

**DOG LAW  
ACT OF 1982 P.L. 784 NO. 225**

**DOG LAW - WITH AMENDMENTS  
Act of 1996, No. 151**

**(Draft)**

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DOGS  
ACT NO. 1996-151  
H.B. No. 397

AN ACT Amending the act of December 7, 1982 (P.L. 784, No. 225), entitled "An Act relating to dogs, regulating the keeping of dogs; providing for the licensing of dogs and kennels; providing for the protection of dogs and the detention and destruction of dogs in certain cases; regulating the sale and transportation of dogs; declaring dogs to be personal property and the subject of theft; providing for the assessment of damages done to livestock, poultry and domestic game birds; providing for payment of damages by the Commonwealth in certain cases and the liability of the owner or keeper of dogs for such damages; imposing powers and duties on certain State and local officers and local officers and employees; providing penalties; and creating a Dog Law Restricted Account", further providing for preliminary material, for licenses, tags and kennels, for dogs at large, for duties of officers, for duties of the department, for offenses, for dangerous dogs, for injuries to dogs, for damages by dogs, for statements and proofs and for enforcement and penalties; providing for sterilization of dogs and cats; further providing for funds, for liability of the Commonwealth, for applicability, for abandonment and for repeals.

**ARTICLE I**  
**SHORT TITLE AND DEFINITIONS**

**SECTION 101. SHORT TITLE**

This act shall be known and may be cited as the "Dog Law."

**SECTION 102. DEFINITIONS**

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

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

**"ABANDONMENT."** Relinquishment of all rights and claims to an animal by its owner.

**"ACCELERANT DETECTION DOG."** Any dog, which is used exclusively for accelerant detection, commonly referred to as arson canines.

**"AGENT."** A person defined in Section 200 who is authorized by this act to process applications for dog license certificates and issue dog license certificates and tags.

**"ANIMAL CONTROL OFFICER."** Any person appointed to carry out the duties of dog control.

**"ATTACK."** The deliberate action of a dog, whether or not in response to a command by its owner,

to bite, to seize with its teeth or to pursue any human or domestic animal.

**“BOARDING KENNEL.”** Any kennel available to the general public where dogs are housed or trained for compensation by the day, week or a specified or unspecified time. The term shall not include a kennel where the practice of veterinary medicine is performed if the kennel is covered by the provisions of the act of December 27, 1974 (P.L. 995, No. 326), known as the “Veterinary Medicine Practice Act”. The term shall include any boarding facility operated by a licensed doctor of veterinary medicine whether or not this facility is on the same premises as a building or structure subject to the provisions of the “Veterinary Medicine Practice Act.”

**“BREEDING KENNEL”.** Any kennel operated for the purpose of breeding, buying and selling or in any way-transferring dogs for nonresearch purposes.

**“CAT.”** The genus and species known as *Felis catus*.

**“COUNTY ANIMAL WARDEN.”** Any person employed or appointed under the section 1002(a.1).

**“COUNTY TREASURER”.** The elected officer for any county or any county employee assigned to the office of the county treasurer charged with the receipt, custody and disbursements of its moneys or funds. The term county treasurer shall include those officials in home rule charter counties responsible for county treasurer’s duties.

**“COYOTE.”** The genus and species known as *Canis latrans*.

**“DANGEROUS DOG.”** A dog determined to be a dangerous dog under section 502-A.

**“DEALER.”** Any person who owns or operates a dealer kennel in this Commonwealth or who buys, receives, sells, exchanges, negotiates, barter or solicits the sale, resale, exchange or transfer of a dog in this Commonwealth for the purpose of transferring ownership or possession to a third party.

**“DEALER KENNEL.”** A kennel within the Commonwealth which:

- (1) publicly or privately sells or offers for sale any dog belonging to another person for a fee, commission or percentage of the sale price;
- (2) acquires, sells, transfers, exchanges or barter dogs at wholesale for resale to another; or
- (3) offers or maintains dogs for sale, transfer, exchange or barter at wholesale for resale to another. The term does not include a pound, shelter or common carrier, or a kennel defined elsewhere in this section.

**“DEPARTMENT.”** The Pennsylvania Department of Agriculture.

**“DOG.”** The genus and species known as *Canis Familiaris*.

**“DOG CONTROL.”** The apprehending, holding and disposing of stray or unwanted dogs. Dog control may be performed by humane society police officers, police officers, state dog wardens or animal control officers.

**“DOMESTIC ANIMAL.”** Any equine animal or bovine animal, sheep, goat, pig, poultry, bird, fowl, confined hares, rabbits and mink, or any wild or semiwild animal maintained in captivity.

**“HUMANELY KILLED.”** A method of destruction in accordance with the act of December 22, 1983 (P.L. 303, No. 83), referred to as the Animal Destruction Method Authorization Law.

**“HUMANE SOCIETY OR ASSOCIATION FOR THE PREVENTION OF CRUELTY TO ANIMALS.”** A nonprofit society or association duly incorporated pursuant to 15 Pa.C.S. Ch. 53 Subch. A (relating to incorporation generally) for the purpose of the prevention of cruelty to animals.

**“HUMANE SOCIETY POLICE OFFICER.”** Any person duly appointed pursuant to 22 Pa.C.S. § 501 (relating to appointment by nonprofit corporations) to act as a police officer for a humane society or association for the prevention of cruelty to animals. The term shall include any person who is an agent of a humane society or association for the prevention of cruelty to animals as agent is used in 18 Pa.C.S. § 5511 (relating to cruelty to animals).

**“KENNEL.”** Any establishment wherein dogs are kept for the purpose of breeding, hunting, training, renting, research or vivisection, buying, boarding, sale, show or any other similar purpose and is so constructed that dogs cannot stray therefrom.

**“LICENSED DOCTOR OF VETERINARY MEDICINE.”** A person who is currently licensed pursuant to the act of December 27, 1974 (P.L. 995, No. 326), known as the “Veterinary Medicine Practice Act.”

**“NONPROFIT KENNEL.”** Any kennel operated by an animal rescue league, a humane society or association for the prevention of cruelty to animals or a nonprofit animal control kennel under sections 901 and 1002. The term shall include kennels operated by approved medical and veterinary schools and nonprofit institutions conducting medical and scientific research, which shall be required to register, but shall not be required to pay any of the following license fees, and which may use their own identification tags for dogs within their kennels without being required to attach tags hereinafter prescribed while dogs are within such kennels, if approved by the secretary.

**“OUT-OF-STATE DEALER.”** A person who does not reside in the Commonwealth of Pennsylvania and who buys, receives, sells, exchanges, negotiates, barter or solicits the sale, resale, exchange or transfer of a dog in this Commonwealth for the purpose of transferring ownership or possession to a third party.

**“OWNER.”** When applied to the proprietorship of a dog, includes every person having a right to property in such dog, and every person who keeps or harbors such dog or has it in his care, and every person who permits such dog to remain on or about premises occupied by him.

**“PERMANENT IDENTIFICATION” or “PERMANENTLY IDENTIFIED.”** Any long-lasting identification designed to be nonremovable, such as a tattoo or microchip, determined by the Department of Agriculture through regulation. Any dog permanently identified shall be required to bear a license tag in accordance with the provisions of this act.

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

**“PERSONS.”** Includes State and local officers, or employees, individuals, corporations, copartnerships and associations. Singular words shall include the plural. Masculine words shall include the feminine and neuter.

**“PET SHOP-KENNEL.”** Any kennel or person that acquires and sells dogs for the purpose of resale, whether as owner, agent or consignee, and sells or offers to sell such dogs on a retail basis.

**“POLICE OFFICER.”** Any person employed or elected by this Commonwealth or by any municipality and whose duty it is to preserve peace or to make arrests or to enforce the law. The term includes constables and dog, game, fish and forest wardens.

**“PRIVATE KENNEL.”** A kennel at, in, or adjoining a residence where dogs are kept or bred by their owner, for the purpose of hunting, tracking and exhibiting in dog shows, or field and obedience trials.

**“PROPER ENCLOSURE OF A DANGEROUS DOG.”** The secure confinement of a dangerous dog either indoors or in a securely enclosed and locked pen or structure, suitable to prevent the entry of young children and designed to prevent the animal from escaping. Such pen or structure shall have secure sides and a secure top and shall also provide protection from the elements for the dog. If the pen or structure has no bottom secured to the sides, the sides must be embedded at least two feet into the ground.

