall be unlawful unless one of the
21 parties to the transaction is an employee, volunteer or other
22 person acting as an authorized representative of the kennel.
23 Section 706. Damages caused by coyotes; complaints; liability.

24 (a) Reimbursement.--A person may make application to the
25 department for reimbursement for damage to a domestic animal by
26 a coyote, whether or not the domestic animal is directly damaged
27 by the coyote or is necessarily destroyed due to damage caused
28 by the coyote, if the damage occurs when the domestic animal is
29 confined in a field or other enclosure adequate for confinement
30 of such animal.

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

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

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

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

8 (c) Limitation.--A written complaint under subsection (b)
9 must be filed within five business days of discovery of the
10 damage.

11 (d) Investigation.--Within 48 hours of receipt of a
12 complaint under subsection (b), a State dog warden shall
13 investigate the complaint by examining the site of the
14 occurrence. The State dog warden may examine witnesses under
15 oath or affirmation.

16 (e) Determination.--

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

20 (i) A dismissal of the complaint.

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

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

28 (f) Arbitration[.--

29 (1) If the complainant does not agree to the damage
30 award under subsection (e)(1)(ii), the complainant and the

1 State dog warden shall appoint a disinterested, qualified
2 citizen to act as arbitrator.

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

6 (3) The arbitrator shall receive appropriate
7 compensation paid by the complainant.] disallowed.--
8 Arbitration shall not be permitted under this section or
9 section 701.1(f).

10 (g) Administrative appeal.--

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

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

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

17 (i) Affirming the original determination.

18 (ii) Modifying the original determination.

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

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

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

30 ~~(i) Payment of claims. All damage claims shall be paid from~~ <—

1 ~~the Dog Law Restricted Account. No payment shall be made for any~~

2 (I) PAYMENT OF CLAIMS.--

<—

3 (1) ALL DAMAGE CLAIMS SHALL BE PAID FROM THE DOG LAW
4 RESTRICTED ACCOUNT. NO PAYMENT SHALL BE MADE FOR ANY claim
5 which has already been paid by the claimant's insurance
6 carrier. The claimant shall certify to the department that he
7 has not received payment for any damages under this section
8 by any person. Claims paid under this section shall not
9 exceed ~~[\$20,000]~~ \$50,000 annually.

<—

10 (2) IF IN ANY GIVEN YEAR DAMAGE CLAIMS EXCEED THE
11 ALLOCATION FOR THIS SUBSECTION, THOSE CLAIMS LEFT UNPAID AT
12 THE END OF THE FISCAL YEAR SHALL BE PAID FROM THE ACCOUNT
13 FIRST DURING THE FOLLOWING YEAR.

<—

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

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

<—

<—

27 (b) Age and name.--In a proceeding under this act, the
28 burden of proof of the age of a dog shall be on the owner of the
29 dog. It shall be unlawful for a person dealing in and with dogs
30 to use a false or fictitious name unless the name is registered

1 with the Commonwealth.

2 Section 901. Enforcement of this act by the secretary;

3 provisions for inspections.

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

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

25 (b.1) Training requirements.--The department shall establish
26 a program for initial training of dog wardens and employees of
27 the department which must include, at a minimum, a total of [56]
28 64 hours of instruction, in accordance with [paragraphs (1), (2)
29 and (3).] this subsection. The following shall apply:

30 (1) The program for initial training of dog wardens must

1 include at least 32 hours of instruction in the following
2 group of instructional areas:

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

4 (ii) Care and treatment of dogs, INCLUDING BREED AND ←

5 USE VARIABILITY.

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

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

11 (i) Dog handling and humane capture.

12 (ii) Preliminary recognition of dog pathology.

13 (iii) Proper dog sanitation and shelter.

14 (iv) Kennel inspection procedures.

15 (v) Biosecurity risks, techniques and protocol.

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

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

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

29 (1) The act of June 18, 1974 (P.L.359, No.120), referred
30 to as the Municipal Police Education and Training Law.

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

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

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

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

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

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

1 person has, under subsection (b.2), received approval of the
2 secretary and been certified in the use and handling of
3 firearms.] (Reserved).

