

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1289 Session of 2022

INTRODUCED BY VOGEL, SCHWANK, BAKER, BARLOTTA, CAPPELLETTI, FLYNN, FONTANA, MENSCH AND YUDICHAK, JUNE 16, 2022

SENATOR VOGEL, AGRICULTURE AND RURAL AFFAIRS, AS AMENDED, JUNE 22, 2022

AN ACT

1 Amending the act of December 7, 1982 (P.L.784, No.225), entitled
2 "An act relating to dogs, regulating the keeping of dogs;
3 providing for the licensing of dogs and kennels; providing
4 for the protection of dogs and the detention and destruction
5 of dogs in certain cases; regulating the sale and
6 transportation of dogs; declaring dogs to be personal
7 property and the subject of theft; providing for the
8 abandonment of animals; providing for the assessment of
9 damages done to animals; providing for payment of damages by
10 the Commonwealth in certain cases and the liability of the
11 owner or keeper of dogs for such damages; imposing powers and
12 duties on certain State and local officers and employees;
13 providing penalties; and creating a Dog Law Restricted
14 Account," in short title and definitions, further providing
15 for definitions; in licenses, tags and kennels, further
16 providing for issuance of dog licenses, compensation, proof
17 required, deposit of funds, records, license sales, rules and
18 regulations, failure to comply, unlawful acts and penalty,
19 for applications for dog licenses, fees and penalties, for
20 kennels, providing for fee increases, further providing for
21 requirements for kennels, for revocation or refusal of kennel
22 licenses, for dogs temporarily in the Commonwealth and for
23 health certificates for importation; in dangerous dogs,
24 further providing for court proceedings, certificate of
25 registration and disposition, for requirements, for public
26 safety and penalties and for construction of article; in
27 injury to dogs, further providing for selling, bartering or
28 trading dogs; and, in enforcement and penalties, further
29 providing for enforcement and penalties.

30 The General Assembly of the Commonwealth of Pennsylvania
31 hereby enacts as follows:

1 Section 1. The definition of "nonprofit kennel" in section
2 102 of the act of December 7, 1982 (P.L.784, No.225), known as
3 the Dog Law, is amended and the section is amended by adding
4 definitions to 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 ["Nonprofit kennel." A kennel registered under the laws of
11 this Commonwealth as a nonprofit entity or a nonprofit animal
12 control kennel under sections 901 and 1002. The term shall
13 include kennels operated by approved medical and veterinary
14 schools and nonprofit institutions conducting medical and
15 scientific research, which shall be required to register, but
16 shall not be required to pay any of the license fees set by this
17 act, and which may use their own identification tags for dogs
18 within their kennels without being required to attach tags
19 hereinafter prescribed while dogs are within such kennels, if
20 approved by the secretary.]

21 * * *

22 "Seller." An individual who:

23 (1) sells or transfers the ownership interest of a dog
24 to another individual for consideration of money; and

25 (2) meets the criteria to be licensed as a kennel.

26 * * *

27 "Unprovoked." Action by a dog that includes biting,
28 attacking or forcibly coming into unwanted physical contact with
29 an individual who or domestic animal that is acting peaceably
30 and lawfully.

1 * * *

2 Section 2. Sections 200(a) and (b) and 201 of the act are
3 amended to read:

4 Section 200. Issuance of dog licenses; compensation; proof
5 required; deposit of funds; records; license sales;
6 rules and regulations; failure to comply; unlawful
7 acts; penalty.

8 (a) Issuance of dog licenses.--

9 (1) The county treasurer shall be an agent and shall
10 process applications for dog license certificates and issue
11 dog license certificates and tags.

12 (1.1) The county treasurer shall be permitted and may
13 permit agents to issue vanity or collector tags that are
14 approved by the department, in addition to the license.

15 (2) The county treasurer may authorize magisterial
16 district judges to be agents and to process applications for
17 dog license certificates and to issue dog license
18 certificates and tags.

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

28 (4) The secretary shall have the authority, after a
29 review of the agents appointed by a county treasurer, to
30 appoint agents within each county to process dog license

1 certificates and to issue dog license certificates and tags.
2 Priority shall be given to licensed doctors of veterinary
3 medicine and kennels licensed under this act. At least half
4 of the agents appointed in each county shall have hours of
5 operation after 5 p.m. at least one weekday and shall be open
6 at least one day of each weekend. Agents appointed by the
7 secretary under this paragraph shall be required to post a
8 bond or other security instrument in a form satisfactory to
9 the secretary in an amount he determines. The secretary may
10 recall the appointment of any agent at any time.

11 (5) Agents who have been appointed by their respective
12 county treasurers prior to the effective date of this section
13 may continue to act as agents for the county treasurers under
14 such bonding requirements as the county treasurer may
15 require.