**“PUBLIC PLACE.”** A place in this Commonwealth to which the general public has a right to resort. A public place need not be a place devoted solely to use by the public, but may be a place, which is visited by many persons on a regular basis and is usually accessible to the neighboring public. A public place shall also include television and radio media.

**“RESEARCH.”** Investigation or experimentation aimed at the discovery and interpretation of facts or procedures, revision of accepted theories or laws in the light of new facts or practical application of such new or revised theories or laws as related to the advancement of medical science and technological treatment of disease or surgical operations, medical procedures, transplants, functions

and any form of medical or pharmacological actions on dogs when applied and personally supervised by a qualified scientist with degrees approved by the secretary.

**"RESEARCH KENNEL."** Any kennel within the Commonwealth wherein research is conducted with dogs, or where vivisection is practiced with dogs, or any establishment which breeds, buys, sells, or in any way transfers dogs to laboratories, hospitals, establishments for research or any other similar purpose, or which sells, gives away or in any way transfers dogs to another research, or dealer kennel.

**"SECRETARY."** The Secretary of Agriculture or any person to whom authority has been delegated by the Secretary of Agriculture.

**"SERVICE DOG."** Any dog which has been trained as a guide dog, signal dog or has been trained to work or perform tasks for the benefit of an individual with a disability, including, but not limited to guiding individuals with impaired vision, alerting individuals with impaired hearing to intruders or sounds, pulling a wheelchair or fetching dropped items.

**"SEVERE INJURY."** Any physical injury that results in broken bones or disfiguring lacerations requiring multiple sutures or cosmetic surgery.

**"STATE DOG WARDEN."** An employee of the department whose primary duty is to enforce this act and regulations pursuant thereto.

**"VIVISECTION."** The cutting of or operation on a living animal for physical or pathological investigation or animal experimentation.

**"WILD" or "SEMI-WILD ANIMAL."** A domestic animal which is now or historically has been found in the wild, including, but not limited to, bison, deer, elk, llamas or any species of foreign or domestic cattle, such as ankole, gayal and yak.

Amended 1996, Dec. 11, P.L. 943, No. 151, § 1, imd. Effective.

The act is amended by adding a section to read:

## **ARTICLE II. LICENSES, TAGS AND KENNELS**

§ 459-200. **ISSUANCE OF DOG LICENSES; COMPENSATION; PROOF REQUIRED; DEPOSIT OF FUNDS; RECORDS; LICENSE SALES; RULES AND REGULATIONS; FAILURE TO COMPLY; UNLAWFUL ACTS; PENALTY**

(a) **ISSUANCE OF DOG LICENSES.**

- (1) The county treasurer shall be an agent and shall process applications for dog license certificates and issue dog license certificates and tags.
- (2) The county treasurer may authorize district justices to be agents and to process

- applications for dog license certificates and to issue dog license certificates and tags.
- (3) The county treasurer may authorize other agents within the county to process dog license certificates and to issue dog license certificates and tags. At least half of the agents appointed in each county shall have hours of operation after 5 p.m. at least one weekday and shall be open at least one day of each weekend. Agents who have been appointed by their respective county treasurers under this paragraph shall meet bonding requirements as their respective county treasurers may require.
  - (4) The secretary shall have the authority, after a review of the agents appointed by a county treasurer, to appoint agents within each county to process dog license certificates and to issue dog license certificates and tags. Priority shall be given to licensed doctors of veterinary medicine and kennels licensed under this act. At least half of the agents appointed in each county shall have hours of operation after 5 p.m. at least one weekday and shall be open at least one day of each weekend. Agents appointed by the secretary under this paragraph shall be required to post a bond or other security instrument in a form satisfactory to the secretary in an amount he determines. The secretary may recall the appointment of any agent at any time.
  - (5) Agents who have been appointed by their respective county treasurers prior to the effective date of this section may continue to act as agents for the county treasurers under such bonding requirements as the county treasurer may require.
- (b) **COMPENSATION** - For services rendered in collecting and paying over dog license fees, agents, for as long as they continue to act in that capacity, may collect and retain a sum of \$1 for each dog license sold, which amount shall be full compensation for services rendered by them under this act. The compensation shall be retained by the respective agents and shall cover, among other things, the cost of processing and issuing dog licenses, postage, mailing, returns and bonding of the agents. A district justice authorized by the county treasurer to process applications for dog license certificates and issue dog license certificates and tags is not authorized to collect compensation under this subsection. Agents under subsection (a)(3) and (5) shall collect an additional 50¢, which shall be remitted to the county treasurer, for the use of the county, in the same manner as records are forwarded under subsection (e).
- (c) **PROOF REQUIRED** - Each agent shall secure positive proof of the owner's identification, age and disability, if any, and the dog's spay/neutered status, as may be appropriate, for each dog license sold.
- (d) **DEPOSIT OF FUNDS** - All dog license fees paid to an agent under this act, less compensation if collected, shall be paid by those agents into the State Treasury for deposit in the Dog Law Restricted Account at least once a month and they shall be applied to the purposes provided for in this act. An agent shall make a return to the department upon a form to be supplied by the department.

- (e) **RECORDS** - Each agent shall keep on a printed form supplied by the department a correct and complete record of all dog licenses issued. The records shall be available at reasonable hours for inspection by an employee of the department charged with the enforcement of this act or any representative of the Department of Auditor General or Office of Attorney General. Within five days following the first day of each month, each agent shall forward to the secretary and to the county treasurer of the county in which the agent is situated, on forms supplied by the department, a complete report of dog licenses issued, in correct numerical sequence. All money collected from the sale of dog licenses, less compensation if collected, and any other information required by the secretary shall be forward to the secretary with the report.
- (f) **LICENSE SALES** - Each agent shall process applications and issue dog license certificates on a year-round basis. Nothing in this act shall permit an agent while acting in that capacity to suspend license sales during any time.
- (g) **RULES AND REGULATIONS** - The department may promulgate such rules and regulations as it deems necessary to control and supervise the issuance of dog licenses by agents.
- (h) **FAILURE TO COMPLY** - An agent who fails to comply with this act or regulations adopted under this act relating to the issuance, recording of data or remitting of costs for dog licenses issued shall not be entitled to retain the sum under subsection (b) for his services but shall pay the sum to the State Treasury for deposit into the Dog Law Restricted Account. Delinquent agents are subject to a penalty of 10% per month on any outstanding balance of dog license money due the department, which penalty shall be compounded on a monthly basis. Any money not paid may be recovered by the Commonwealth by suit in the same manner as like amounts are recovered by law. Delinquent agents shall be recalled after a delinquency period of 60 days.
- (i) **UNLAWFUL ACTS CONCERNING AGENTS** - It is unlawful for an agent or his representative to knowingly:
  - (1) Issue a dog license at a fee greater than the fee prescribed in this act.
  - (2) Issue a dog license without first securing the proofs required under subsection (c).
  - (3) Falsify the date of a license certificate.
  - (4) Violate any other provision of this section.
- (j) **PENALTY** - Any agent who violates this section or the rules or regulations promulgated under it commits a summary offense and, upon conviction, shall be sentenced to pay a fine of not less than \$300 nor more than \$500 and, in addition, may have his agency recalled at the discretion of the secretary. Each day of violation or each illegal act constitutes a separate offense.

1996, Dec. 11, P.L. 943, No. 151, § 2, imd. Effective.