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

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

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

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

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

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

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

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

29 (4) Knowingly failed to enforce any of the provisions of
30 this act.

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

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

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

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

15 (2) A representative of animal research establishments.

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

18 (4) Two representatives of animal welfare organizations.

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

21 (6) A representative of dog clubs.

22 (7) A representative of commercial kennels.

23 (8) A representative of pet store kennels.

24 (9) A representative of sportsmen.

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

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

28 (12) A county treasurer.

29 (13) A representative of hunting-sporting dog
30 organizations.

1 (14) A representative of the police.

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

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

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

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

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

21 ~~Section 17. Section 902 of the act is amended to read:~~ <—

22 ~~Section 902. Rules and regulations.~~

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

26 Section 18 17. Section 903 of the act, amended December 11, <—

27 1996 (P.L.943, No.151), is amended to read:

28 Section 903. [Violations.

29 Unless heretofore provided, any person found in violation of
30 any provision of Article II through Article VIII of this act

1 shall be guilty of a summary offense for the first violation and
2 for a second and subsequent violation which occurs within one
3 year of sentencing for the first violation shall be guilty of a
4 misdemeanor of the third degree.] Enforcement and penalties.

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

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

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

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

24 ~~(c) Civil penalty.—~~

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

1 ~~amount of the penalty are:~~

2 ~~(i) The gravity of the violation.~~

3 ~~(ii) The potential harm to the public.~~

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

5 ~~(iv) The willfulness of the violation.~~

6 ~~(v) Previous violations.~~

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

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

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

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

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

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

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

9 (A) CIVIL PENALTY.-- ←

10 (1) WHERE THE BUREAU OF DOG LAW ENFORCEMENT FINDS THAT
11 THE FIRST VIOLATION OF A PROVISION OF THIS ACT OR A RULE OR
12 REGULATION ADOPTED UNDER THIS ACT BY A LICENSEE HAS OCCURRED,
13 IT WILL, FOR THE VIOLATIONS FOUND DURING THAT INSPECTION,
14 ISSUE A NOTICE OF VIOLATION (NOV) TO THE KENNEL OWNER IN LIEU
15 OF ASSESSING A CIVIL PENALTY. WHERE THE KENNEL OWNER OR
16 OPERATOR TAKES ACTION IN THE TIME PERIOD PROVIDED IN THE NOV
17 TO CORRECT THE VIOLATION SET FORTH IN THE NOV AND COME INTO
18 COMPLIANCE, NO CIVIL PENALTY SHALL BE ISSUED FOR A VIOLATION
19 WHICH IS CORRECTED. THE TIME PERIOD TO COME INTO COMPLIANCE
20 SHALL BE BASED ON THE TIME REASONABLY NECESSARY TO CORRECT
21 THE VIOLATION.

22 (2) (1) THE BUREAU OF DOG LAW ENFORCEMENT MAY ASSESS A
23 CIVIL PENALTY OF NOT LESS THAN \$100 NOR MORE THAN \$1,000
24 PER DAY FOR EACH OFFENSE WHERE THE KENNEL OWNER:

25 (A) HAS NOT TAKEN THE REMEDIAL MEASURES REQUIRED
26 BY AND NECESSARY TO COMPLY WITH THE NOV ISSUED UNDER
27 PARAGRAPH (1); OR

28 (B) WHERE THE KENNEL OWNER HAS ALREADY BEEN
29 ISSUED ONE NOV IN ANY CALENDAR YEAR AND THE
30 DEPARTMENT FINDS A SUBSEQUENT VIOLATION OF THIS ACT

1 OR A RULE OR REGULATION ADOPTED UNDER THIS ACT.

2 (II) IN DETERMINING THE AMOUNT OF THE PENALTY, THE
3 DEPARTMENT SHALL SET FORTH IN WRITING THE BASIS FOR THE
4 AMOUNT OF THE PENALTY, DETAILING ITS EVALUATION OF THE
5 IMPACT OF THE FOLLOWING FACTORS:

6 (A) THE GRAVITY OF THE VIOLATION.

7 (B) THE POTENTIAL HARM TO THE PUBLIC.

8 (C) THE POTENTIAL EFFECT ON THE DOG OR DOGS.

