

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 852 Session of
2007

INTRODUCED BY BOSCOLA, FUMO, LAVALLE, TARTAGLIONE, FONTANA,
FERLO AND LOGAN, MAY 9, 2007

REFERRED TO AGRICULTURE AND RURAL AFFAIRS, MAY 9, 2007

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 applications for dog licenses, for kennels,
16 for requirements for kennels, for out-of-State dealer
17 license, for bills of sale, for revocation, suspension or
18 refusal of kennel licenses, for transportation of dogs, for
19 health certificates for importation, for inspections of
20 premises and dogs, for additional duties of department, for
21 seizure and detention of dogs and for interference with
22 police officer or State dog warden; providing for authority
23 to seize dogs in distress; further providing for enforcement,
24 for rules and regulations and for violations; and making
25 editorial changes.

26 The General Assembly of the Commonwealth of Pennsylvania
27 hereby enacts as follows:

28 Section 1. The definitions of "dealer," "domestic animal,"
29 "kennel," "nonprofit kennel" and "police officer" in section 102

1 of the act of December 7, 1982 (P.L.784, No.225), known as the
2 Dog Law, amended December 11, 1996 (P.L.943, No.151), are
3 amended and the section is amended by adding definitions to
4 read:

5 Section 102. Definitions.

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

9 * * *

10 "Confiscate." To appropriate property to the use of the
11 government or to adjudge property to be forfeited to the public,
12 without compensation to the owner of the property.

13 * * *

14 "Dealer." [Any person who owns or operates a dealer kennel
15 in this Commonwealth or who] A person that buys, receives,
16 sells, exchanges, negotiates, barter or solicits the sale,
17 resale, exchange or transfer of [a dog] 26 or more dogs in a
18 calendar year in this Commonwealth for the purpose of
19 transferring ownership or possession to a third party.

20 * * *

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

25 * * *

26 "Kennel." Any establishment [wherein] in which dogs are kept
27 as pets or for the purpose of breeding, hunting, training,
28 renting, research or vivisection, buying, boarding, sale,
29 rescue, show or any other similar purpose and is so constructed
30 that dogs cannot stray therefrom.

1 "Law enforcement officer." The term shall have the same
2 meaning given to it in Pa.R.Crim.P. 103 (relating to
3 definitions). The term shall include a dog warden.

4 * * *

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

18 * * *

19 "Police officer." [Any person employed or elected by this
20 Commonwealth, or by any municipality and whose duty it is to
21 preserve peace or to make arrests or to enforce the law. The
22 term includes constables and dog, game, fish and forest
23 wardens.] The term shall have the same meaning given to it in
24 Pa.R.Crim.P. No. 103 (relating to definitions).

25 * * *

26 "Rescue kennel." A kennel and an establishment in which dogs
27 are kept, harbored, boarded, sheltered or maintained for the
28 purpose of preventing their death or destruction or providing
29 humane living conditions with the goal of ultimately
30 transferring them to a permanent owner or keeper through sale.

1 gift, donation, adoption, exchange or any other means of
2 transfer.

3 * * *

4 "Seizure." The act of taking possession of property for a
5 violation of law or the taking or removal from the possession of
6 another. The term shall not include the taking of ownership of
7 property.

8 * * *

9 "Temporary home." A place, other than a licensed kennel or
10 veterinary office, where an individual, person, owner or keeper,
11 keeps, maintains, breeds, harbors, boards or shelters a dog on
12 behalf of another person, organization, business or operation
13 for the purpose of later selling, giving away, adopting,
14 exchanging or transferring the dog. The term shall include a
15 personal home, land, property, premises or housing facility or
16 any combination of personal home, land, property, premises or
17 housing facility.

18 * * *

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

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

22 * * *

23 (c) Penalty.--A person who violates this section commits a
24 summary offense and, upon conviction, shall be sentenced to pay
25 a fine of not less than [\$25] \$50 nor more than \$300 for each
26 unlicensed dog. Fraudulent statements, including those related
27 to the breed of the dog or failure to pay the appropriate fee,
28 including checks returned for insufficient funds, shall void the
29 license issued and shall result in the removal of the tag from
30 the dog. The department may also take appropriate legal action

1 including fines and civil penalties, the issuance of citations
2 or filing of other criminal charges.

3 Section 206. Kennels.

4 (a) Applications, kennel license classifications and fees.--

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

26 Dealer License.

27 A dealer, whether residing in this Commonwealth or outside
28 this Commonwealth, who sells, exchanges, negotiates, barter,
29 gives away or solicits the sale, resale, exchange or transfer of
30 a dog in this Commonwealth for the purpose of transferring

1 ownership or possession to a third party shall obtain a dealer
2 license from the department, which shall be renewed on a
3 calendar-year basis.

4 Kennel Class I.

5 To keep or operate a private kennel, pet shop-kennel,
6 research kennel, rescue kennel, dealer kennel or breeding kennel
7 for a cumulative total of 50 dogs or less of any age during a
8 calendar year [- \$75 per year]. The owner of such a kennel shall
9 apply for and receive a Kennel Class I license, which shall be
10 renewed on a calendar-year basis.

11 Kennel Class II.

12 To keep or operate a private kennel, pet-shop kennel,
13 research kennel, rescue kennel, dealer kennel or breeding kennel
14 for a cumulative total of 51 to 100 dogs of any age during a
15 calendar year [- \$200 per year]. The owner of such a kennel
16 shall apply for and receive a Kennel Class II license, which
17 shall be renewed on a calendar-year basis.

18 Kennel Class III

19 To keep or operate a private kennel, pet shop-kennel,
20 research kennel, rescue kennel, dealer kennel or breeding kennel
21 for a cumulative total of 101 to 150 dogs of any age during a
22 calendar year [- \$300 per year]. The owner of such a kennel
23 shall apply for and receive a Kennel Class III license, which
24 shall be renewed on a calendar-year basis.