Sections 201, 202 and 203 of the act are amended to read:

§ 459-201. **APPLICATIONS FOR DOG LICENSES; FEES; PENALTIES**

- (a) **GENERAL RULE** - Except as provided in subsection (b), on or before January 1 of each year, unless and until the department promulgates regulations establishing a system of dog license renewal on an annual basis throughout the calendar year, the owner of any dog, three months of age or older, except as hereinafter provided, shall apply to the county treasurer of his respective county or an agent under section 200(a), on a form prescribed by the department for a license for such dog. The application and license certificate shall state the breed, sex, age, color and markings of such dog, the name, address and telephone number of the owner and the year of licensure. The application shall be accompanied by the appropriate license fee as follows:
- (1) For each neutered male dog and for each spayed female dog for which the certificate of a licensed doctor of veterinary medicine or the affidavit of the owner is produced, the license fee shall be \$5.
  - (2) For all other male and female dogs, the license fee shall be \$7.
  - (3) For Pennsylvania residents 65 years of age or older and persons with disabilities:
    - (i) For each neutered male dog and for each spayed female dog for which the certificate of a licensed doctor of veterinary medicine or the affidavit of the owner is produced, the license fee shall be \$3.
    - (ii) For all other male and female dogs, the license fee shall be \$5.
  - (4) Compensation, if collected under the section 200(b), shall also be paid by all applicants, regardless of age or disability.
- (b) **LIFETIME LICENSE** - The owner of any dog three months of age or older which has been permanently identified may apply to the county treasurer of his respective county or an agent under section 200(a), on a form prescribed by the department for a lifetime license for such a dog. Except as otherwise provided in this act, a dog, which has been issued a lifetime license, shall be required to wear a license tag. The application and license certificate shall state the breed, sex, age, color and markings of such dog, the type and number of permanent identification, and the name, address and telephone number of the owner. The application shall be accompanied by the appropriate license fee as follows:
- (1) For each neutered male dog and for each spayed female dog for which the certificate of a licensed doctor of veterinary medicine or the affidavit of the owner is produced, the lifetime license fee shall be \$30.
  - (2) For all other male and female dogs, the license fee shall be \$50.
  - (3) For Pennsylvania residents 65 years of age or older and persons with disabilities:
    - (i) For each neutered male dog and for each spayed female dog for which the certificate of a licensed doctor of veterinary medicine or the affidavit of the owner is produced, the license fee shall be \$20.

- (ii) For all other male and female dogs, the license fee shall be \$30.
- (4) Compensation, if collected under section 200(b), shall also be paid by all applicants, regardless of age or disability. A dog which has been issued a lifetime license prior to the effective date of this act shall not be subject to fees under this subsection.

- (c) **PENALTIES** - A person who violates this section commits a summary offense and, upon conviction, shall be sentenced to pay a fine of not less than \$25 nor more than \$300 for each unlicensed dog.

§ 459-202.      **LICENSE CERTIFICATES; TAG REMOVAL; EXCLUSION FOR SOME DOGS**

Each dog license certificate shall be dated and numbered, and shall bear the name of the county where such license is issued and any other information required pursuant to regulations promulgated by the department. All dog licenses except lifetime licenses as provided in section 201(b) shall expire upon December 31 of the year for which the license was issued unless and until the department promulgates regulations establishing a system of dog license renewal on an annual basis throughout the calendar year. A tag bearing the same number issued with the license certificate shall be affixed to a substantial collar or harness. The collar or harness shall be furnished by the owner, and, with the tag attached, shall at all times be kept on the dog for which the license is issued, except as otherwise provided in this act. Dogs which are confined or are actively engaged in shows, obedience or field trials are excluded from wearing a current license tag on a collar or harness, as long as a current tag is in the possession of the owner or handler for each dog. It shall be unlawful for any person, except the owner or his authorized agent, or a State dog warden, to remove any license tag from a dog's collar or harness or to remove any collar or harness with a license tag attached thereto from any dog, except as provided in the act of June 3, 1937 (P.L. 1225, No. 316), known as "The Game Law", and except as herein or otherwise provided.

Amended 1996, Dec. 11, P.L. 943, No. 151, § 3, effective in 60 days.

§ 459-203.      **TAGS FURNISHED TO COUNTY TREASURERS AND OTHER AGENTS; LOST TAGS**

The department shall furnish to the county treasurers and to other agents under section 200(a) tags to be given to applicants for dog licenses. The department shall furnish to the county treasurers tags to be distributed to agents under section 200(a)(3) and (5). Such tags shall bear the name of the county where such dog license is issued and a serial number corresponding to the number on the issued dog license certificate. Such tags shall not contain more than one square inch of area between the ears or the fastening device and have impressed thereon the calendar year for which the tag is valid. If any tag is lost, it shall be replaced by the county treasurer upon production of the dog license certificate. The cost for the issuance of a tag due to loss shall be \$1 paid to the county treasurer for the use of the county.

Amended 1996, Dec. 11, P.L. 943, No. 151, § 3, effective in 60 days.

§459-204.      Eliminated

Sections 205, 206, 207, 208, 209, 211, 214, 215 and 216 of the act are amended to read:

§ 459-205.     **TRANSFER OF DOG LICENSES OR TAGS; OTHER LICENSING REQUIREMENTS**

- (a)     **TRANSFER OF DOG LICENSE** - It is unlawful to transfer a dog license or dog license tag issued for one dog to another dog, except as otherwise provided in this act. Whenever the ownership or possession of any dog is permanently transferred from one person to another within the same county, the license of such dog may be likewise transferred, upon application to an agent under section 200(a). Such application shall be accompanied by a bill of sale or an affidavit from the owner that ownership of the dog is to be transferred. A new dog license, or the transfer of a dog license already secured, is not required when the possession of a dog is temporarily transferred for the purpose of hunting game, or for breeding, boarding and training, trial or show, in this Commonwealth. The issuing agent shall charge and retain \$1 for such transfer application.
  
- (b)     **DOG MOVED TO ANOTHER COUNTY** - Whenever any dog licensed in one county is permanently moved to another county, an issuing agent of the county where the dog license was issued shall, upon the application of the owner or keeper of such dog, certify such dog license to an agent of the county to which the dog is moved. Such agent shall thereupon, and upon the payment of a fee of \$1 for the use of the county agent, issue a dog license and tag for such dog in the county to which it is moved.
  
- (c)     **OWNERS OF UNLICENSED DOGS** - Any person other than as exempt in section 206, becoming the owner of any dog three months old or older, which has not already been licensed, shall forthwith apply for and secure, a license for such dog under the provisions of this act.

Section 206.     **KENNELS**

- (a)     **APPLICATIONS, KENNEL LICENSE CLASSIFICATIONS AND FEES** - Any person who keeps or operates a Class I, Class II, Class III, Class IV or Class V Kennel, Boarding Kennel Class I, Boarding Kennel Class II, Boarding Kennel Class III, or nonprofit kennel shall, on or before January 1 of each year, apply to the department for a kennel license. The application forms and kennel licenses shall be as designated by the secretary. A separate license shall be required for each type of kennel and every location at which a kennel is kept or operated. A kennel license is required to keep or operate any establishment that keeps, harbors, boards, shelters, sells, gives away or in any way transfers a cumulative total of 26 or more dogs of any age in any one calendar year. All kennel licenses shall expire December 31.

When two or more licensed kennels are operated by the same person at the same location, each kennel shall be inspected and licensed for each use.

***Kennel Class I*** - To keep or operate a private kennel, pet shop kennel, research kennel,

dealer kennel or breeding kennel for a cumulative total of 50 dogs or less of any age during a calendar year - \$75 per year.

***Kennel Class II*** - To keep or operate a private kennel, pet shop kennel, research kennel, dealer kennel or breeding kennel for a cumulative total of 51 to 100 dogs of any age during a calendar year - \$200 per year.

***Kennel Class III*** - To keep or operate a private kennel, pet shop kennel, research kennel, dealer kennel or breeding kennel for a cumulative total of 101 to 150 dogs of any age during a calendar year - \$300 per year.

***Kennel Class IV*** - To keep or operate a private kennel, pet shop kennel, research kennel, dealer kennel or breeding kennel for a cumulative total of 151 to 250 dogs of any age during a calendar year - \$400 per year.

***Kennel Class V*** - To keep or operate a private kennel, pet shop kennel, research kennel, dealer kennel or breeding kennel for a cumulative total of 251 or more dogs of any age during a calendar year - \$500 per year.

***Boarding Kennel Class I*** - To keep or operate a boarding kennel having the capacity to accommodate a total of 1 to 10 dogs at any time during a calendar year - \$100 per year.

***Boarding Kennel Class II*** - To keep or operate a boarding kennel having the capacity to accommodate a total of 11 to 25 dogs at any time during a calendar year - \$150 per year.

***Boarding Kennel Class III*** - To keep or operate a boarding kennel having the capacity to accommodate a total of 26 or more dogs at any time during a calendar year - \$250 per year.

***Nonprofit Kennel*** - \$25 per year.

- (b) **NONPROFIT KENNELS** - A nonprofit kennel shall apply for a nonprofit kennel license. Such kennel may use its own identification tags for dogs confined therein. The secretary may approve, upon application, the removal of tags from licensed dogs confined therein.
- (c) **ISSUANCE OF TAGS** - The department shall issue the number of tags equal to the number of dogs three months of age or older, or a lesser number as determined by the kennel owner's needs, approved by the secretary to be kept in a kennel described under this section. All tags shall bear the name of the county where they are issued, the kennel license number and any other information required by the secretary through regulations.
- (d) **KENNEL REMOVED TO ANOTHER COUNTY** - If a person that keeps or operates a kennel permanently removes the kennel to another county, the person shall file an application with the secretary to transfer the license to the county of removal. Upon approval by the secretary, the kennel license shall remain in effect until it has expired pursuant to this

section.