16 (6) The secretary shall establish, operate and maintain,
17 through a vendor or otherwise, a single Statewide dog
18 licensing Internet website capable of selling dog licenses
19 online in each county that has not implemented and made
20 functional online dog licensing as of the effective date of
21 this paragraph.

22 (7) The secretary shall establish, operate and maintain,
23 through a vendor or otherwise, a single electronic Statewide
24 dog licensing registry database, which shall be made readily
25 accessible to all law enforcement agencies and is capable of
26 maintaining an accurate, complete and single Statewide
27 registry of all licensed dogs in this Commonwealth, no matter
28 by whom or how the license was sold. In addition to the
29 requirements under subsection (e.1), all agents and all
30 cities of the first class, second class and second class A,

1 second class B and cities of the third class adopting their
2 own dog licensing ordinances shall submit electronic records
3 of all dog license sales to the registry in the manner, form
4 and frequency prescribed by the department to ensure that
5 accuracy and completeness of the registry is maintained at
6 all times.

7 (b) Compensation.--

8 (1) For services rendered in collecting and paying over
9 dog license fees, agents, for as long as they continue to act
10 in that capacity, may collect and retain a sum equal to the
11 cost of a postage stamp plus \$1 for each dog license sold,
12 which amount shall be full compensation for services rendered
13 by them under this act[.] except that, beginning on the
14 effective date of this paragraph, the amount shall be \$3 for
15 each lifetime license sold. The compensation shall be
16 retained by the respective agents and shall cover, among
17 other things, the cost of processing and issuing dog
18 licenses, postage, mailing, returns and bonding of the
19 agents.

20 (2) A magisterial district judge authorized by the
21 county treasurer to process applications for dog license
22 certificates and issue dog license certificates is not
23 authorized to collect compensation under this subsection.

24 (3) Agents under subsection (a) (3) and (5) shall collect
25 an additional 50¢ which shall be remitted to the county
26 treasurer, for the use of the county, in the same manner as
27 records are forwarded under subsection (e).

28 * * *

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

30 (a) General rule.--Except as provided in subsection (b), on

1 or before January 1 of each year, the owner of any dog, three
2 months of age or older, or upon transfer to a new owner,
3 whichever comes first, except as hereinafter provided, shall
4 apply to the county treasurer of his respective county or an
5 agent under section 200(a), on a form prescribed by the
6 department, for the appropriate license for the dog. The
7 application and license certificate shall state the breed, sex,
8 age, color and markings of the dog, the name, address and
9 telephone number of the owner and the year of licensure. The
10 application shall be accompanied by the appropriate license fee
11 as follows:

12 [(1) For each neutered male dog and for each spayed
13 female dog for which the certificate of a licensed doctor of
14 veterinary medicine or the affidavit of the owner is
15 produced, the license fee shall be \$5.]

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

18 (2.1) For all male and female dogs, the license fee
19 shall be \$8.

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

22 [(i) For each neutered male dog and for each spayed
23 female dog for which the certificate of a licensed doctor
24 of veterinary medicine or the affidavit of the owner is
25 produced, the license fee shall be \$3.]

26 (ii) For all [other] male and female dogs, the
27 license fee shall be [~~\$5~~] \$6.

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

1 (5) All additional costs of a vanity or collector tag
2 issued under this subsection shall be in addition to the
3 required license fee under this section. The additional cost
4 shall be distributed equally between the county treasurer
5 that issued the license and the Dog Law Restricted Account. A
6 vanity or collector tag shall not be issued without approval
7 of the department.

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

20 [(1) For each neutered male dog and for each spayed
21 female dog for which the certificate of a licensed doctor of
22 veterinary medicine or the affidavit of the owner is
23 produced, the lifetime license fee shall be \$30.]

24 [(2) For all other male and female dogs, the license fee
25 shall be \$50.]

26 (2.1) For all male and female dogs, the license fee
27 shall be \$80.

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

30 (i) For each [neutered male dog and for each spayed

1 female dog for which the certificate of a licensed doctor
2 of veterinary medicine or the affidavit of the owner is
3 produced,] male and female dog, the license fee shall be
4 [\$20] \$50.

5 [(ii) For all other male and female dogs, the
6 license fee shall be \$30.]

7 (4) Compensation, if collected under section 200(b),
8 shall also be paid by all applicants, regardless of age or
9 disability. A dog which has been issued a lifetime license
10 prior to the effective date of this act shall not be subject
11 to fees under this subsection.

12 (5) All additional costs of a vanity or collector tag
13 issued under this subsection shall be charged in addition to
14 the fees under this section. The additional cost shall be
15 distributed equally between the county treasurer that issued
16 the tag and the Dog Law Restricted Account. A vanity or
17 collector tag shall not be issued without approval of the
18 department.

19 (b.1) Proof of licensure.--A person owning or keeping a dog
20 that is required to be licensed shall produce proof of licensure
21 within 10 days after a police officer, State dog warden,
22 department official or designated municipal animal control
23 officer requests the proof.