25 Kennel Class IV

26 To keep or operate a private kennel, pet shop-kennel,
27 research kennel, rescue kennel, dealer kennel or breeding kennel
28 for a cumulative total of 151 to 250 dogs of any age during a
29 calendar year [- \$400 per year]. The owner of such a kennel
30 shall apply for and receive a Kennel Class IV license, which

1 shall be renewed on a calendar-year basis.

2 Kennel Class V

3 To keep or operate a private kennel, pet shop-kennel,
4 research kennel, rescue kennel, dealer kennel or breeding kennel
5 for a cumulative total of 251 or more dogs of any age during a
6 calendar year [- \$500 per year]. The owner of such a kennel
7 shall apply for and receive a Kennel Class V license, which
8 shall be renewed on a calendar-year basis.

9 Boarding Kennel Class I

10 To keep or operate a boarding kennel having the capacity to
11 accommodate a total of 1 to 10 dogs at any time during a
12 calendar year [- \$100 per year]. The owner of such a kennel
13 shall apply for and receive a Boarding Kennel Class I license,
14 which shall be renewed on a calendar-year basis.

15 Boarding Kennel Class II

16 To keep or operate a boarding kennel having the capacity to
17 accommodate a total of 11 to 25 dogs at any time during a
18 calendar year [- \$150 per year]. The owner of such a kennel
19 shall apply for and receive a Boarding Kennel Class II license,
20 which shall be renewed on a calendar-year basis.

21 Boarding Kennel Class III

22 To keep or operate a boarding kennel having the capacity to
23 accommodate 26 or more dogs at any time during a calendar year
24 [- \$250 per year]. The owner of such a kennel shall apply for
25 and receive a Boarding Kennel Class III license, which shall be
26 renewed on a calendar-year basis.

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

28 (b) Nonprofit kennels.--A nonprofit kennel shall apply for a
29 nonprofit kennel license. Such kennel may use its own
30 identification tags for dogs confined therein. The secretary may

1 approve, upon application, the removal of tags from licensed
2 dogs confined therein. The owner of such a kennel shall apply
3 for and receive a Nonprofit Kennel license, which shall be
4 renewed on a calendar-year basis at the cost established by
5 regulation.

6 (d) Issuance of tags.--The department shall issue the number
7 of tags equal to the number of dogs three months of age or
8 older, or a lesser number as determined by the kennel owner's
9 needs, approved by the secretary to be kept in a kennel
10 described under this section. All tags shall bear the name of
11 the county where they are issued, the kennel license number and
12 any other information required by the secretary through
13 regulations.

14 (e) Kennel moved, closed or removed to another county.--If a
15 person that keeps or operates a kennel moves, closes or
16 permanently removes the kennel to another county, the person
17 shall file an application with the secretary [to transfer the
18 license to the county of removal] notifying the secretary of the
19 move, closure or transfer. Upon approval by the secretary, which
20 shall require an inspection and approval of the new facility,
21 the kennel license shall be allowed to remain in effect until
22 [it has expired pursuant to this section.] the end of the
23 calendar year at which time it shall be renewed in accordance
24 with this act. If a kennel is closing, the secretary must
25 conduct a post-closure inspection.

26 (f) Adequacy of fees.--On or before July 1[, 1998] of each
27 year, the department shall submit a report to the chairperson
28 and minority chairperson of the Agriculture and Rural Affairs
29 Committee of the Senate and the chairperson and minority
30 chairperson of the Agriculture and Rural Affairs Committee of

1 the House of Representatives comparing the expenses incurred by
2 the department for enforcing this act with regard to kennels and
3 the revenues received by the department in accordance with this
4 section.

5 Section 3. Section 207(a.1) and (c) of the act, amended
6 December 11, 1996 (P.L.943, No.151), are amended and the section
7 is amended by adding subsections to read:

8 Section 207. Requirements for kennels.

9 (a.1) Prohibition to operate; injunction; fines.--It shall
10 be unlawful for kennels described under section 206 to operate
11 without first obtaining a kennel license from the department.
12 The secretary shall not approve any kennel license application
13 unless such kennel has been inspected and approved by a State
14 dog warden or employee of the department. [The secretary may
15 file a suit in equity in the Commonwealth Court to enjoin the
16 operation of any kennel that violates any of the provisions of
17 this act. In addition, the secretary may seek in such suit the
18 imposition of a fine for every day in violation of this act for
19 an amount not less than \$100 nor more than \$500 per day.]

20 (a.2) Civil penalties and remedies.--The following shall
21 apply to civil penalties and remedies:

22 (1) (i) In addition to proceeding under any other
23 remedy available at law or in equity for a violation of a
24 provision of this act or a rule or regulation adopted or
25 order issued under this act, the secretary may assess a
26 civil penalty against an unlicensed kennel of not less
27 than \$500 nor more than \$1,000 for each day it operates
28 in violation of this act. The penalty shall be premised
29 on the gravity and willfulness of the violation, the
30 potential harm to the health and safety of the animals

1 and the public, previous violations and the economic
2 benefit to the violator for failing to comply with this
3 act. The secretary may issue a warning in lieu of
4 assessing a penalty where the kennel owner or operator,
5 upon notice, takes immediate action to resolve the
6 violation and comes into compliance with all provisions
7 of this act or a rule or regulation adopted or order
8 issued under this act.

9 (ii) In addition to subparagraph (i), the secretary
10 may issue citations and assess a civil penalty for a
11 violation of a rule or regulation adopted or order issued
12 under this act, which shall be not less than \$100 nor
13 more than \$500 for each day of violation.

14 (2) In cases of inability to collect the civil penalty
15 or failure of a person to pay all or a portion of the
16 penalty, the secretary may refer the matter to the Office of
17 Attorney General, which shall institute an action in the
18 appropriate court to recover the penalty. Any penalty
19 assessed shall act as a lien on the property of the person
20 against whom the penalty has been assessed.