- (e) **ADEQUACY OF FEES** - On or before July 1, 1998, the department shall submit a report to the chairperson and minority chairperson of the Agriculture and Rural Affairs Committee of the Senate and the chairperson and minority chairperson of the Agriculture and Rural Affairs Committee of the House of Representatives comparing the expenses incurred by the department for enforcing this act with regard to kennels and the revenues received by the department in accordance with this section.

Section 207. **REQUIREMENTS FOR KENNELS**

- (a) **PROHIBITION TO OPERATE; INJUNCTION; FINES** - It shall be unlawful for kennels described under section 206 to operate without first obtaining a kennel license from the department. The secretary shall not approve any kennel license application unless such kennel has been inspected and approved by a State dog warden or employee of the department. The secretary may file a suit in equity in the Commonwealth Court to enjoin the operation of any kennel that violates any of the provisions of this act. In addition, the secretary may seek in such suit the imposition of a fine for every day in violation of this act for an amount not less than \$100 nor more than \$500 per day.
- (b) **MAINTENANCE OF KENNELS** - All kennels shall be maintained in a sanitary and humane condition in accordance with standards and sanitary codes promulgated by the secretary through regulations.
- (c) **RECORDS TO BE MAINTAINED** - Every keeper of a kennel shall keep, for two years, a record of each dog at any time kept in the kennel. Such record shall show:
  - (1) The breed, color, markings, sex and age of each dog.
  - (2) The date on which each dog entered the kennel.
  - (3) From where it came.
  - (4) To whom it belongs.
  - (5) For what purpose each dog is kept in the kennel.
  - (6) The date on which each dog leaves the kennel.
  - (7) How and to whom it is dispensed.
  - (8) The name, address and telephone number of the licensed doctor of veterinary medicine used by the kennel. Such record shall be eligible and shall be open to inspection and may be copied by any employee of the department, State dog warden or police officer as defined by this act.
- (d) **ADDITIONAL REQUIREMENTS** - Every holder of a kennel license shall attach one tag to a collar or harness of each dog three months old or older kept by that person, whenever the dog is not within the kennel except as provided for in section 202.

Section 208. Eliminated.

Section 209. **OUT-OF-STATE DEALER LICENSE; APPLICATION FEE; PROHIBITIONS**

- (a) **OUT-OF-STATE DEALERS** - All out-of-state dealers shall on or before January 1 of each year, apply to the secretary for an out-of-state dealer license. The fee for such license shall be \$300 plus appropriate kennel license fees required under section 206. All fees collected under this section shall be remitted to the State Treasury for credit to the Dog Law Restricted Account. All licenses under this section shall expire upon December 31 of the year for which the license was issued. The forms for the application and license shall be approved by the secretary through regulations.
- (b) **UNLAWFUL ACTS** - It shall be unlawful for out-of-state dealers to transport dogs into or within the Commonwealth or to operate or maintain a dealer kennel or to deal in any manner with dogs without first obtaining an out-of-state dealer license from the department.

Section 210. **BILL OF SALE**

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

Section 211. **REVOCATION, SUSPENSION OR REFUSAL OF KENNEL LICENSES**

- (a) **GENERAL POWERS OF SECRETARY** - The secretary may revoke or suspend a kennel license or out-of-state dealer license or refuse to issue a kennel license or out-of-state dealer license, for any one or more of the following reasons:
  - (1) The person holding or applying for a license has made a material misstatement or misrepresentation in the license application;
  - (3) The person holding or applying for a license has made a material misstatement or misrepresentation to the department or its personnel, regarding a matter relevant to the license;
  - (3) The person holding or applying for a license has been convicted of any violation of this act;
  - (4) The person holding or applying for a license has failed to comply with any regulation promulgated under this act; or
  - (5) The person holding or applying for a license has been convicted of any law relating to cruelty to animals.
- (b) **NOTICE OF ACTION**
  - (1) The secretary shall provide written notice of a kennel license or an out-of-state dealer license revocation, suspension or refusal to the person whose license is

revoked, suspended or refused. The notice shall set forth the general factual and legal basis for the action, and shall advise the affected person that within ten days of receipt of the notice, he may file with the secretary a written request for an administrative hearing. The hearing shall be conducted in accordance with 2 Pa.C.S. (relating to administrative law and procedure).

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

(c) **SEIZURE AND CONSTRUCTIVE SEIZURE**

- (1) Whenever the secretary revokes, suspends or refuses a kennel license or an out-of-state dealer license, the department may seize and impound any dog in the possession, custody or care of the person whose license is revoked, suspended or refused if there are reasonable grounds to believe that the dog's health, safety or welfare is endangered. Reasonable costs of transportation, care and feeding of a seized and impounded dog shall be paid by the person from whom the dog was seized and impounded.
- (2)
  - (i) If the person whose kennel license or out-of-state dealer license is revoked, suspended or refused, and whose dog has been seized and impounded, provides the secretary with satisfactory evidence or assurances that the dog will receive adequate care, and has paid all costs of transportation, care and feeding related to the seizure and impoundment of the dog, the person may retrieve the seized and impounded dog.
  - (ii) If the owner of a seized and impounded dog is someone other than the person from whom the dog was seized and impounded, the dog owner may retrieve his dog from impoundment upon payment of all transportation, care and feeding costs applicable to the dog. The person from whom the dog was seized and impounded shall be responsible to reimburse the dog owner for the transportation, care and feeding costs.
- (4) The secretary shall allow a dog to remain in the physical possession, custody or care of the person whose kennel license or out-of-state dealer license is revoked, suspended or refused upon any one or more of the following findings:
  - (i) The secretary has no reasonable grounds to believe that the health, safety or welfare of the dog is endangered; or
  - (ii) The person whose license is revoked, suspended or refused has provided satisfactory evidence or assurances that the dog will receive adequate care.
- (4) Ownership of a dog which has been seized and impounded, or which is under constructive seizure, may be forfeited upon the written request of its owner.

- (5) The secretary may direct that ownership of a particular dog which is seized and impounded pursuant to paragraph (1) is to be forfeited. The department shall serve the owner of the affected dog with written notice of forfeiture. The notice shall indicate that ownership of the dog in question may be forfeited to some entity other than the department. Notice of forfeiture shall be served by personal service, or by registered or certified mail, return receipt requested, to the owner of the affected dog or a responsible person at the kennel from which the dog was seized and impounded. The notice shall specify an effective date of forfeiture, which shall be not less than ten days from service of the notice. The notice shall further inform the dog owner of his right to request an administrative hearing on the issue of forfeiture by delivering a written request to the department prior to the date of forfeiture. A written hearing request shall act as a supersedeas of the forfeiture action. At the administrative hearing, the department shall have the burden of proving that the affected dog owner did not adequately care for the subject dog, or that no satisfactory evidence or assurances have been given to the department that the subject dog will be adequately cared for if it is returned to the owner, or that the owner has abandoned the subject dog. Abandonment shall be presumed if an owner fails to make timely payment of reasonable costs of transportation, care and feeding of the seized and impounded dog after two written requests to do so have been served by personal service or registered or certified mail, return receipt requested, upon a responsible person at the kennel in question or the dog owner.
- (d) **REIMBURSEMENT OF TRANSPORTATION, CARE AND FEEDING COSTS** - A person described in subsection (c)(1) and (2) who has paid transportation, care and feeding costs with respect to a dog seized under this section may make application to the department for reimbursement of the costs if all persons cited or charged with violations of this act as the result of the conditions at the kennel at issue are acquitted of all charges or violations.
- (e) **DEPARTMENT AS GUARANTOR OF PAYMENT OF CERTAIN COSTS** - A kennel at which a dog is impounded by the department under the authority of this section shall be compensated from the Dog Law Restricted Account in the amount of \$5 per dog for each day, or portion thereof, that the dog is held at the kennel if:
- (1) The kennel has attempted, without success, to obtain payment for transportation, care and feeding costs from the owner of the dog and the owner of the kennel from which the dog was seized and impounded; and
  - (2) The kennel makes written application to the department, setting forth the amount sought, details of a good faith attempt at obtaining payment of the costs from the dog owner and the kennel owner, and the dates and number of dogs justifying the amount sought.
- (f) **PROHIBITION** - No dog seized under this section shall be sold or given freely for the purpose of vivisection or research or be conveyed in any manner for these purposes or be conveyed to a dealer.

