
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1126 Session of
2013

INTRODUCED BY DINNIMAN, ALLOWAY, ERICKSON, VOGEL AND GREENLEAF,
OCTOBER 10, 2013

REFERRED TO AGRICULTURE AND RURAL AFFAIRS, OCTOBER 10, 2013

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 kennels, for
16 revocation or refusal of kennel licenses, for additional
17 duties of the department, for seizure and detention of dogs,
18 for provisions relating to dog bites, for disposition of
19 fines and penalties and for reports to General Assembly.

20 The General Assembly of the Commonwealth of Pennsylvania
21 hereby enacts as follows:

22 Section 1. The definitions of "department," "permanent
23 identification," "permanently identified" and "secretary" in
24 section 102 of the act of December 7, 1982 (P.L.784, No.225),
25 known as the Dog Law, amended October 9, 2008 (P.L.1450,
26 No.119), are amended to read:

1 Section 102. Definitions.

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

5 * * *

6 "Department." The [Pennsylvania Department of Agriculture]
7 Department of Health of the Commonwealth.

8 * * *

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

15 * * *

16 "Secretary." The Secretary of [Agriculture] Health or any
17 person to whom authority has been delegated by the Secretary of
18 [Agriculture] Health.

19 * * *

20 Section 2. Sections 200(b.1), 206(f), 211(e), 219(b), 302(b)
21 and 502(a) of the act, amended or added October 9, 2008
22 (P.L.1450, No.119), are amended to read:

23 Section 200. Issuance of dog licenses; compensation; proof
24 required; deposit of funds; records; license sales;
25 rules and regulations; failure to comply; unlawful
26 acts; penalty.

27 * * *

28 (b.1) Mailings.--Advertisements, promotions, requests for
29 donations, solicitations and other materials may not add to the
30 cost of postage to be paid by the department and may not be

1 directly attached to a dog license application, dog license
2 renewal notice or other dog law document. Dog license mailings,
3 renewals and other notices related to State dog licenses shall
4 not contain any extraneous advertising, promotions, requests for
5 donations, solicitations or other materials unless the
6 advertisement, promotion, request for donation, solicitations or
7 other materials have met one of the following conditions:

8 (1) They have been previously approved in writing by the
9 department.

10 (2) They each contain a disclaimer stating that, "The
11 solicitation or request for a donation herein is not for a
12 program sponsored by, funded by or endorsed by the
13 Pennsylvania Department of [Agriculture] Health (the
14 Department). The Department takes no responsibility for this
15 program. Participation in this program is voluntary, is not a
16 condition of receiving a dog license and does not change the
17 cost of obtaining a dog license. Any donation will be
18 deposited into an account separate from the account for dog
19 license revenues."

20 * * *

21 Section 206. Kennels.

22 * * *

23 (f) Adequacy of fees.--On or before July 1 of each year, the
24 department shall submit a report to the chairperson and minority
25 chairperson of the [Agriculture and Rural Affairs] Public Health
26 and Welfare Committee of the Senate and the chairperson and
27 minority chairperson of the [Agriculture and Rural Affairs]
28 Health Committee of the House of Representatives comparing the
29 expenses incurred by the department for enforcing this act with
30 regard to kennels and the revenues received by the department in

1 accordance with this section.

2 Section 211. Revocation or refusal of kennel licenses.

3 * * *

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

6 (1) If dogs are seized from a kennel under this act and
7 an administrative appeal is filed, within ten days of filing
8 the appeal, the owner of the licensed or unlicensed kennel
9 shall either:

10 (i) post a surety bond in the amount determined by
11 the department applying the criteria set forth in
12 paragraph (2); or

13 (ii) deposit a sum of money not to exceed 10% of the
14 amount of the surety bond determined by the department
15 applying the criteria set forth in paragraph (2).

16 (2) The amount of the surety bond shall be based on the
17 number of dogs seized and shall be equal to the estimated
18 cost of transportation, care and feeding, pursuant to removal
19 and impoundment, for a period of 31 days.

20 (2.1) Any surety bond posted pursuant to paragraph (1)
21 (i) shall be payable to the Commonwealth of Pennsylvania,
22 Department of [Agriculture] Health, Bureau of Dog Law
23 Enforcement. The department shall remit such funds to the
24 entity holding the dogs.