21 (3) In addition to proceeding under any other remedy
22 available at law or in equity for a violation of a provision
23 of this act or a rule or regulation adopted or order issued
24 under this act, the secretary may issue orders as are
25 necessary to aid in the enforcement of the provisions of this
26 act, including an order which shall require the owner or
27 operator of an unlicensed kennel to cease and desist from
28 operation of a kennel until such time as the owner or
29 operator has come into compliance with all the provisions of
30 this act and any rule or regulation adopted under this act.

1 In addition, the order may impose civil penalties as are
2 allowed for under this act. The order may provide a
3 reasonable time period for the owner or operator to come into
4 compliance and shall provide the opportunity for a hearing.
5 If the owner or operator of an unlicensed kennel does not
6 comply with the order or come into compliance with the
7 licensure provisions of this act, the owner or operator of
8 the unlicensed kennel shall forfeit all dogs found in the
9 kennel. Upon forfeiture, the dogs shall be placed in a
10 licensed kennel or humane society kennel or shelter. The
11 costs of kenneling or euthanizing or both shall be paid by
12 the person against whom the order was issued.

13 (4) In cases where the circumstances require it or the
14 safety or health of the dogs or the public is endangered, a
15 mandatory preliminary injunction, special injunction or
16 temporary restraining order may be issued upon the terms
17 prescribed by the court of common pleas. The secretary,
18 Attorney General, General Counsel or the district attorney
19 shall not be required to post a bond in proceedings under
20 this paragraph, and the court shall issue a prohibitory or
21 mandatory preliminary injunction if it finds that the
22 defendant is engaging in unlawful conduct as defined by this
23 act or is engaged in conduct which is causing immediate harm
24 to the dogs or the public. In addition to an injunction, the
25 court may assess, in proceedings under this paragraph, civil
26 penalties as provided under this section.

27 * * *

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

- 1 (1) The breed, color, markings, sex and age of each dog.
- 2 (2) The date on which each dog entered the kennel.
- 3 (3) From where it came.
- 4 (4) To whom it belongs.
- 5 (5) For what purpose each dog is kept in the kennel.
- 6 (6) The date on which each dog leaves the kennel.
- 7 (7) How and to whom it is dispensed.
- 8 (8) The name, address and telephone number of the
- 9 licensed doctor of veterinary medicine used by the kennel.
- 10 (9) Any other records, including those related to
- 11 sanitation, food, water, bedding, shelter, space,
- 12 temperature, ventilation, lighting, health or location, that
- 13 the department sets by regulation.

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

17 * * *

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

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

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

1 rescue kennel's kennel license.

2 Section 4. Section 209 of the act, amended December 11, 1996
3 (P.L.943, No.151), is amended to read:

4 Section 209. Out-of-state dealer license; application; fee;
5 prohibitions.

6 (a) Out-of-state dealers.--All out-of-state dealers shall on
7 or before January 1 of each year, apply to the secretary for an
8 out-of-state dealer license. The fee for such license shall be
9 [\$300] set by regulation, plus appropriate kennel license fees
10 required under section 206. All fees collected under this
11 section shall be remitted to the State Treasury for credit to
12 the Dog Law Restricted Account. All licenses under this section
13 shall expire upon December 31 of the year for which the license
14 was issued. The forms for the application and license shall be
15 approved by the secretary [through regulations].

16 (b) Unlawful acts.--It shall be unlawful for out-of-state
17 dealers to [transport dogs] sell, exchange, negotiate, barter,
18 give away or solicit the sale, resale, exchange or transfer of a
19 dog or transport a dog into or within the Commonwealth or to
20 operate or maintain a dealer kennel or to deal in any manner
21 with dogs without first obtaining an out-of-state dealer license
22 from the department.

23 Section 5. Section 210 of the act is amended to read:

24 Section 210. Bills of sale.

25 All owners or operators of kennels described in section 206,
26 and all out-of-state dealers shall be required to have in their
27 possession a bill of sale for each dog purchased or transported,
28 except for dogs delivered to the kennel licensee for purposes of
29 boarding or for dogs whelped at the kennel. Any bill of sale
30 which is fraudulent or indicates the theft of any dog, shall be

1 prima facie evidence for the immediate revocation of license and
2 imposition of fines and penalties by the secretary. The bill of
3 sale shall contain information required by the secretary through
4 regulations. Except for dogs delivered to and released from a
5 boarding kennel, a bill of sale shall accompany each dog sold,
6 exchanged, bartered, given away or in any way transferred by a
7 kennel described in section 206 or an out-of-state dealer. The
8 bill of sale shall include the current and valid kennel license
9 number of the kennel or out-of-state dealer that sold,
10 exchanged, bartered, gave away or transferred the dog and any
11 other information required by the secretary. A conviction for a
12 violation of this section shall result in a penalty of not less
13 than \$100 nor more than \$500 per conviction.

14 Section 6. Section 211 of the act, amended December 11, 1996
15 (P.L.943, No.151), is amended to read:

16 Section 211. Revocation, suspension or refusal of kennel
17 licenses.

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

28 (1) the person holding or applying for a license has
29 made a material misstatement or misrepresentation in the
30 license application;

1 (2) the person holding or applying for a license has
2 made a material misstatement or misrepresentation to the
3 department or its personnel regarding a matter relevant to
4 the license;

5 (3) the person holding or applying for a license has
6 been convicted of any violation of this act[;] or regulations
7 promulgated under this act;

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

11 (5) the person holding or applying for a license has
12 been convicted of any law relating to cruelty to animals[.]
13 and the conviction is more than ten years old, if the
14 secretary finds that the crime was so heinous that the person
15 could not be rehabilitated or there is evidence the person
16 has not been rehabilitated and granting a license would
17 jeopardize the health, safety and welfare of the dogs;

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

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

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

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

1 (b) Notice of action.--

2 (1) The secretary shall provide written notice of a
3 kennel license or an out-of-state dealer license revocation,
4 suspension or refusal to the person whose license is revoked,
5 suspended or refused. The notice shall set forth the general
6 factual and legal basis for the action and shall advise the
7 affected person that within ten days of receipt of the notice
8 he may file with the secretary a written request for an
9 administrative hearing. The hearing shall be conducted in
10 accordance with 2 Pa.C.S. (relating to administrative law and
11 procedure).