Section 212. **DOGS TEMPORARILY IN THE COMMONWEALTH**

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

Section 213. **TRANSPORTATION OF DOGS**

It shall be unlawful for any dog required to be licensed as hereinbefore provided, to be transported for any purpose without a current license tag firmly attached to a collar or harness securely fastened to the dog except when a dog is being transported for law enforcement or humane purposes. All vehicles being used to transport dogs are subject to inspection and must meet requirements for such transportation through regulations as promulgated by the secretary.

Section 214. **HEALTH CERTIFICATES FOR IMPORTATION**

It shall be unlawful to transport any dog into this Commonwealth except under the provisions in section 212 without a certificate of health prepared by a licensed doctor of veterinary medicine, which certificate, or copy of such, shall accompany such dog while in this Commonwealth. Such certificate shall state that the dog is at least seven weeks of age and shows no signs or symptoms of infectious or communicable disease; did not originate within an area under quarantine for rabies; and, as ascertained by reasonable investigation, has not been exposed to rabies within 100 days of importation. All dogs must have been vaccinated for rabies in accordance with the act of December 15, 1986 (P.L. 1610, No. 181), known as the "Rabies Prevention and Control in Domestic Animals and Wildlife Act." The name of the vaccine manufacturer, the date of administration, and the rabies tag number must appear on health certificates prepared by a licensed doctor of veterinary medicine.

Section 215 and 216. Eliminated.

Section 217. **SERVICE DOGS AND DOGS USED BY MUNICIPAL OR STATE POLICE DEPARTMENTS**

- (a) **FEE EXEMPTIONS** - The provisions of this act relating to the payment of fees and other charges shall not apply to any person who uses a service dog for aid or any municipal or State Police department or agency using a dog in the performance of the functions or duties of such department or agency. License tags for service dogs and dogs used by any municipal or state agency in the performance of the functions or duties of such department or agency shall be issued without charge.

- (b) **LICENSING EXEMPTION FOR PUPPIES BEING TRAINED TO BE SERVICE DOGS** - Notwithstanding the provisions of section 201 or any other provisions of this act, puppies that are brought into this Commonwealth for a period of less than 18 months as part of a formalized training to be service dogs shall be exempt from the licensing requirements of this act.

Section 218 of the act is amended to read:

Section 218. **INSPECTIONS OF PREMISES AND DOGS**

State dog wardens and other employees of the department are hereby authorized to inspect all kennels and dogs within the Commonwealth to enforce the provisions of this act and regulations promulgated by the department pursuant to this act. State dog wardens and employees of the department shall inspect all licensed kennels within the Commonwealth at least once per calendar year to enforce the provisions of this act and regulations promulgated by the department under this act. State dog wardens and only regular, full-time employees of the department shall be authorized to enter upon the premises of approved medical, dental, or veterinary schools, hospitals, clinics, or other medical or scientific institutions, organizations or persons where research is being conducted or where pharmaceuticals, drugs or biologicals are being produced. Research facilities in the Commonwealth that are currently under Federal Government inspection shall be exempt from State inspection if they have undergone no less than one Federal Government inspection within the past 12 months. Submission of such evidence of Federal inspection by documentation to the department may be established by regulation subject to legislative review. It shall be unlawful for any person to refuse admittance to such State dog wardens and employees of the department for the purpose of making inspections and enforcing the provisions of this act.

The act is amended by adding a section to read:

Section 219. **ADDITIONAL DUTIES OF THE DEPARTMENT**

- (a) **ENFORCEMENT OF LICENSURE REQUIREMENT** - By no later than June 30, 1997, the department shall develop and begin to implement a written plan to increase the number of dog licenses issued in this Commonwealth. Such plan shall be developed in consultation with the several counties and municipalities which enforce the provisions of this act and in consultation with the Dog Law Advisory Board and shall at least include methodology for increasing the number of dog licenses issued and assuring the annual renewal of such licenses. The methodology may include the periodic use of public service advertisements, newspaper advertisements, school and special events-based educational programs conducted in conjunction with counties and organizations concerned with the humane care and treatment of dogs, and literature designed to increase awareness of this act which may be provided to purchasers of dogs at the point-of-sale.
- (b) **ANALYSIS OF PLAN; REPORT** - By no later than June 30, 1998, the department shall submit to the chairperson and minority chairperson of the Agriculture and Rural Affairs Committee of the Senate and the chairperson and minority chairperson of the Agriculture and

Rural Affairs Committee of the House of Representatives a report analyzing the activities adopted by the department to implement the plan and the results of such activities.

Sections 301, 302 and 303 of the act are amended to read:

### **ARTICLE III DOGS AT LARGE**

#### **Section 301. QUARANTINES**

A quarantine may be established by any State dog warden, licensed doctor of veterinary medicine having the approval of a State dog warden or any licensed doctor of veterinary medicine employed by the department or State or county health department. Any State dog warden, licensed doctor of veterinary medicine having the approval of a State dog warden or any licensed doctor of veterinary medicine employed by the department or State or county health department may enforce a quarantine whenever it is deemed necessary or advisable by the department to examine, test, treat, control or destroy any dog, or examine, disinfect, or regulate the use of any disease. Until a quarantine is officially revoked by the secretary or his employee, it shall be unlawful for any owner or person, without a permit in writing from the department to sell, exchange, lease, lend, give away, allow to stray, remove or allow to be removed any dog or dogs, or any products, goods, materials, containers, vehicles, or other articles or property named or described in the notice of quarantine. When a general rabies quarantine is established, at least ten notices thereof shall be posted throughout the area affected thereby and notice thereof shall also be published in at least one issue of a newspaper of general circulation throughout such city, borough, town or township. Any dog suspected of being rabid shall be detained in isolation by the owner, if known, and if such facilities are approved by the department or by an employee of the department. If such detention has incurred costs not collectible by the employee of the department, then the employee of the department shall approve and reimburse the actual cost of such detention to the person providing facilities for such detention. Any police officer of State dog warden may humanely kill any dog running at large in a rabies quarantined area without any liability for damages for such killing.

#### **Section 302. SEIZURE AND DETENTION OF DOGS; COSTS; DESTRUCTION OF DOGS**

- (a) **GENERAL RULE** - It shall be the duty of every police officer, State dog warden, employee of the department or animal control officer to seize and detain any dog which is found running at large, either upon the public streets or highways of the Commonwealth, or upon the property of a person other than the owner of such dog, and unaccompanied by the owner or keeper. Every police officer, State dog warden, employee of the department or animal control officer may humanely kill any dog which is found running at large and is deemed after due consideration by the police officer, State dog warden, employee of the department or animal control officer to constitute a threat to the public health and welfare.
  
- (b) **LICENSED DOGS** - The State dog warden or employee of the department, the animal control officer, or the chief of police or his agents of any city, borough, town or township, the constable of any borough and the constable of any incorporated town or township shall

cause any dog bearing a proper license tag or permanent identification and so seized and detained to be properly kept and fed at any licensed kennel approved by the secretary for such purposes and shall cause immediate notice, by registered or certified mail with return receipt requested, to the person in whose name the license was procured, or his agent, to claim such dog within five days after receipt thereof. The owner or claimant of a dog so detained shall pay a penalty of \$15 to the political subdivision whose police officers make such seizures and detention and all reasonable expenses incurred by reason of its detention to the detaining parties before the dog is returned. If five days after obtaining the postal return receipt, such dog has not been claimed, such chief of police, or his agent, or a constable, or State dog warden or employee of the department shall dispense such dog by sale or by giving it to a humane society or association for the prevention of cruelty to animals. No dog so caught and detained shall be sold for the purpose of vivisection, or research, or be conveyed in any manner for these purposes. All moneys derived from the sale of such dog, after deducting the expenses of its detention, shall be paid through the Department of Agriculture to the State Treasurer for credit to the Dog Law Restricted Account.