24 (b.2) Application.--A seller of dogs at retail to a
25 Pennsylvania resident shall provide the new dog owner with a
26 department-issued dog license application and department-issued
27 letter regarding dog licensing.

28 (c) Penalty.--A person who violates this section commits a
29 summary offense and, upon conviction, shall be sentenced to pay
30 a fine of not less than [\$50] \$100 nor more than [\$300] \$500 for

1 each unlicensed dog. Fraudulent statements, including those
2 related to the breed of the dog, failure to pay the appropriate
3 fee or failure to update records, including address and contact
4 information, within 120 days of moving constitute a violation.
5 The burden of proof shall be the same as under section 802.

6 Section 3. Section 206(a) and (b) of the act are amended and
7 the section is amended by adding a subsection to read:

8 Section 206. Kennels.

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

10 (1) Any person who keeps or operates a kennel shall, on
11 or before January 1 of each year, apply to the department for
12 [a] the appropriate type and class of kennel license. Kennels
13 shall be classified by type, and the fee for the license
14 shall be determined by the kennel type, the number of dogs
15 housed, kept, harbored, boarded, sheltered, sold, given away
16 or transferred in or by the kennel during the previous year.

17 (2) A person who did not keep or operate a kennel during
18 the previous year shall apply for the type and class of
19 kennel the person expects to operate during the calendar
20 year.

21 (3) A person operating a kennel who changes the type or
22 classification of kennel due to an increase in the number of
23 dogs housed, kept, harbored, boarded, sheltered, sold, given
24 away or transferred in or by the kennel during any calendar
25 year shall, within seven days of the increase, apply to the
26 department for the appropriate type and class of kennel
27 license.

28 (4) The application forms and kennel licenses shall be
29 as designated by the secretary. A separate license shall be
30 required for each type of kennel and every location at which

1 a kennel is kept or operated. A kennel license is required to
2 keep or operate any kennel. All kennel licenses shall expire
3 on December 31. When two or more licensed kennels are
4 operated by the same person at the same location, each kennel
5 shall be inspected and licensed as required by law. The total
6 number of dogs housed, kept, harbored, boarded, sheltered,
7 sold, given away or transferred in or by all of the kennels
8 operated by that person at that location shall be counted to
9 determine whether those kennels meet the definition of
10 "commercial kennel" in section 102, in which case each kennel
11 must apply for, and be inspected and licensed as, the
12 appropriate Kennel Class C license.

13 (5) The kennel classes and license fees shall be as
14 follows:

15 (i) Kennel Class I.

16 To keep or operate a private kennel, pet shop-kennel,
17 research kennel, rescue network kennel, dealer kennel or
18 kennel for a total of 50 dogs or less of any age during a
19 calendar year - [~~\$75~~] \$100 per year.

20 (ii) Kennel Class II.

21 To keep or operate a private kennel, pet-shop kennel,
22 research kennel, rescue network kennel, dealer kennel or
23 kennel for a total of 51 to 100 dogs of any age during a
24 calendar year - [~~\$200~~] \$250 per year.

25 (iii) Kennel Class III.

26 To keep or operate a private kennel, pet shop-kennel,
27 research kennel, rescue network kennel, dealer kennel or
28 kennel for a total of 101 to 150 dogs of any age during a
29 calendar year - [~~\$300~~] \$375 per year.

30 (iv) Kennel Class IV.

1 To keep or operate a private kennel, pet shop-kennel,
2 research kennel, rescue network kennel, dealer kennel or
3 kennel for a total of 151 to 250 dogs of any age during a
4 calendar year - [~~\$400~~] \$500 per year.

5 (v) Kennel Class V.

6 To keep or operate a private kennel, pet shop-kennel,
7 research kennel, rescue network kennel, dealer kennel or
8 kennel for a total of 251 to 500 dogs of any age during a
9 calendar year - [~~\$500~~] \$625 per year.

10 (vi) Kennel Class VI.

11 To keep or operate a private kennel, pet shop kennel,
12 research kennel, rescue network kennel, kennel or dealer
13 kennel for a total of more than 500 dogs of any age
14 during a calendar year - [~~\$750~~] \$950 per year.

15 (vii) Boarding Kennel Class I.

16 To keep or operate a boarding kennel having the
17 capacity to accommodate a total of 1 to 10 dogs at any
18 time during a calendar year - [~~\$100~~] \$125 per year.

19 (viii) Boarding Kennel Class II.

20 To keep or operate a boarding kennel having the
21 capacity to accommodate a total of 11 to 25 dogs at any
22 time during a calendar year - [~~\$150~~] \$200 per year.

23 (ix) Boarding Kennel Class III.

24 To keep or operate a boarding kennel having the
25 capacity to accommodate 26 or more dogs at any time
26 during a calendar year - [~~\$250~~] \$325 per year.