12 (2) Written notice of revocation, suspension or refusal
13 shall be served by personal service or by registered or
14 certified mail, return receipt requested, to the person or to
15 a responsible employee of such person whose license is
16 revoked, suspended or refused. Revocation or suspension shall
17 commence upon service of the written notice.

18 (b.1) Display of notice and violation.--

19 (1) If the secretary revokes, suspends or denies a
20 kennel license, the department shall issue a notice of
21 revocation, suspension or denial. The notice shall be posted
22 in a place conspicuous to the general public and approved by
23 the department for a period of time as provided in this
24 subsection. In the case of a revocation or denial of a kennel
25 license, the kennel shall display the notice of revocation or
26 denial until the time as the kennel has ceased to operate or
27 as the department determines and sets forth in the order. In
28 the case of a suspension, the notice of suspension shall be
29 posted until the time period of the suspension has run and
30 the department has reissued a valid kennel license.

1 (2) If the secretary finds a kennel operating without a
2 license, the kennel, upon notice of violation or order, shall
3 display a notice of violation issued by the department. The
4 notice shall be posted in a place conspicuous to the general
5 public and approved by the department until the time as the
6 kennel has ceased to operate or as the department determines
7 and sets forth in the order or until the time as the kennel
8 has come into compliance and the secretary has issued a valid
9 kennel license.

10 (3) Failure to display a current and valid kennel
11 license certificate or a notice of revocation, suspension or
12 denial as provided in this subsection constitutes a violation
13 of this act and may result in the issuance of a citation or
14 civil penalties or both.

15 (c) Seizure and constructive seizure.--

16 (1) Whenever the secretary revokes, suspends or refuses
17 a kennel license or an out-of-state dealer license, [the] all
18 of the following shall apply:

19 (i) The person whose license is refused shall have a
20 reasonable time period, not to exceed 15 days, in which
21 to come into compliance with this act and regulations
22 promulgated under this act or divest himself of the dogs
23 held in the kennel in a manner prescribed in writing by
24 the department. Failure to take action required under
25 this paragraph may result in the department, in addition
26 to any other penalties allowed under this act, imposing
27 penalties of not less than \$100 nor more than \$500 per
28 day for each violation. Each dog in excess of 25 dogs
29 shall count as one violation.

30 (ii) The person whose license is suspended shall

1 immediately cease and desist from boarding, buying,
2 exchanging, selling, giving away or in any way
3 transferring dogs for the period of time of the
4 suspension. The person shall be given a period of time,
5 not to exceed 15 days, in which to address and fix the
6 violations cited and come into compliance with this act
7 and regulations promulgated under this act or the
8 suspension shall become a revocation.

9 (iii) The person whose license is revoked shall
10 immediately cease and desist from boarding, buying,
11 exchanging, selling, giving away or in any way
12 transferring dogs, unless the department's order allows
13 the kennel owner to divest himself of the dogs. A
14 department order shall state the manner in which the dogs
15 may be transferred and set a time limit and recordkeeping
16 requirements for the transfer of ownership. Failure to
17 take the required action may result in the department, in
18 addition to any other penalties allowed under this act,
19 imposing penalties of not less than \$100 nor more than
20 \$500 per day for each violation. Each dog in excess of 25
21 dogs shall count as one violation.

22 (iv) At any time after an order or a notice of
23 violation has been issued, the department may seize and
24 impound any dog in the possession, custody or care of the
25 person whose license is revoked, suspended or refused if
26 there are reasonable grounds to believe that the dog's
27 health, safety or welfare is endangered. Reasonable costs
28 of transportation, care and feeding of a seized and
29 impounded dog shall be paid by the person from whom the
30 dog was seized and impounded. If a dog is seized, the

1 department shall set forth the reasons for the seizure or
2 impoundment and, if the seizure is appealed, shall
3 schedule a hearing on the matter as soon as reasonably
4 possible.

5 (2) (i) If the person whose kennel license or out-of-
6 state dealer license is revoked, suspended or refused and
7 whose dog has been seized and impounded provides the
8 secretary with satisfactory evidence or assurances that
9 the dog will receive adequate care and has paid all costs
10 of transportation, care and feeding related to the
11 seizure and impoundment of the dog, the secretary may
12 allow the person [may] to retrieve the seized and
13 impounded dog.

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

22 (3) The secretary shall allow a dog to remain in the
23 physical possession, custody or care of the person whose
24 kennel license or out-of-state dealer license is revoked,
25 suspended or refused for the time periods established in this
26 section, set forth in the secretary's order or during the
27 time period of an appeal, upon any one or more of the
28 following findings:

29 (i) the secretary has no reasonable grounds to
30 believe that the health, safety or welfare of the dog is

1 endangered; or

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

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

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

1 abandoned the subject dog. Abandonment shall be presumed if
2 an owner fails to make timely payment of reasonable costs of
3 transportation, care and feeding of the seized and impounded
4 dog after two written requests to do so have been served by
5 personal service or registered or certified mail, return
6 receipt requested, upon a responsible person at the kennel in
7 question or to the dog owner.

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

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

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

25 (2) the kennel makes written application to the
26 department, setting forth the amount sought, details of a
27 good faith attempt at obtaining payment of the costs from the
28 dog owner and the kennel owner and the dates and number of
29 dogs justifying the amount sought.

30 (f) Prohibition.--A dog seized under this section shall

1 remain the property of the owner or person from whom it was
2 seized and may not be sold, exchanged, given away or in any way
3 transferred by the person holding or impounding the seized dog.

4 No dog seized under this section shall be sold or given freely
5 for the purpose of vivisection or research or be conveyed in any
6 manner for these purposes or be conveyed to a dealer.