- (c) **UNLICENSED DOGS** - Except as otherwise provided by section 305, any police officer, State dog warden, employee of the department or animal control officer shall cause any unlicensed dog to be seized, detained, kept and fed for a period of 48 hours at any licensed kennel approved by the secretary for such purposes, except any dog seriously ill or injured, or forfeited with the owner's permission. Any person may view such detained dogs during normal business hours. Any unlicensed dog remaining unclaimed after 48 hours may be humanely killed or given to a humane society or association for the prevention of cruelty to animals. No dog so caught and detained shall be sold for the purpose of vivisection, or research, or be conveyed in any manner for these purposes.

The act is amended by adding a section to read:

Section 303. Eliminated.

Section 304. **DOGS IN HEAT; CONFINEMENT THEREOF**

It shall be unlawful for the owner or keeper of any female dog to permit such female dog to go beyond the premises of such owner or keeper at any time she is in heat, unless such female dog is properly confined or under control.

Section 305. **CONFINEMENT OF DOGS**

- It shall be unlawful for the owner or keeper of any dog to fail to keep at all times such dog either:
- (1) Confined within the premises of the owner;
  - (2) Firmly secured by means of a collar and chain or other device so that it cannot stray beyond the premises on which it is secured; or

- (3) Under the reasonable control of some person, or when engaged in lawful hunting, exhibition or field training.

#### **ARTICLE IV DUTIES OF OFFICERS**

Section 401. **INTERFERENCE WITH POLICE OFFICER OR STATE DOG WARDEN; DUTIES OF STATE DOG WARDEN; FAILURE TO PRODUCE LICENSE CERTIFICATE**

- (a) **POLICE OFFICERS TO PERFORM DUTIES** - It shall be unlawful for any police officer to fail or refuse to perform his duties under the provisions of this act and to refuse to assist in the enforcement of this law upon request of the secretary.
- (b) **STATE DOG WARDENS AND DEPARTMENT EMPLOYEES TO BE CONSIDERED POLICE OFFICERS** - State dog wardens and employees of the department are considered to be police officers when enforcing any of the provisions of this act or regulations pursuant to this act.
- (c) **ILLEGAL TO INTERFERE** - It shall be unlawful for any person to interfere with any officer or employee of the department in the enforcement of this law.
- (d) **ILLEGAL TO CUT LEASH** - It shall be unlawful for any person to forcibly cut the leash or take a dog away from such officer having it in his possession when found running at large unaccompanied by the owner or keeper.
- (e) **ILLEGAL TO FAIL TO PRODUCE LICENSE** - It shall be unlawful for any person to whom a license certificate has been issued to fail or refuse to produce the license certificate for such dog upon demand of any police officer or employee of the department.

Section 402. **NOTICE REQUIRING EXAMINATION OF DOG**

- (a) **AUTHORITY** - A State dog warden may issue a written notice requiring that a dog be examined by a licensed doctor of veterinary medicine within a maximum of 72 hours if:
- (1) The State dog warden personally observes the condition of the dog in the course of an inspection of a kennel or other facility at which a dog is kept; and
  - (2) The dog exhibits signs of illness, injury or neglect.
- (b) **CONTENTS OF NOTICE** - The written notice requiring that a dog be examined by a veterinarian within 72 hours shall set forth:
- (1) Information sufficient to identify the person or persons to whom the notice is directed;
  - (2) Information sufficient to identify the dog which must be examined;
  - (3) The specific signs of illness or injury exhibited by the dog and observed by the State dog warden;

- (4) The date and time by which a veterinary examination of the dog must be conducted;
  - (5) The manner and time in which a report of the results of the veterinary examination shall be delivered to the State dog warden;
  - (6) A requirement that the report of the results of the veterinary examination address the specific signs of illness or injury observed by the State dog warden; and
  - (7) A reference to the authority pursuant to which the written notice is issued.
- (c) **ISSUANCE AND SERVICE OF NOTICE** - The written notice requiring that a dog be examined by a veterinarian within 72 hours shall be issued upon the kennel licensee or the owner of the facility at which the dog is kept. Service of the notice may be accomplished by the State dog warden's leaving a copy of the notice with an employee or other responsible person at the kennel or facility.
- (d) **ILLEGAL TO FAIL TO RESPOND TO NOTICE** - It shall be unlawful for a kennel licensee or the owner of a facility at which the dogs are kept to fail to comply with a written notice issued under authority of this section.

Section 501 of the act, repealed in part May 31, 1990 (P.L. 213, No. 46), is amended to read:

#### **ARTICLE V-A OFFENSES OF DOGS**

##### Section 501. **KILLING DOGS; DOGS AS NUISANCES**

- (a) **LEGAL TO KILL CERTAIN DOGS** - Any person may kill any dog which he sees in the act of pursuing or wounding or killing any domestic animal, wounding or killing other dogs, cats or household pets, or pursuing, wounding or attacking human beings, whether or not such a dog bears the license tag required by the provisions of this act. There shall be no liability on such persons in damages or otherwise for such killing.
- (b) **PRIVATE NUISANCE** - Any dog that enters any field or enclosure where domestic animals are confined, provided that the enclosure is adequate for the purpose intended, shall constitute a private nuisance and the owner or tenant of such field, or their agent or servant, may detain such dog and turn it over to the local police authority or State dog warden or employee of the department. While so detained, the dog shall be treated in a humane manner.
- (c) **LICENSED DOGS NOT INCLUDED** - Licensed dogs, when accompanied by their owner or handler, shall not be included under the provisions of this section, unless caught in the act of pursuing, wounding or killing any domestic animal, wounding or killing any dogs, cats or household pets, or pursuing, wounding or attacking human beings.

Section 502 of the act is amended to read:

Section 502. **DOG BITES; DETENTION AND ISOLATION OF DOGS**

- (a) **CONFINEMENT** - Any dog which bites or attacks a human being shall be confined in quarters approved by a designated employee of the Department of Health, a State dog warden or employee of the Department of Agriculture, an animal control officer or a police officer. Such dog may be detained and isolated in an approved kennel or at the dog owner's property. Where such dog is detained is at the discretion of the investigating officer. All dogs so detained must be isolated for a minimum of ten days. Any costs incurred in the detaining and isolation of such dog shall be paid by the offending dog's owner. When the dog's owner is not known, the Commonwealth is responsible for all reasonable costs for holding and detaining such dog.
- (b) **BITE VICTIMS** - The investigating officer shall be responsible for notifying the bite victim of the medical results of the offending dog's confinement. Any cost to the victim for medical treatment resulting from an attacking or biting dog must be paid fully by the owner of such dog. The Commonwealth shall not be liable for medical treatment costs to the victim.
- (c) **EXEMPTION** - When a dog that bites or attacks a human being is a service dog or a police work dog in the performance of duties, said dog need not be confined if it is under the active supervision of a licensed doctor of veterinary medicine.

Sections 501-A, 502-A and 505-A of the act, added May 31, 1990 (P.L. 213, No. 46), are amended to read:

Section 502-A. **REGISTRATION**

- (a) **SUMMARY OFFENSE OF HARBORING A DANGEROUS DOG** - Any person who has been attacked by one or more dogs, or anyone on behalf of such person, a person whose domestic animal has been killed or injured without provocation, the State dog warden or the local police officer may file a complaint before a district justice, charging the owner or keeper of such a dog with harboring a dangerous dog. The owner or keeper of a dog shall be guilty of the summary offense of harboring a dangerous dog if the district justice finds beyond a reasonable doubt that the following elements of the offense have been proven:
  - (1) The dog has done one or more of the following:
    - (i) Inflicted severe injury on a human being without provocation on public or private property.
    - (ii) Killed or inflicted severe injury on a domestic animal without provocation while off the owner's property.
    - (iii) Attacked a human being without provocation.
    - (iv) Been used in the commission of a crime.
  - (2) The dog has either or both of the following:
    - (i) A history of attacking human beings and/or domestic animals without

- provocation.
- (ii) A propensity to attack human beings and/or domestic animals without provocation. A propensity to attack may be proven by a single incident of the conduct described in paragraphs (1)(i), (ii), (iii) or (iv).
- (3) The defendant is the owner or keeper of the dog.
- (a.1) **EFFECT OF CONVICTION** - A finding by a district justice that a person is guilty, under subsection (a), of harboring a dangerous dog shall constitute a determination that the dog is a dangerous dog for purposes of this act.
  - (b) **REPORT OF CONVICTION** - The district justice shall make a report of a conviction under subsection (a) to the Bureau of Dog Law Enforcement, identifying the convicted party, identifying and describing the dog or dogs and providing such other information as the bureau might reasonably require.
  - (c) **CERTIFICATE REQUIRED** - It is unlawful for an owner to have a dangerous dog without a certificate of registration issued under this article. This article shall not apply to dogs used by law enforcement officials for police work, certified guide dogs for the blind, hearing dogs for the deaf nor aid dogs for the handicapped.
  - (d) **DISPOSITION OF DOG DURING COURT PROCEEDINGS** - An owner or keeper of any dog who has been charged with harboring a dangerous dog shall keep such dog or dogs confined in a proper enclosure or when off the property of the owner or keeper for purposes of veterinary care, muzzled and on a leash until such time a report is made under subsection (b). If an appeal of a decision under subsection (b) is filed, such dog or dogs shall remain so confined until such proceedings are completed. It shall be unlawful for an owner or keeper of a dog who has been charged with harboring a dangerous dog to dispense the dog in any manner except to be humanely killed. A violation of this subsection shall constitute a summary offense accompanied by a fine of not less than \$200.