27 [~~Nonprofit Kennel~~

28 ~~To keep or operate a nonprofit kennel - \$25 per~~
29 ~~year.]~~

30 (x) Kennel Class C-I.

1 To keep or operate a commercial kennel for a total of
2 50 dogs or less of any age during a calendar year - [~~\$75~~]
3 \$100 per year.

4 (xi) Kennel Class C-II.

5 To keep or operate a commercial kennel for a total of
6 51 to 100 dogs of any age during a calendar year - [~~\$200~~]
7 \$250 per year.

8 (xii) Kennel Class C-III.

9 To keep or operate a commercial kennel for a total of
10 101 to 150 dogs of any age during a calendar year -
11 [~~\$300~~] \$375 per year.

12 (xiii) Kennel Class C-IV.

13 To keep or operate a commercial kennel for a total of
14 151 to 250 dogs of any age during a calendar year -
15 [~~\$400~~] \$500 per year.

16 (xiv) Kennel Class C-V.

17 To keep or operate a commercial kennel for a total of
18 251 to 500 dogs of any age during a calendar year -
19 [~~\$500~~] \$625 per year.

20 (xv) Kennel Class C-VI.

21 To keep or operate a commercial kennel for a total of
22 more than 500 dogs of any age during a calendar year -
23 [~~\$750~~] \$950 per year.

24 (xvi) Humane Society or Society for the Prevention
25 of Cruelty to Animals.

26 To keep or operate a humane society or Society for
27 the Prevention of Cruelty to Animals ("SPCA") - \$35 per
28 year.

29 (xvii) Municipal Holding Pens.

30 To keep or operate a municipal holding pen - \$35 per

1 year.

2 (xviii) Rescue Network Kennel.

3 To keep a rescue network kennel during a calendar
4 year, the kennel class license fee is applicable to the
5 number of dogs housed by or transferred through or at the
6 rescue network kennel or rescue network kennel homes
7 registered under the rescue network kennel.

8 (xix) Out-of-State Dealer Kennel Class I.

9 To keep or operate a dealer kennel for a total of 50
10 dogs or less of any age during a calendar year - \$100 per
11 year.

12 (xx) Out-of-State Dealer Kennel Class II.

13 To keep or operate a dealer kennel for a total of 51
14 to 100 dogs of any age during a calendar year - \$250 per
15 year.

16 (xxi) Out-of-State Dealer Kennel Class III.

17 To keep or operate a dealer kennel for a total of 101
18 to 150 dogs of any age during a calendar year - \$375 per
19 year.

20 (xxii) Out-of-State Dealer Kennel Class IV.

21 To keep or operate a dealer kennel for a total of 151
22 to 250 dogs of any age during a calendar year - \$500 per
23 year.

24 (xxiii) Out-of-State Dealer Kennel Class V.

25 To keep or operate a dealer kennel for a total of 251
26 to 500 dogs of any age during a calendar year - \$625 per
27 year.

28 (xxiv) Out-of-State Dealer Kennel Class VI.

29 To keep or operate a dealer kennel for a total of
30 more than 500 dogs of any age during a calendar year -

1 \$950 per year.
2 (xxv) Out-of-State Dealer SPCA or humane society, OR <--
3 municipal holding pen or rescue network kennel. <--
4 To keep or operate an SPCA, humane society, OR <--
5 municipal holding pen or rescue network kennel - \$35 per <--
6 year.

7 [(b) Nonprofit kennels.--A nonprofit kennel shall apply for
8 a nonprofit kennel license. Such kennel may use its own
9 identification tags for dogs confined therein. The secretary may
10 approve, upon application, the removal of tags from licensed
11 dogs confined therein. A rescue network kennel may be a
12 nonprofit kennel if it meets the definition of nonprofit
13 kennel.]

14 (b.1) Rescue network kennels.--

15 (1) No person shall engage in or carry on the business
16 of a rescue network kennel unless the person is duly licensed
17 by the department.

18 (2) An application for a rescue network kennel must be
19 made on a form furnished by the department. The form shall
20 contain such information as the department may reasonably
21 require to determine the applicant's identity, competency and
22 eligibility.

23 (3) A person that applies for or holds a rescue network
24 kennel license shall register the location of any home where
25 dogs are kept on behalf of the rescue network kennel. The
26 rescue network kennel home shall be subject to the records
27 requirement under sections 207(c) and 214. The rescue network
28 kennel shall pay an additional fee of \$25 for each home
29 registered. Any home registered under this paragraph shall be
30 known as a rescue network home.

1 * * *

2 Section 4. The act is amended by adding a section to read:

3 Section 206.1. Fee increases.

4 (a) General rule.--Beginning January 1, 2027, the secretary
5 may increase the license fees contained in sections 201 and 206
6 by the percentage change in the Consumer Price Index for All
7 Urban Consumers for the Pennsylvania, New Jersey, Delaware and
8 Maryland area reported by the Bureau of Labor Statistics for the
9 12-month period ending September 30, 2027, and for each
10 successive 12-month period.