7 Section 7. Section 213 of the act is amended to read:

8 Section 213. Transportation of dogs.

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

18 Section 8. Sections 214 and 218 of the act, amended December
19 11, 1996 (P.L.943, No.151), are amended to read:

20 Section 214. Health certificates for importation.

21 It shall be unlawful to transport any dog into this
22 Commonwealth except under the provisions in section 212 without
23 a certificate of health prepared by a licensed doctor of
24 veterinary medicine, which certificate, or copy of such, shall
25 accompany [such] the dog while in this Commonwealth. [Such] The
26 certificate shall state that the dog is at least seven weeks of
27 age and shows no signs or symptoms of infectious or communicable
28 disease; did not originate within an area under quarantine for
29 rabies; and, as ascertained by reasonable investigation, has not
30 been exposed to rabies within 100 days of importation. All dogs

1 must have been vaccinated for rabies in accordance with the act
2 of December 15, 1986 (P.L.1610, No.181), known as the "Rabies
3 Prevention and Control in Domestic Animals and Wildlife Act."
4 The name of the vaccine manufacturer, the date of
5 administration, and the rabies tag number must appear on health
6 certificates prepared by a licensed doctor of veterinary
7 medicine. In addition to any penalties which may be imposed
8 under this act or any other law, a fine of not less than \$500
9 and not more than \$1,000 per dog per day shall be imposed on the
10 owner or keeper or both for a conviction under this section.

11 Section 218. Inspections of premises and dogs.

12 State dog wardens and other employees of the department are
13 hereby authorized to inspect all licensed kennels [and dogs
14 within the Commonwealth] and all unlicensed establishments which
15 are operating as a kennel as defined by section 206. For
16 purposes of inspection, a State dog warden and other full-time
17 employees of the department shall be authorized to enter the
18 premises and any area of the premises in which dogs are located
19 or housed in order to inspect the conditions of the dogs and to
20 enforce the provisions of this act and regulations promulgated
21 by the department [pursuant to] under this act. State dog
22 wardens and employees of the department shall inspect all
23 licensed kennels within the Commonwealth at least once per
24 calendar year to enforce the provisions of this act and
25 regulations promulgated by the department under this act. State
26 dog wardens and only regular, full-time employees of the
27 department shall be authorized to enter upon the premises of
28 approved medical, dental or veterinary schools, hospitals,
29 clinics or other medical or scientific institutions,
30 organizations or persons where research is being conducted or

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

12 Section 9. Section 219 of the act, added December 11, 1996
13 (P.L.943, No. 151), is amended and the section is amended by
14 adding subsections to read:

15 Section 219. Additional duties of the department.

16 [(a) Enforcement of licensure requirement; development of
17 plan.--By no later than June 30, 1997, the department shall
18 develop and begin to implement a written plan to increase the
19 number of dog licenses issued in this Commonwealth. Such plan
20 shall be developed in consultation with the several counties and
21 municipalities which enforce the provisions of this act and in
22 consultation with the Dog Law Advisory Board and shall at least
23 include methodology for increasing the number of dog licenses
24 issued and assuring the annual renewal of such licenses. The
25 methodology may include the periodic use of public service
26 advertisements, newspaper advertisements, school and special
27 events-based educational programs conducted in conjunction with
28 counties and organizations concerned with the humane care and
29 treatment of dogs, and literature designed to increase awareness
30 of this act which may be provided to purchasers of dogs at the

1 point of sale.

2 (b) Analysis of plan; report.--By no later than June 30,
3 1998, the department shall submit to the chairperson and
4 minority chairperson of the Agriculture and Rural Affairs
5 Committee of the Senate and the chairperson and minority
6 chairperson of the Agriculture and Rural Affairs Committee of
7 the House of Representatives a report analyzing the activities
8 adopted by the department to implement the plan and the results
9 of such activities.]

10 (a) Enforcement of licensure requirement; enforcement plan
11 or strategy.--The department shall continue to endeavor to
12 increase the number of dog licenses issued in this Commonwealth
13 and to develop strategies to ensure all kennels operating in
14 this Commonwealth are properly licensed and will gain full
15 compliance with this act. The department, in consultation with
16 the several counties and municipalities which enforce the
17 provisions of this act and in consultation with the Dog Law
18 Advisory Board, shall develop a strategy which shall at least
19 include methodology for increasing the number of individual dog
20 licenses issued, assuring the annual renewal of the licenses and
21 finding and licensing or closing down unlicensed kennels in this
22 Commonwealth. The methodology may include the periodic use of
23 public service advertisements, newspaper advertisements, school
24 and special events-based educational programs conducted in
25 conjunction with counties and organizations concerned with the
26 humane care and treatment of dogs, canvasses, monitoring of the
27 Internet postings, sales, adoption or transfers of dogs and
28 distribution of literature designed to increase awareness of
29 this act which may be provided to purchasers of dogs at the
30 point of sale.

1 (b) Analysis of plan; report.--The department shall submit
2 to the chairperson and minority chairperson of the Agriculture
3 and Rural Affairs Committee of the Senate and the chairperson
4 and minority chairperson of the Agriculture and Rural Affairs
5 Committee of the House of Representatives an annual report
6 analyzing the activities adopted by the department to implement
7 the strategy and the results of those activities.

8 Section 10. Section 302 of the act, amended December 11,
9 1996 (P.L.943, No.151), is amended to read:

10 Section 302. Seizure and detention of dogs; costs; destruction
11 of dogs.

12 (a) General rule.--It shall be the duty of every police
13 officer, State dog warden, employee of the department or animal
14 control officer to seize and detain any dog which is found
15 running at large, either upon the public streets or highways of
16 the Commonwealth, or upon the property of a person other than
17 the owner of [such] the dog, and unaccompanied by the owner or
18 keeper. Every police officer, State dog warden, employee of the
19 department or animal control officer may humanely kill any dog
20 which is found running at large and is deemed after due
21 consideration by the police officer, State dog warden, employee
22 of the department or animal control officer to constitute a
23 threat to the public health and welfare.