9 (D) THE WILLFULNESS OF THE VIOLATION.

10 (E) PREVIOUS VIOLATIONS.

11 (F) THE ECONOMIC BENEFIT TO THE VIOLATOR FOR
12 FAILING TO COMPLY WITH THIS ACT OR RULES OR
13 REGULATIONS ADOPTED UNDER THIS ACT.

14 (III) THE DEPARTMENT SHALL PROVIDE WRITTEN NOTICE OF
15 THE PENALTY AMOUNT AS WELL AS THE GENERAL FACTUAL AND
16 LEGAL BASIS FOR THE PENALTY, AND SHALL ADVISE THE
17 AFFECTED PERSON THAT WITHIN TEN DAYS OF RECEIPT OF THE
18 NOTICE HE MAY FILE WITH THE SECRETARY A WRITTEN REQUEST
19 FOR AN ADMINISTRATIVE HEARING. UNLESS A TIMELY REQUEST
20 HAS BEEN FILED, THE WRITTEN NOTICE SHALL BECOME FINAL.

21 (3) IN CASES OF INABILITY TO COLLECT THE CIVIL PENALTY
22 OR FAILURE OF ANY PERSON TO PAY ALL OR A PORTION OF THE
23 PENALTY, THE BUREAU OF DOG LAW ENFORCEMENT MAY REFER THE
24 MATTER TO THE OFFICE OF GENERAL COUNSEL OR THE OFFICE OF
25 ATTORNEY GENERAL, WHICH SHALL INSTITUTE AN ACTION IN THE
26 APPROPRIATE COURT TO RECOVER THE PENALTY.

27 (B) CRIMINAL PENALTIES.--UNLESS OTHERWISE PROVIDED UNDER
28 THIS ACT, A PERSON WHO VIOLATES A PROVISION OF ARTICLES II
29 THROUGH VII OR A RULE OR REGULATION ADOPTED OR ORDER ISSUED
30 UNDER THIS ACT COMMITS THE FOLLOWING:

1 (1) FOR THE FIRST OFFENSE, A SUMMARY OFFENSE AND SHALL,
2 UPON CONVICTION, BE SENTENCED FOR EACH OFFENSE TO PAY A FINE
3 OF NOT LESS THAN \$100 NOR MORE THAN \$500 OR TO IMPRISONMENT
4 FOR NOT MORE THAN 90 DAYS, OR BOTH.

5 (2) FOR A SUBSEQUENT OFFENSE THAT OCCURS WITHIN ONE YEAR
6 OF SENTENCING FOR THE PRIOR VIOLATION, A MISDEMEANOR OF THE
7 THIRD DEGREE AND SHALL, UPON CONVICTION, BE SENTENCED FOR
8 EACH OFFENSE TO PAY A FINE OF NOT LESS THAN \$500 NOR MORE
9 THAN \$1,000 PLUS COSTS OF PROSECUTION OR TO IMPRISONMENT OF
10 NOT MORE THAN ONE YEAR, OR BOTH.

11 (3) UPON CONVICTION FOR AN OFFENSE, AS SET FORTH IN
12 PARAGRAPHS (1) AND (2), AND SOLELY FOR THE PURPOSE OF
13 DETERMINING THE AMOUNT OF THE FINE TO BE IMPOSED FOR EACH
14 OFFENSE OR THE TERM OF IMPRISONMENT, OR BOTH, THE COURT SHALL
15 CONSIDER THE FOLLOWING FACTORS:

16 (I) THE GRAVITY OF THE OFFENSE.

17 (II) THE POTENTIAL EFFECT OF THE OFFENSE ON THE DOG
18 OR DOGS.

19 (III) THE NUMBER OF DOGS AFFECTED OR ENDANGERED BY
20 THE OFFENSE.

21 (IV) THE VIOLATOR'S CRIMINAL HISTORY, INCLUDING PAST
22 VIOLATIONS OF THIS ACT.

23 (V) THE ECONOMIC BENEFIT TO THE VIOLATOR FOR FAILING
24 TO COMPLY WITH THIS ACT OR A RULE OR REGULATION ADOPTED
25 THEREUNDER.