11 (b) Publication.--The Department of Agriculture shall
12 transmit notice to the Legislative Reference Bureau for
13 publication in the Pennsylvania Bulletin prior to January 1 of
14 each calendar year for which the secretary determines it is
15 necessary to increase the fees by the annual percentage change
16 determined under subsection (a).

17 Section 5. Sections 207(a.1), (a.2)(1), (c.1), (e) and (g),
18 211(a) introductory paragraph, 212, 214, 502-A, 503-A(b), 505-A,
19 507-A(f)(1), 603(b) and 903(b)(1) and (2) of the act are amended
20 to read:

21 Section 207. Requirements for kennels.

22 (a.1) Prohibition to operate; injunction; fines.--

23 (1) It shall be unlawful for kennels described under
24 section 206 to operate without first obtaining a kennel
25 license from the department.

26 (2) The secretary shall not approve any kennel license
27 application unless such kennel has been inspected and
28 approved by a State dog warden or employee of the department.

29 (3) The secretary may file a suit in equity in the
30 Commonwealth Court to enjoin the operation of any kennel that

1 violates any of the provisions of this act.

2 (4) It shall be no defense to any civil penalty or
3 criminal prosecution under this act that a person operating a
4 kennel failed to properly obtain the appropriate type and
5 class of license.

6 (5) A kennel operator that is applying for a different
7 type or class of license because of an increase in the total
8 number of dogs or due to birth of additional dogs housed,
9 kept, harbored, boarded, sheltered, sold, given away or
10 transferred in or by the kennel during a calendar year shall
11 not be in violation, provided the application is filed within
12 seven days of the increase.

13 (6) A person who is required to file for a Kennel Class
14 C license pursuant to this subsection and has complied with
15 paragraph (5) shall have an additional 120 days from the date
16 of filing of the Kennel Class C license application to come
17 into compliance with the additional requirements for Kennel
18 Class C license holders. The secretary may grant an extension
19 of time for a person to come into compliance with the Kennel
20 Class C requirements if the secretary determines the person
21 is making a good-faith effort to comply with the requirements
22 and makes a showing of reasonable expectation that compliance
23 can be achieved through the granting of an extension. A
24 person who has not complied with paragraph (5) may be
25 assessed a civil penalty under subsection (a.2), in addition
26 to any penalty under section 903, against an unlicensed
27 kennel of not less than \$1,000 nor more than \$5,000 each day
28 an unlicensed kennel operates in violation of paragraph (5).
29 The penalty shall be premised on the gravity and willfulness
30 of the violation, the potential harm to the health and safety

1 of the animals and the public, previous violations and the
2 economic benefit to the violator for failing to comply with
3 this act.

4 (7) A person who operates a kennel without first
5 obtaining the appropriate type and class of kennel license
6 from the department commits a misdemeanor of the third
7 degree.

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

10 (1) In addition to proceeding under any other remedy
11 available at law or in equity for a violation of a provision
12 of this act or a rule or regulation adopted or order issued
13 under this act, the secretary may assess a civil penalty, in
14 addition to any penalty under section 903(c), against an
15 unlicensed kennel of not less than [~~\$500~~] \$1,000 nor more
16 than [~~\$1,000~~] \$5,000 for each day it operates in violation of
17 this act. The penalty shall be premised on the gravity and
18 willfulness of the violation, the potential harm to the
19 health and safety of the animals and the public, previous
20 violations and the economic benefit to the violator for
21 failing to comply with this act.

22 * * *

23 (c.1) [~~Nonprofit kennels.--All nonprofit kennels~~] Humane
24 societies and societies for the prevention of cruelty to
25 animals.--All humane societies and societies for the prevention
26 of cruelty to animals shall be required to keep all records
27 required to be kept under this section, except that, in the case
28 of a dog running at large, it shall not be a violation of
29 subsection (c) (3) or (4) for the [~~nonprofit kennel~~] humane
30 society and society for the prevention of cruelty to animals to

1 list only the location from which a dog was retrieved if the
2 information required to be maintained under subsection (c) (3)
3 and (4) is unknown and not available to the [nonprofit kennel]
4 humane society and society for the prevention of cruelty to
5 animals.

6 * * *

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

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

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

14 (ii) The kennel class and type.

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

17 (iv) The name and location of the source of the dogs
18 shall be posted conspicuously on all enclosures for all
19 kennels.