24 (b) Licensed dogs.--The State dog warden or employee of the
25 department, the animal control officer, or the chief of police
26 or his agents of any city, borough, town or township, the
27 constable of any borough and the constable of any incorporated
28 town or township shall cause any dog bearing a proper license
29 tag or permanent identification and so seized and detained to be
30 properly kept and fed at any licensed kennel approved by the

1 secretary for [such] those purposes and shall cause immediate
2 notice, by registered or certified mail with return receipt
3 requested, to the person in whose name the license was procured,
4 or his agent, to claim [such] the dog within five days after
5 receipt thereof. The owner or claimant of a dog so detained
6 shall pay a penalty of [\$15] \$50 to the political subdivision
7 whose police officers make [such] the seizures and detention and
8 all reasonable expenses incurred by reason of its detention to
9 the detaining parties before the dog is returned. If five days
10 after obtaining the postal return receipt, [such] the dog has
11 not been claimed, such chief of police, or his agent, or a
12 constable, or State dog warden or employee of the department
13 shall dispense [such] the dog by sale or by giving it to a
14 humane society or association for the prevention of cruelty to
15 animals. No dog so caught and detained shall be sold for the
16 purpose of vivisection, or research, or be conveyed in any
17 manner for these purposes. All moneys derived from the sale of
18 [such] the dog, after deducting the expenses of its detention,
19 shall be paid through the Department of Agriculture to the State
20 Treasurer for credit to the Dog Law Restricted Account.

21 (c) Unlicensed dogs.--Except as otherwise provided by
22 section 305, any police officer, State dog warden, employee of
23 the department or animal control officer shall cause any
24 unlicensed dog to be seized, detained, kept and fed for a period
25 of 48 hours at any licensed kennel approved by the secretary for
26 [such] those purposes, except any dog seriously ill or injured
27 or forfeited with the owner's permission. The 48-hour period
28 shall not include weekends or days the approved kennel is not
29 open to the general public. Any person may view [such] the
30 detained dogs during normal business hours. Any unlicensed dog

1 remaining unclaimed after 48 hours may be humanely killed or
2 given to a humane society or association for the prevention of
3 cruelty to animals. No dog so caught and detained shall be sold
4 for the purpose of vivisection, or research, or be conveyed in
5 any manner for these purposes.

6 Section 11. Section 401 of the act is amended to read:

7 Section 401. Interference with police officer or State dog
8 warden; duties of State dog warden; failure to
9 produce license certificate.

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

14 (b) State dog wardens and department employees to be
15 considered [police] law enforcement officers.--State dog wardens
16 and employees of the department are considered to be [police]
17 law enforcement officers when enforcing any of the provisions of
18 this act or regulations [pursuant to] under this act.

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

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

26 (e) Illegal to fail to produce license.--It shall be
27 unlawful for any person to whom a license certificate has been
28 issued to fail or refuse to produce the license certificate for
29 [such] the dog upon demand of any police officer or employee of
30 the department.

1 Section 12. The act is amended by adding a section to read:
2 Section 403. Authority to seize dogs in distress.

3 (a) Seizure.--A State dog warden shall have the authority to
4 seize and impound a dog and obtain necessary veterinary care
5 where it is clear the dog's life, health, safety or welfare is
6 in immediate danger. Circumstances warranting seizure shall
7 include instances such as embedded collars, evidence of
8 malnutrition, starvation or dehydration, evidence of use of dog
9 for animal fighting, deprivation of shelter which will protect
10 the dog from inclement weather, preserve its body heat and keep
11 it dry, exposure to excessive temperatures and evidence of
12 parasitic infestation and inadequate or no care for that
13 infestation.

14 (b) Written notice.--If a dog is seized under subsection
15 (a), the State dog warden seizing the dog shall give notice of
16 the specific reasons for the seizure to the owner or keeper of
17 the dog. The notice shall be on a form prepared by the
18 department and shall be filled out and signed by the State dog
19 warden and served upon the owner or keeper of the dog seized or
20 a responsible person at the kennel location or home address of
21 the owner or keeper of the dog. Service shall be effectuated in
22 person or by registered or certified mail, return receipt
23 requested.

24 (c) Duty to report.--If a State dog warden exercises
25 authority under this section, the warden shall immediately
26 contact the humane society police officer or police officer
27 having jurisdiction, authority and standing to initiate criminal
28 proceedings under the provisions of 18 Pa.C.S. § 5511 (relating
29 to cruelty to animals).

30 (d) Payment of expenses.--The owner or keeper of the dog

1 seized shall be responsible for the costs of transportation,
2 feeding, care and necessary veterinary expenses.

3 (e) Appeal.--The owner or keeper of a dog seized under this
4 section shall have ten days from the date of notice of seizure
5 to file an appeal with the department. An appeal shall be in
6 writing and shall set forth the specific reasons for the appeal.
7 A hearing based on an appeal of the department's action under
8 this section shall be conducted in accordance with 2 Pa.C.S.
9 (relating to administrative law and procedure).

10 (f) Retrieval.--If the owner of the seized and impounded dog
11 provides the secretary with satisfactory evidence or assurances
12 the dog will receive proper care and upon payment of all costs
13 of transportation, feeding, care and veterinary expenses related
14 to the seizure and impoundment of the dog, the secretary may
15 allow the owner to retrieve the seized and impounded dog.

16 (g) Voluntary forfeiture.--Ownership of the dog which has
17 been seized and impounded may be forfeited upon written request
18 of the owner.

19 (h) Secretary-directed forfeiture.--The secretary may direct
20 that ownership of a particular dog which is seized and impounded
21 under this section be forfeited. The following shall apply:

22 (1) The secretary shall serve the owner of the affected
23 dog with written notice of forfeiture. The notice shall
24 indicate the ownership of the dog in question may be
25 forfeited to some entity other than the department. Notice of
26 forfeiture shall be served by personal service or by
27 registered or certified mail, return receipt requested, to a
28 responsible person at the kennel from which the dog was
29 seized or the owner of the affected dog or a responsible
30 person at the address of the owner. The notice shall specify

1 an effective date of forfeiture which shall be not less than
2 ten days from service of the notice and shall inform the dog
3 owner of the owner's right to request an administrative
4 hearing on the issue of forfeiture by delivering a written
5 request to the department prior to the date of forfeiture.