26 (C) REPRESENTATION.--UPON PRIOR AUTHORIZATION AND APPROVAL
27 OF THE DISTRICT ATTORNEY FOR THE COUNTY IN WHICH THE PROCEEDING
28 IS HELD, A STATE DOG WARDEN MAY BE REPRESENTED IN ANY PROCEEDING
29 UNDER THIS SECTION BY AN ATTORNEY EMPLOYED BY THE OFFICE OF
30 GENERAL COUNSEL.

1 (D) CIVIL REMEDIES.--IN ADDITION TO ANY OTHER REMEDIES SET
2 FORTH UNDER THIS ACT, A VIOLATION OF THIS ACT OR THE REGULATIONS
3 PROMULGATED UNDER THIS ACT SHALL BE ABATABLE IN THE MANNER
4 PROVIDED BY LAW OR EQUITY.

5 (E) EQUITABLE RELIEF.--IN CASES WHERE THE CIRCUMSTANCES
6 REQUIRE IT, A MANDATORY PRELIMINARY INJUNCTION, SPECIAL
7 INJUNCTION OR TEMPORARY RESTRAINING ORDER MAY BE ISSUED UPON THE
8 TERMS PRESCRIBED BY THE COURT, PROVIDED SUCH NOTICE OF THE
9 APPLICATION HAS BEEN GIVEN TO THE RESPONDENT IN ACCORDANCE WITH
10 THE RULES OF EQUITY PRACTICE. IN ANY SUCH PROCEEDING, THE COURT
11 SHALL ISSUE A PROHIBITORY OR MANDATORY INJUNCTION IF IT FINDS
12 THAT THE RESPONDENT IS ENGAGING IN UNLAWFUL CONDUCT AS DEFINED
13 UNDER THIS ACT OR IS ENGAGING IN CONDUCT WHICH IS CAUSING
14 IMMEDIATE AND IRREPARABLE HARM TO THE PUBLIC. IN ADDITION TO THE
15 INJUNCTION, THE COURT IN SUCH EQUITY PROCEEDING MAY ASSESS CIVIL
16 PENALTIES IN ACCORDANCE WITH THIS SECTION.

17 (F) PENALTIES COLLECTED.--ALL CIVIL PENALTIES COLLECTED
18 UNDER THIS ACT SHALL BE REMITTED TO THE DOG LAW RESTRICTED
19 ACCOUNT.

20 (G) LIMITATION ON PENALTY.--A VIOLATION OF THIS ACT CANNOT
21 RESULT IN THE ISSUANCE OF A CIVIL PENALTY UNDER SUBSECTION
22 (A)(2) AND THE PURSUIT OF A CRIMINAL PENALTY UNDER SUBSECTION
23 (B).

24 (H) VIOLATION.--EACH DAY THERE IS A VIOLATION MAY COUNT AS A
25 SEPARATE VIOLATION OF THE ACT.

26 Section ~~19~~ 18. The act is amended by adding a section to <—
27 read:

28 Section 908. Exemption.

29 Research kennels in this Commonwealth that are currently
30 registered with and inspected by the Federal Government under

1 the Animal Welfare Act (Public Law 89-544, 7 U.S.C. § 2131 et
2 seq.) shall be exempt from this act and regulations promulgated
3 under this act if they can provide documentation to the
4 department demonstrating that the research kennel has undergone
5 at least one Federal inspection in the last 12 months and the
6 research kennel sill maintains a valid Federal registration.
7 Submission of such evidence of Federal inspection and
8 registration by documentation to the department may be
9 established by regulation.

10 Section ~~20~~ 19. The definition of "releasing agency" in <—
11 section 901-A of the act, added December 11, 1996 (P.L.943,
12 No.151), is amended to read:

13 Section 901-A. Definitions.

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

17 * * *

18 "Releasing agency." A public or private pound, animal
19 shelter, humane society, society for the prevention of cruelty
20 to animals, ~~rescue kennel network~~ NETWORK KENNEL or other <—
21 similar entity that releases a dog or cat for adoption.

22 * * *

23 Section ~~21~~ 20. This act shall take effect as follows: <—

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

26 (2) The remainder of this act shall take effect
27 ~~immediately~~ IN 60 DAYS. <—