20 (1.1) An individual required to possess a Federal, State
21 or local license to sell or offer for sale a dog shall
22 prominently include the individual's name and address as
23 registered with the licensing agency and each applicable
24 Federal, State or local license number in the text of an
25 advertisement offer for the sale of a dog by the individual
26 through a newspaper, posting, the mail, an Internet website
27 or another form of media placed by the individual or anyone
28 acting on the individual's behalf. For puppies under four
29 months of age, the kennel license certificate must include
30 the license number of the dam from which the puppy was born,

1 excluding situations involving humane society and society for
2 the prevention of cruelty to animals where the dam
3 information is unknown.

4 (1.2) An individual who violates subsection (a) shall be
5 subject to a civil penalty of \$100 for each advertisement
6 offer.

7 (2) Rescue network kennel homes associated with a dealer
8 or rescue kennel network shall display a copy of the dealer's
9 or the rescue kennel network's kennel license.

10 (3) If the secretary revokes or denies a kennel license,
11 the department shall issue a notice of revocation or denial.
12 The notice shall be posted in a place conspicuous to persons
13 authorized to enter and approved by the department for a
14 period of time as provided in this subsection. In the case of
15 a revocation or denial of a kennel license, the kennel shall
16 display the notice of revocation or denial until such time as
17 the kennel has ceased to operate or as the department
18 determines and sets forth in the order. In the case of an
19 appeal of revocation or denial, the notice of revocation or
20 denial shall remain posted until the final disposition of
21 appeal or the department has reissued a valid kennel license.

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

1 (5) Failure to display a current and valid kennel
2 license certificate or a notice of revocation, suspension or
3 denial as provided in this subsection constitutes a violation
4 of this act.

5 * * *

6 (g) Additional requirements for boarding kennels, [nonprofit
7 kennels] humane societies or societies for the prevention of
8 cruelty to animals and Kennel Class I through VI license
9 holders.--The following shall apply to boarding kennels,
10 [nonprofit kennels] humane societies or societies for the
11 prevention of cruelty to animals and Kennel Class I through VI
12 license holders:

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

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

21 * * *

22 Section 211. Revocation or refusal of kennel licenses.

23 (a) General powers of secretary.--The secretary shall revoke
24 a kennel license, dealer license or out-of-state dealer license
25 if a licensee is convicted of a violation of 18 Pa.C.S. [§ 5511]
26 Ch. 55 Subch. B (relating to cruelty to animals), which caused
27 injury or placed any animal at imminent risk of injury, or of
28 substantially similar conduct pursuant to a cruelty law of
29 another state. The secretary shall not issue a kennel license,
30 dealer license or out-of-state dealer license to a person that

1 has been convicted of a violation of 18 Pa.C.S. [§ 5511] Ch. 55
2 Subch. B, which caused injury or placed any animal at imminent
3 risk of injury, within the last ten years. The secretary may
4 revoke or refuse to issue a kennel license, dealer license or
5 out-of-state dealer license for any one or more of the following
6 reasons:

7 * * *

8 Section 212. Dogs temporarily in the Commonwealth.

9 (a) General rule.--Any person may bring, or cause to be
10 brought into the State, for a period of 30 days, one or more
11 dogs for show, trial, or breeding purposes or as a household pet
12 without securing a Pennsylvania license, and any person holding
13 a Pennsylvania nonresident hunting license may, without securing
14 a license or licenses therefor, bring or cause to be brought
15 into the State one or more dogs for the purpose of hunting game
16 during any hunting season when hunting with dogs is permitted by
17 law, if a similar exemption from the necessity of securing dog
18 licenses is afforded for hunting purposes to residents of
19 Pennsylvania by the state of such person's residence; but each
20 dog shall be equipped with a collar bearing a name plate giving
21 the name and address of the owner.

22 (b) Applicability.--This section shall not apply to a dog
23 coming into a kennel.

24 Section 214. Health certificates for importation.

25 (a) Requirements.--It shall be a violation of this act to
26 transport any dog into this Commonwealth except under the
27 provisions in section 212 without a certificate of health
28 prepared by a licensed doctor of veterinary medicine, which
29 certificate, or copy of such, shall accompany the dog while in
30 this Commonwealth. The certificate shall state that the dog is

1 at least eight weeks of age and shows no signs or symptoms of
2 infectious or communicable disease; did not originate within an
3 area under quarantine for rabies; and, as ascertained by
4 reasonable investigation, has not been exposed to rabies within
5 100 days of importation.

6 (b) Vaccinations.--All dogs must have been vaccinated for
7 rabies in accordance with the act of December 15, 1986
8 (P.L.1610, No.181), known as the "Rabies Prevention and Control
9 in Domestic Animals and Wildlife Act." The name of the vaccine
10 manufacturer, the date of administration, and the rabies tag
11 number must appear on health certificates prepared by a licensed
12 doctor of veterinary medicine.

13 (c) Boarding kennels.--The owner or operator of a boarding
14 kennel shall require the owner of each out-of-state dog for
15 which the boarding kennel is taking control to provide proof of
16 an up-to-date health certificate at the time the dog enters the
17 boarding kennel. The proof-of-health certificate shall be kept
18 on file at the boarding kennel for seven days following the
19 dog's departure from the boarding kennel.