6 (2) A written request for a hearing shall act as a
7 supersedeas of the forfeiture action. At the administrative
8 hearing on the matter, the department shall have the burden
9 of proving one of the following:

10 (i) That the affected dog owner did not adequately
11 care for the subject dog.

12 (ii) That no satisfactory evidence or assurances
13 have been given to the department that the subject dog
14 will be adequately cared for if it is returned to the
15 owner.

16 (iii) That the owner has abandoned the subject dog.

17 (3) Abandonment shall be found if an owner fails to make
18 timely payment of reasonable costs of transportation,
19 feeding, care and veterinary expenses of the seized and
20 impounded dog after two written requests to do so have been
21 served by personal service or registered or certified mail,
22 return receipt requested, upon a responsible person at the
23 kennel from which the dog was seized or the dog owner or a
24 responsible person as the address of the dog owner.

25 (i) Reimbursement of expenses.--The owner or keeper of the
26 dog seized and impounded under this section, who has paid
27 transportation, care, feeding and veterinary expenses associated
28 with the seizure and impoundment, may make application to the
29 department for reimbursement of the costs if all persons cited
30 or charged under this section are acquitted of all charges or

1 violations.

2 (j) Department as guarantor of payment.--Costs of kennels or
3 veterinarians may be reimbursed as follows:

4 (1) A kennel at which a dog is impounded by the
5 department under the authority of this section shall be
6 compensated from the Dog Law Restricted Account in the amount
7 set by regulation by the department for each day or portion
8 of a day that the dog is held in the kennel if the kennel at
9 which the dog was impounded has done all of the following:

10 (i) Attempted, without success, to obtain payment
11 for transportation, care and feeding costs from the owner
12 of the dog or the owner of the kennel from which the dog
13 was seized and impounded.

14 (ii) Made a written application to the department,
15 setting forth the amount sought, details of the good
16 faith attempt at obtaining payment of the costs from the
17 dog owner or the kennel owner from which the dog was
18 seized and the dates and number of dogs justifying the
19 amount sought.

20 (2) The veterinarian treating a dog seized under the
21 authority of this section shall be compensated from the Dog
22 Law Restricted Account in an amount negotiated between the
23 department and the veterinarian for the reasonable cost of
24 treatment of the dog seized if the veterinarian or veterinary
25 clinic at which the dog was treated has done all of the
26 following:

27 (i) Attempted, without success, to obtain payment
28 for the necessary treatment of the dog from the owner of
29 the dog or the owner of the kennel from which the dog was
30 seized and impounded.

1 (ii) Made a written application to the department,
2 setting forth the amount sought, details of a good faith
3 attempt at obtaining payment of the costs from the dog
4 owner or the kennel owner from which the dog was seized
5 and set forth the dates, treatment undertaken and number
6 of dogs justifying the amount sought.

7 (k) Prohibition.--A dog seized under this section shall
8 remain the property of the owner or person from whom it was
9 seized and may not be sold, exchanged, given away or transferred
10 by the person holding or impounding the seized dog. No dog
11 seized under this section shall be sold or given freely for the
12 purpose of vivisection or research or be conveyed in any manner
13 for these purposes or be conveyed to a dealer.

14 (l) Construction and applicability.--This section shall not
15 be construed to confer, delegate or in any manner transfer
16 authority or standing to State dog wardens or employees of the
17 department to initiate, investigate or prosecute violations of
18 18 Pa.C.S. § 5511. This section shall not supersede, apply to,
19 interfere with or hinder any activity which is authorized or
20 permitted under 18 Pa.C.S. § 5511.

21 Section 13. Section 901 of the act, amended December 11,
22 1996 (P.L.943, No.151), is amended to read:

23 Section 901. Enforcement of this act by the secretary;
24 provisions for inspections.

25 (a) General rule.--The secretary, through State dog wardens,
26 employees of the department and police officers, shall be
27 charged with the general enforcement of this law. The secretary
28 may employ all proper means for the enforcement of this act
29 [and], including issuing notices and orders, assessing civil
30 penalties and entering into consent agreements. The secretary

1 may enter into agreements pursuant to section 1002, which shall
2 be filed with the department, for the purpose of dog control.
3 State dog wardens and employees of the department are hereby
4 authorized to enter upon the premises of any [persons] person
5 for the purpose of investigation. A dog warden or employee of
6 the department may enter into a home or other building only with
7 the permission of the occupant or with a duly issued search
8 warrant.

9 (b) Training for dog wardens.--The secretary shall establish
10 training requirements for dog wardens and other employees of the
11 department charged with the enforcement of this act which shall
12 include dog handling and humane capture, preliminary recognition
13 of dog pathology, knowledge of proper dog sanitation, kennel
14 inspection procedures and shelter and dog law enforcement.

15 (b.1) Training requirements.--The department shall establish
16 a program for initial training of dog wardens and employees of
17 the department which must include, at a minimum, a total of 56
18 hours of instruction, in accordance with paragraphs (1), (2) and
19 (3).

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

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

24 (ii) Care and treatment of dogs.

25 (iii) Pennsylvania criminal law and criminal
26 procedure.

27 (2) At least 24 hours of instruction in the initial
28 training program must be provided in the following group of
29 instructional areas:

30 (i) Dog handling and humane capture.

- 1 (ii) Preliminary recognition of dog pathology.
- 2 (iii) Proper dog sanitation and shelter.
- 3 (iv) Kennel inspection procedures.

4 (3) The initial training program must also require an
5 individual, as a prerequisite to successful completion of the
6 training program, to take and pass a final examination that
7 sufficiently measures the individual's knowledge and
8 understanding of the instructional material.

9 (b.2) Limitation on the possession of firearms.--No dog
10 warden or employee of the department shall carry, possess or use
11 a firearm in the performance of duties unless the person has the
12 approval of the secretary and holds a current and valid
13 certification in the use and handling of firearms pursuant to at
14 least one of the following:

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

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

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

22 (4) Any other firearms program which has been determined
23 by the Commissioner of the Pennsylvania State Police to be of
24 sufficient scope and duration to provide the participant with
25 basic training in the use and handling of firearms. The
26 department may provide for such firearms training for dog
27 wardens.