25 (2.2) Any deposit pursuant to paragraph (1)(ii) shall be
26 held by the Department of [Agriculture] Health, Bureau of Dog
27 Law Enforcement, until after the appeal. If, after the
28 appeal, the dogs are not placed under the care of the owner
29 from which they were seized, the department shall be entitled
30 to keep the deposit and collect from the owner the remainder

1 of the amount determined by the department applying the
2 criteria set forth in paragraph (2).

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

7 (4) The department shall guarantee payment of any
8 difference in the amount paid to the holding entity and the
9 amount owed under paragraph (2). The department may refer the
10 matter to the Attorney General who may initiate an action in
11 the appropriate court to recover the amount paid under this
12 paragraph.

13 * * *

14 Section 219. Additional duties of the department.

15 * * *

16 (b) Analysis of plan; report.--By no later than June 30,
17 1998, and annually thereafter, the department shall submit to
18 the chairperson and minority chairperson of the [Agriculture and
19 Rural Affairs] Public Health and Welfare Committee of the Senate
20 and the chairperson and minority chairperson of the [Agriculture
21 and Rural Affairs] Health Committee of the House of
22 Representatives a report analyzing the activities adopted by the
23 department to implement the plan and the results of such
24 activities.

25 Section 302. Seizure and detention of dogs; costs; destruction
26 of dogs.

27 * * *

28 (b) Licensed dogs.--The State dog warden or employee of the
29 department, the animal control officer, or the chief of police
30 or his agents of any city, borough, town or township, the

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

26 * * *

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

28 (a) Confinement.--Any dog which bites or attacks a human
29 being shall be confined in quarters approved by a designated
30 employee of the [Department of Agriculture] department, a State

1 dog warden or employee of the [Department of Agriculture]
2 department, an animal control officer or a police officer. The
3 dog may be detained and isolated in an approved kennel or at the
4 dog owner's property or at another location approved by the
5 investigating officer. Where the dog is detained is at the
6 discretion of the investigating officer. All dogs so detained
7 must be isolated for a minimum of ten days. Any costs incurred
8 in the detaining and isolation of the dog shall be paid by the
9 offending dog's owner or keeper or both. If the dog's owner or
10 keeper is not known, the Commonwealth is responsible for all
11 reasonable costs for holding and detaining the dog.

12 * * *

13 Section 3. Section 905 of the act is amended to read:

14 Section 905. Disposition of fines and penalties.

15 If a prosecution pursuant to this act is initiated by a State
16 dog warden, employee of the department or State Police officer,
17 all fines forfeited, recognizances and other forfeitures
18 imposed, lost or forfeited under this act shall be payable
19 through the [Department of Agriculture] department into the
20 State Treasury for credit to the Dog Law Restricted Account. If
21 a prosecution pursuant to this act is initiated by a local
22 police officer or animal control officer, all fines forfeited,
23 recognizances and other forfeitures imposed, lost or forfeited
24 under this act shall be payable to the political subdivision
25 which employs such local police officer or animal control
26 officer.

27 Section 4. Section 906 of the act added December 11, 1996

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

29 Section 906. Reports to General Assembly.

30 On or before March 1, 1997, and on or before March 1 of each

1 subsequent year, the secretary shall provide a report to the
2 [Agriculture and Rural Affairs] Public Health and Welfare
3 Committee of the Senate and the [Agriculture and Rural Affairs]
4 Health Committee of the House of Representatives which shall
5 describe all relevant activities of the department for the
6 preceding calendar year under this act. The report shall
7 contain, at a minimum, the following:

8 (1) The number of State dog wardens by county.

9 (2) The number of dog licenses issued by county.

10 (3) The number of kennel licenses issued in each kennel
11 class by county.

12 (4) The number of out-of-state dealer licenses issued by
13 the department.

14 (5) The total moneys collected from license fees.

15 (6) The number of kennel inspections performed, which
16 shall include the number of kennels inspected by kennel
17 class, the number of dogs kept at each inspected kennel and
18 the county of location.

19 (7) The number of kennel licenses and out-of-state
20 dealer licenses refused, revoked or suspended and the reasons
21 for such refusals, revocations or suspensions.

22 (8) The number of citations issued by county and the
23 disposition of each citation.

24 (9) The number of dogs seized and impounded and the
25 total reimbursements made by the department for the
26 transportation, care and feeding of such dogs.

27 (10) The total payments made by the department from the
28 Dog Law Restricted Account and the reasons for such payments.

29 (11) Recommendations to improve the administration and
30 enforcement of this act, if applicable.

1 Section 5. This act shall take effect in 60 days.