20 Section 502-A. Court proceedings, certificate of registration
21 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 the person, a person whose domestic animal, dog or cat
25 has been killed or injured without provocation, the State dog
26 warden or the local police officer may file a complaint before a
27 magisterial district judge, charging the owner or keeper of the
28 a dog with harboring a dangerous dog. The owner or keeper of the
29 dog shall be guilty of the summary offense of harboring a
30 dangerous dog if the magisterial district judge finds beyond a

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

3 (1) The dog has done 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
8 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 magisterial
21 district judge that a person is guilty under subsection (a) of
22 harboring a dangerous dog shall constitute a determination that
23 the dog is a dangerous dog for purposes of this act.]

24 (a.2) Summary offense of harboring a dangerous dog.--

25 (1) Any person who has been attacked by one or more
26 dogs, including the person's legal guardian or personal
27 representative, a person whose domestic animal, dog or cat
28 has been killed or injured by an unprovoked attack, the State
29 dog warden or the local police officer may file a complaint
30 before a magisterial district judge, charging the owner or

1 keeper of the dog with harboring a dangerous dog.

2 (2) The owner or keeper of the dog shall be guilty of
3 the summary offense of harboring a dangerous dog if the
4 magisterial district judge finds beyond a reasonable doubt
5 that the dog has done any of the following:

6 (i) Inflicted severe injury on a human being
7 unprovoked on public or private property.

8 (ii) Killed or inflicted severe injury on a domestic
9 animal, dog or cat unprovoked while off the owner's
10 property or has a propensity or history of attacks if the
11 dog kills or inflicts severe injury on a domestic animal
12 while on the owner's property unprovoked. A propensity to
13 kill or inflict severe injury may be proven by a single
14 incident.

15 (iii) Attacked a human being unprovoked and has a
16 history or propensity of attacking human beings or
17 domestic animals, dogs or cats unprovoked. A propensity
18 to attack may be proven by a single incident.

19 (3) For the purposes of this subsection, the term
20 "owner" or "keeper of the dog" shall not include a
21 veterinarian licensed by the Commonwealth or a veterinary
22 technician certified by the Commonwealth while acting in the
23 scope of the duties or employment of a veterinarian or
24 veterinary technician, respectively.

25 (a.3) Effect of conviction.--A finding by a magisterial
26 district judge that a person is guilty under subsection (a.2) of
27 harboring a dangerous dog shall constitute a determination that
28 the dog is a dangerous dog for purposes of this act.

29 (b) Report of conviction.--The magisterial district judge
30 shall make a report of a conviction under subsection [(a)] (a.2)

1 to the Bureau of Dog Law Enforcement, identifying the convicted
2 party, identifying and describing the dog or dogs and providing
3 other information as the bureau might reasonably require.

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

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

25 Section 503-A. Requirements.

26 * * *

27 (b) Registration fee.--The registration fee for a dangerous
28 dog certificate shall be [~~\$500~~] \$1,000 per calendar year for the
29 life of the dog plus an additional amount set by the department
30 as may be necessary to cover the costs of issuing this

1 registration and enforcing this section. This registration fee
2 shall be in addition to any other fees collectable under this
3 act and shall be credited to the Dog Law Restricted Account for
4 the purpose of administering and enforcing this act.

5 * * *

6 Section 505-A. Public safety and penalties.

7 (a) Failure to register and restrain.--The owner or keeper
8 of a dangerous dog who violates any of the following provisions
9 on the first occurrence commits a misdemeanor of the third
10 degree if:

11 (1) The dangerous dog is not validly registered under
12 this act.

13 (2) The owner or keeper of the dangerous dog fails to
14 comply with the provisions of section 503-A or 504-A.

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

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

20 (5) The dog is outside the dwelling of the owner without
21 a muzzle, regardless of whether the dog is physically
22 restrained by a leash.

23 (6) The dog is outside the dwelling of the owner or a
24 proper enclosure without a muzzle and unsupervised,
25 regardless of whether the dog is physically restrained by a
26 leash.

27 (a.1) Subsequent violations.--The owner or keeper of a
28 dangerous dog who commits a subsequent violation under
29 subsection (a) commits a misdemeanor of the second degree and,
30 upon conviction, shall pay a fine not to exceed \$5,000, plus the

1 costs of quarantine, kennel charges and destruction of the
2 dangerous dog. [The] A seizure and destruction order shall be
3 issued, and the dangerous dog shall be forfeited immediately by
4 the owner or keeper to a dog warden or police officer and shall
5 be placed in a kennel or, if necessary, quarantined for a length
6 of time to be determined by the department. After a period of
7 ten days, if no appeal of the seizure and destruction order has
8 been filed and the necessary quarantine period has elapsed, the
9 dangerous dog shall be destroyed humanely in an expeditious
10 manner. If an appeal of the seizure and destruction order is
11 filed, the dangerous dog shall remain confined at the owner's or
12 keeper's expense until the proceedings are completed.