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

29 (1) Any dog warden or employee of the department who,
30 prior to the effective date of this act, has successfully

1 completed a training program similar to that required under
2 subsection (b) shall, after review by the secretary, be
3 certified as having met the training requirements of this
4 act. Any dog warden or employee of the department who, prior
5 to the effective date of this act, has not successfully
6 completed a training program similar to that required under
7 subsection (b) may continue to perform the duties of a dog
8 warden until the person has successfully completed the
9 required training program, but not longer than two years from
10 the effective date of this act.

11 (2) Any dog warden or employee of the department who,
12 prior to the effective date of this act, has not received
13 approval of the secretary and been certified in the use and
14 handling of firearms pursuant to one or more of the acts set
15 forth in subsection (b.2)(1), (2) and (3) shall not carry or
16 possess a firearm in the performance of the duties of a dog
17 warden on or after the effective date of this act until the
18 person has, under subsection (b.2), received approval of the
19 secretary and been certified in the use and handling of
20 firearms.

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

26 (1) Failed to satisfy the training requirements of
27 subsection (b.1).

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

30 (3) Been convicted of violating 18 Pa.C.S. § 5301

1 (relating to official oppression).

2 (b.5) Additional grounds.--The department may refuse to
3 employ a person to act as a dog warden or other employee charged
4 with the enforcement of this act or may suspend or revoke the
5 employment of a person who is acting as a dog warden or is
6 charged with the enforcement of this act if the department
7 determines that the person has:

8 (1) Made a false or misleading statement in the
9 application for employment.

10 (2) Carried or possessed a firearm in the performance of
11 his or her duties without certification pursuant to
12 subsection (b.2).

13 (3) Engaged in conduct which constitutes a prima facie
14 violation of 18 Pa.C.S. § 5301.

15 (4) Knowingly failed to enforce any of the provisions of
16 this act.

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

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

24 (c) Advisory board.--The secretary shall appoint a Dog Law
25 Advisory Board to advise [him] the secretary in the
26 administration of this act. The board shall consist of the
27 following[:], who shall either be a resident of this
28 Commonwealth or an organization of this Commonwealth:

29 (1) The secretary or his designee, who shall act as
30 chairman.

1 (2) A representative of animal research establishments.

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

4 (4) Two representatives of animal welfare organizations.

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

7 (6) A representative of dog clubs.

8 (7) A representative of commercial kennels.

9 (8) A representative of pet store kennels.

10 (9) A representative of sportsmen.

11 (10) A representative of a national purebred canine
12 pedigree registry.

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

14 (12) A county treasurer.

15 (13) A representative of hunting-sporting dog
16 organizations.

17 (14) A representative of the police.

18 (15) Eight members representing the general public who
19 are recommended by the Governor.

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

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

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

4 (g) Recommendations.--The board may make nonbinding
5 recommendations to the secretary on all matters related to the
6 provisions of this act.

7 Section 14. Section 902 of the act is amended to read:

8 Section 902. Rules and regulations.

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

12 Section 15. Section 903 of the act, amended December 11,
13 1996 (P.L.943, No.151), is amended to read:

14 Section 903. [Violations.

15 Unless heretofore provided, any person found in violation of
16 any provision of Article II through Article VIII of this act
17 shall be guilty of a summary offense for the first violation and
18 for a second and subsequent violation which occurs within one
19 year of sentencing for the first violation shall be guilty of a
20 misdemeanor of the third degree.] Enforcement and penalties.

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

25 (1) For the first offense, a summary offense and shall,
26 upon conviction, be sentenced for each offense to pay a fine
27 of not less than \$100 nor more than \$500 plus costs of
28 prosecution or to serve a term of imprisonment for not more
29 than 90 days, or both.

30 (2) For a subsequent offense which occurs within one

1 year of sentencing for the first violation, a misdemeanor of
2 the third degree and shall, upon conviction, be sentenced for
3 each offense to pay a fine of not less than \$500 nor more
4 than \$1,000 plus costs of prosecution or to serve a term of
5 imprisonment of not more than one year, or both.

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

11 (c) Civil penalties and remedies.--The following shall
12 apply:

13 (1) Unless otherwise provided under this act, in
14 addition to proceeding under any other remedy available at
15 law or in equity, the secretary may assess a civil penalty
16 against any person for a violation of a provision of this act
17 or a rule or regulation adopted or order issued under this
18 act. The civil penalty shall be not less than \$100 nor more
19 than \$1,000 for each violation and each day of violation and
20 shall be premised on the gravity and willfulness of the
21 violation, the potential harm to the health and safety of the
22 animals and the public, previous violations and the economic
23 benefit to the violator for failing to comply with this act.
24 The secretary may issue a warning in lieu of assessing a
25 penalty where the kennel owner or operator, upon notice,
26 takes immediate action to resolve the violation and come into
27 compliance with all provisions of this act or a rule or
28 regulation adopted or order issued under this act.

29 (2) In cases of inability to collect the civil penalty
30 or failure of a person to pay all or a portion of the

1 penalty, the secretary may refer the matter to the Office of
2 Attorney General, which shall institute an action in the
3 appropriate court to recover the penalty. A penalty assessed
4 shall act as a lien on the property of the person against
5 whom the penalty has been assessed.

6 (3) If a civil penalty is assessed, the secretary shall
7 notify the person assessed the penalty in writing. The notice
8 shall be sent by registered mail, return receipt requested,
9 and shall set forth the specific penalties assessed and shall
10 afford the person an opportunity for a hearing on the penalty
11 assessment.

12 (4) A person assessed a civil penalty under this act
13 shall have ten days from the date of the notice to file an
14 appeal of the civil penalty. The appeal shall be in writing
15 and specify the grounds for the appeal.

16 Section 16. This act shall take effect in 60 days.