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

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

22 (b) Attacks by dangerous dog.--If a dangerous dog, through
23 the intentional, reckless or negligent conduct of the dog's
24 owner or keeper, attacks a person or a domestic animal, dog or
25 cat, the dog's owner or keeper shall be guilty of a misdemeanor
26 of the second degree. In addition, a seizure and destruction
27 order shall be issued and the dangerous dog shall be immediately
28 seized by a dog warden or police officer and placed in
29 quarantine for a length of time to be determined by the
30 department. After a period of ten days, if no appeal of the

1 seizure and destruction order has been filed by the owner or
2 keeper of the dangerous dog, and after the quarantine period has
3 expired, the dangerous dog shall be humanely destroyed in an
4 expeditious manner, with costs of kenneling, quarantine and
5 destruction to be borne by the dog's owner or keeper. If an
6 appeal of the seizure and destruction order is filed, the
7 dangerous dog shall remain confined at the owner's or keeper's
8 expense until the proceedings are completed and, if found guilty
9 of the cited offense, the dangerous dog shall thereafter be
10 humanely destroyed in an expeditious manner, with costs of
11 kenneling, quarantine and destruction to be borne by the dog's
12 owner or keeper.

13 (c) Attacks causing severe injury or death.--The owner or
14 keeper of any dog that, through the intentional, reckless or
15 negligent conduct of the dog's owner or keeper, aggressively
16 attacks and causes severe injury or death of any human shall be
17 guilty of a misdemeanor of the first degree. In addition, a
18 seizure and destruction order shall be issued and the dog shall
19 be immediately confiscated by a State 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 of the seizure and destruction order has been filed by
23 the owner or keeper of the dangerous dog, and after the
24 quarantine period has expired, the dangerous dog shall be
25 humanely destroyed in an expeditious manner, with costs of
26 kenneling, quarantine and destruction to be borne by the dog's
27 owner or keeper. If an appeal of the seizure and destruction
28 order is filed, the dangerous dog shall remain confined at the
29 owner's or keeper's expense until the proceedings are completed
30 and, if found guilty of the cited offense, the dangerous dog

1 shall be humanely destroyed in an expeditious manner, with costs
2 of kenneling, quarantine and destruction to be borne by the
3 dog's owner or keeper.

4 (c.1) Appeal of seizure and destruction order.--

5 (1) The owner or keeper of a dangerous dog may appeal a
6 seizure and destruction order issued under subsections (a.1),
7 (b) or (c) by filing an appeal within ten days of receipt of
8 the seizure and destruction order. The owner or keeper of the
9 dangerous dog shall be responsible for all costs of kenneling
10 and quarantine of the dangerous dog throughout the pendency
11 of the appeal.

12 (2) No appeal will be granted unless the owner or keeper
13 includes with the request for an appeal a copy of a written
14 agreement with a licensed kennel where the dangerous dog will
15 be kept during the appeal proceedings.

16 (3) If at any time during the appeal proceedings the
17 owner or keeper of the dangerous dog fails to make payments
18 to the kennel where the dangerous dog is kept or, if for any
19 reason the owner or keeper of the dangerous dog is unable to
20 find a licensed kennel to keep the dog, the dangerous dog
21 shall be humanely destroyed in an expeditious manner, with
22 costs of kenneling, quarantine and destruction to be borne by
23 the dog's owner or keeper.

24 (4) The department shall not be liable for any costs of
25 kenneling, quarantine or destruction of the dangerous dog.

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

1 upon parents for personal injury, or theft, destruction, or loss
2 of property caused by the willful, tortious acts of children
3 under eighteen years of age, setting forth limitations, and
4 providing procedure for recovery."

5 (e) Mandatory reporting.--

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

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

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 magisterial district judge, charging the owner or keeper of
30 such a dog with harboring a dangerous dog. The magisterial

1 district judge shall make a report of the determination under
2 section [502-A(a)] 502-A(a.2) to the police or an animal
3 control officer employed by or under contract with the city
4 and to the Bureau of Dog Law Enforcement. The Bureau of Dog
5 Law Enforcement shall give notice of this determination to
6 the respective city treasurer.

7 * * *

8 Section 603. Selling, bartering or trading dogs.

9 * * *

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

19 * * *

20 Section 903. Enforcement and penalties.

21 * * *

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

26 (1) For the first offense, a summary offense and shall,
27 upon conviction, be sentenced for each offense to pay a fine
28 of not less than [500] \$500 nor more than [500] \$1,000 or
29 to imprisonment for not more than 90 days, or both.

30 (2) For a subsequent offense that occurs within one year

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

6 * * *

7 Section 6. This act shall take effect in 90 days.