Section 503-A. **REQUIREMENTS**

- (a) **ENCLOSURE AND INSURANCE** - The department shall issue, upon payment of all fees under subsection (b), a certificate of registration to the owner of such animal within 30 days of notification, in writing, by the department that the dog has been determined to be dangerous and that the owner presents sufficient evidence of:
  - (1) A proper enclosure to confine a dangerous dog and the posting of a premises with

a clearly visible warning sign that there is a dangerous dog on the property. In addition, the owner shall conspicuously display a sign with a warning symbol that informs children of the presence of a dangerous dog.

- (i) A surety bond in the amount of \$50,000 issued by an insurer authorized to do business within this Commonwealth, payable to any person injured by the dangerous dog; or
  - (ii) A policy of liability insurance, such as homeowner's insurance, issued by an insurer authorized to do business within this Commonwealth in the amount of at least \$50,000, insuring the owner for any personal injuries inflicted by the dangerous dog. The policy shall contain a provision requiring the secretary to be named as additional insured for the sole purpose of being notified by the insurance company of cancellation, termination or expiration of the liability insurance policy.
- (b) **FEE** - The registration fee for a dangerous dog certificate shall be \$200.00 or such amount set by the department as may be necessary to cover the costs of issuing this registration and enforcing this section. This registration fee shall be in addition to any other fees collectable under this act and shall be credited to the Dog Law Restricted Account for the purpose of administering and enforcing this act.
- (c) **UNIFORM IDENTIFIABLE SYMBOL** - The department shall have the authority to establish a uniform identifiable symbol for visual recognition of dangerous dogs. The "Ugh Dog" symbol developed by Animal-Vues may be adopted as the standard symbol to identify dangerous dogs.
- (d) **OTHER REQUIREMENTS** - The owner shall sign a statement attesting that:
- (1) The owner shall maintain and not voluntarily cancel the liability insurance required by this section during the period for which licensing is sought unless the owner ceases to own the dangerous dog prior to expiration of the licenses.
  - (2) The owner shall notify the Bureau of Dog Law Enforcement, the State dog warden and the local police department within 24 hours if a dangerous dog is on the loose, is unconfined, has attacked another animal, has attacked a human being, has died or has been sold or donated. If the dangerous dog has been sold or donated, the owner shall also provide the Bureau of Dog Law Enforcement and the State dog warden with the name, address and telephone number of the new owner of the dangerous dog.

#### Section 504-A **CONTROL OF DANGEROUS DOGS**

It is unlawful for an owner of a dangerous dog to permit the dog to be outside the proper enclosure unless the dog is muzzled and restrained by a substantial chain or leash and under physical restraint of a responsible person. The muzzle shall be made in a manner that will not cause injury to the dog or interfere

with its vision or respiration but shall prevent it from biting any person or animal or from destroying property with its teeth.

Section 505A. **PUBLIC SAFETY AND PENALTIES**

(a) **FAILURE TO REGISTER AND RESTRAIN** - A dangerous dog shall be immediately confiscated by a State dog warden or a police officer upon the occurrence of any of the following:

- (1) The dog is not validly registered under this act.
- (2) The owner does not secure and maintain the liability insurance coverage required under section 503-A.
- (3) The dog is not maintained in the proper enclosure.
- (4) The dog is outside of the dwelling of the owner or outside of the proper enclosure and not under physical restraint of the responsible person.

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

(b) **ATTACKS BY DANGEROUS DOG** - If a dangerous dog, through the intentional, reckless or negligent conduct of the dog's owner, attacks a person or a domestic animal, the dog's owner is guilty of a misdemeanor of the second degree. In addition, the dangerous dog shall be immediately confiscated, placed in quarantine for the proper length of time and thereafter humanely killed in an expeditious manner, with costs of quarantine and destruction to be borne by the dog's owner.

(c) **ATTACKS CAUSING SEVERE INJURY OR DEATH** - The owner of any dog that, through the intentional, reckless or negligent conduct the dog's owner, aggressively attacks and causes severe injury or death of any human shall be guilty of a misdemeanor of the first degree. In addition, the dog shall be immediately confiscated by a State dog warden or a police officer, placed in quarantine for the proper length of time and thereafter humanely killed in a expeditious manner, with costs of quarantine and destruction to be borne by the dog's owner.

(d) **DOG OWNED BY A MINOR** - If the owner of the dangerous dog is a minor, the parent or guardian of the minor shall be liable for injuries and property damages caused by an unprovoked attack by the dangerous dog under section 4 of the act of July 27,, 1967 (P.L. 186, No. 58), entitled "An act imposing liability upon parents for personal injury, or theft, destruction, or loss of property caused by the willful, tortious acts of children under eighteen years of age, setting forth limitations, and providing procedure for recovery."

(e) **MANDATORY REPORTING**

- (1) All known incidents of dog attacks shall be reported to the State dog warden, who shall investigate each incident and notify the department if a dog has been

determined to be dangerous.

- (2) A State dog warden or police officer who has knowledge of a dog which has attacked a person shall file a written report summarizing the circumstances of the attack with the police in the municipality where the owner of the dog resides or if the attack occurred outside the owner's municipality of residence, with the police having jurisdiction in the municipality where the attack occurred.

The report shall be available for public inspection

Section 601 of the act is amended to read:

#### Section 506-A. **STATE REGISTRY**

The department shall promulgate regulations for the establishment of a State registry for dangerous dogs. (505-A added May 31, 1990, P.L. 213, No. 46)

#### Section 507-A **CONSTRUCTION OF ARTICLE**

- (a) **ENFORCEMENT** - This article shall be enforced by all municipalities except counties.
- (b) **ABUSIVE OR UNLAWFUL CONDUCT OF VICTIM** - This article shall not apply if the threat, injury or damage was sustained by a person who, at the time, was committing a willful trespass or other tort upon the premises occupied by the owner of the dog, or was tormenting, abusing or assaulting the dog or has, in the past, been observed or reported to have tormented, abused or assaulted the dog, or was committing or attempting to commit a crime.
- (c) **LOCAL ORDINANCES** - Those provisions of local ordinances relating to dangerous dogs are hereby abrogated. A local ordinance otherwise dealing with dogs may not prohibit or otherwise limit a specified breed of dog.
- (d) **INSURANCE COVERAGE DISCRIMINATION** - No liability policy or surety bond issued pursuant to this act or any other act may prohibit coverage from any specific breed of dog.
- (e) **FARM DOGS** - No farmer who owns a dog kept on the farm shall be guilty of keeping a dangerous dog if:
  - (1) The dog does not leave the farm property to attack; and
  - (2) The farm is conspicuously posted alerting visitors to the presence of a watch or guard dog at all points of ingress and egress.
- (f) **PROCEDURES IN CERTAIN CITIES** - In cities of the first class, second class and second

class A, the following procedure shall apply:

- (1) A person who has been attacked by a dog, or anyone on behalf of such person, or a person whose domestic animal has been killed or injured without provocation while the attacking dog was off the owner's property or a police officer or an animal control officer employed by or under contract with the city may make a complaint before a district justice, charging the owner or keeper of such a dog with harboring a dangerous dog. The district justice shall make a report of the determination under section 502-A(a) to the police or an animal control officer employed by or under contract with the city and to the Bureau of Dog Law Enforcement. The Bureau of Dog Law Enforcement shall give notice of this determination to the respective city treasurer.
- (2) All fees and fines shall be paid to and retained by the city treasurer, who shall issue the certificate of registration.
- (3) Enforcement of this article in these cities will be under the jurisdiction of the local police or an animal control officer employed by or under contract with the city with notification requirements in Section 503-A(d)(2) to be made to the licensing authority and the local police or an animal control officer employed by or under contract with the city.
- (4) Copies of all dangerous dog determinations, certificates and reports on the status of the dangerous dog shall be sent to the Bureau of Dog Law Enforcement.
- (5) All known incidents of dog attacks shall be reported to the department for the purpose of keeping bite statistic records and possible rabies exposure. (507-a added May 31, 1990, P.L. 213, No. 46)

## **ARTICLE VI INJURY TO DOGS**

### **Section 601. THEFT; POISON; ABANDONMENT OF ANIMALS BY OWNER**

- (a) **DOGS TO BE PERSONAL PROPERTY** - All dogs are hereby declared to be personal property and subject of theft.
- (b) **PLACEMENT OF POISON ILLEGAL** - It shall be unlawful for a person to place any poison or harmful substance of any description in any place, on his own premises or elsewhere, where it may be easily found and eaten by dogs. Anyone convicted of violating this subsection commits a summary offense.
  - (b.1) **INTENTIONAL POISONING OF DOGS ILLEGAL** - It shall be unlawful for any person

to place any poison or harmful substance of any description in any place, on his own premises or elsewhere, with the intent that the poison or substance be eaten by dogs. Anyone convicted of violating this subsection commits a misdemeanor of the second degree and shall be sentenced to pay a fine of not less than \$1,000 nor more than \$2,000 or to imprisonment for not more than two years, or both. A subsequent conviction under this subsection shall constitute a felony of the third degree.

(c) **ABANDONMENT OF ANIMALS BY OWNER**

- (1) It shall be unlawful for any person to abandon or attempt to abandon any dog within the Commonwealth. Anyone convicted of abandoning or attempting to abandon any dog within the Commonwealth shall pay a fine of not less than \$300 and not more than \$1,000, plus costs.
- (2) Any animal placed in the custody of a licensed doctor of veterinary medicine for treatment, boarding or other care, or placed in the custody of a licensed boarding kennel for board or other care, which shall be abandoned by its owner or his representative for a period of more than ten days after written notice by personal service or registered mail, return receipt requested, is given to the owner or his representative at his last known address and return receipt is received by the doctor or the licensed boarding kennel, may be turned over to the custody of the nearest humane society or association for the prevention of cruelty to animals or dog pound in the area. After 48 hours of receipt, such custodian may humanely kill such animal or place it for adoption. During such 48-hour period, the animal may be released only to the owner or his representative. If the owner claims the animal, he shall be liable for room and board charges for the animal during the abandonment period.
- (3) The giving of notice to the owner, or the representative of the owner, of such animal by the licensed doctor of veterinary medicine or licensed boarding kennel as provided in paragraph (2) and receipt of return receipt by the doctor or licensed boarding kennel, which shall be retained for 12 days, shall relieve the doctor of veterinary medicine, licensed boarding kennel, and any custodian to whom such animal may be given, of any further liability for disposal. It is further provided that such procedure by the licensed doctor of veterinary medicine or licensed boarding kennel shall not constitute grounds for disciplinary procedure under this act.

Section 602 of the act, amended by May 31, 1990 (P.L. 211, No. 45), is amended to read:

Section 602. **DOGS USED FOR LAW ENFORCEMENT**

- (a) **ILLEGAL TO TAUNT LAW ENFORCEMENT DOGS** - It shall be unlawful for any person to willfully and maliciously taunt, torment, tease, beat, kick or strike any dog, including any

search and rescue or accelerant detection dogs, used by any municipal, county or State police or sheriff's department or agency, fire department or agency or handler under the supervision of such department or agency, in the performance of the functions or duties of such department or agency or to commit any of the stated acts in the course of interfering with any such dog used by the department or agency or any member or supervised handler thereof in the performance of the functions or duties of the department or agency or of such officer or member or supervised handler. Any person who violates any of the provisions of this subsection commits a felony of the third degree.

- (b) **ILLEGAL TO TORTURE CERTAIN DOGS** - It shall be unlawful for any person to willfully or maliciously torture, mutilate, injure, disable, poison or kill any dog, including any search and rescue or accelerant detection dog, used by any municipal, county or State police or sheriff's department or agency, fire department or agency or handler under the supervision of such department or agency, in the performance of the functions or duties of the department or agency or to commit any of the stated acts in the course of interfering with any such dog used by the department or agency or any member or supervised handler thereof in the performance of any of the functions or duties of the department or agency or of such officer or member or supervised handler. Any person who violates any of the provisions of this subsection commits a felony of the third degree.
- (c) **ILLEGAL TO DENY FACILITIES OR SERVICE DUE TO POLICE DOG USE** - It shall be unlawful for the proprietor, manager or employee of the theater, hotel, motel, restaurant or other place of entertainment, amusement or accommodation to refuse, withhold from or deny to any person, due to the use of a working police dog used by any State or county or municipal police or sheriff's department of agency, either directly or indirectly, any of the accommodations, advantages, facilities or privileges of the theater, hotel, motel, restaurant or other place of public entertainment, amusement or accommodation. Any person who violates any of the provisions of this subsection commits a misdemeanor of the third degree.
- (d) **QUARANTINE OF CERTAIN DOGS NOT REQUIRED** - Quarantine of dogs as required by law shall not apply to dogs owned by any municipal or State police department or agency when such dogs are under the direct supervision and care of a police officer and subject to routine veterinary care.

The act is amended by adding a section to read:

Section 603. **SELLING, BARTERING OR TRADING DOGS**

- (a) **ILLEGAL TRANSFERS** - It shall be unlawful to offer a dog as an inducement to purchase a product, commodity or service. The sale of a dog by a licensed kennel shall not be considered to be an inducement.
- (b) **ILLEGAL TO TRANSFER OWNERSHIP OF CERTAIN PUPPIES** - It shall be unlawful to

barter, trade, raffle, sell, auction or in any way transfer ownership of a dog under seven weeks of age, unless the dog has been orphaned and it becomes necessary to transfer ownership of the orphaned dog to a nonprofit kennel, or from a nonprofit kennel with approval by a licensed doctor of veterinary medicine.

- (c) **ILLEGAL FOR CERTAIN PERSONS TO TRANSFER DOGS** - It shall be unlawful for any person to buy, sell, transfer, barter, trade, raffle, auction or rent a dog at any public place in this Commonwealth other than a kennel licensed pursuant to this act, or a dog show or field trial sponsored by a recognized breed or kennel association. If a purchase, sale, transfer, barter, trade, raffle, auction or rental of a dog occurs at or on the premises of a kennel, the transaction shall be unlawful unless one of the parties to the transaction is an employee, volunteer or other person acting as an authorized representative of the kennel.

Section 701 of the act, amended May 16, 1986 (P.L. 194, No. 59), is amended to read:

## **ARTICLE VII DOG CAUSED DAMAGES**

### **Section 701. REIMBURSEMENT FOR DAMAGES; COMPLAINTS**

- (a) **REIMBURSEMENT** - A person may make application to the department for reimbursement for damage to a domestic animal by a dog, whether or not the domestic animal is directly damaged by the dog or is necessarily destroyed due to damage caused by the dog, if the all of the following apply:
- (1) The damage occurs when the domestic animal is confined in a field or other enclosure, adequate for confinement of such animal.
  - (2) The damage was not caused by a dog owned or harbored by the owner of such damaged domestic animal.
  - (3) The owner of the offending dog is unknown.
- (b) **COMPLAINT** - To receive reimbursement under subsection (a), a person must file a written, signed complaint with the department. The complaint must state all of the following:
- (1) The time, place and manner of the damage.
  - (2) The number and type of domestic animals damaged.
  - (3) The amount of the damage. The amount under this paragraph is limited to \$10,000 for each domestic animal.
- (c) **LIMITATION** - A written complaint under subsection (b) must be filed within five business days of discovery of the damage.
- (d) **INVESTIGATION** - Within 48 hours of receipt of a complaint under subsection (b), a State dog warden shall investigate the complaint by examining the site of the occurrence. The State dog warden may examine witnesses under oath or affirmation.

(e) **DETERMINATION**

- (1) Within ten business days after the initiation of the investigation under subsection (d), the State dog warden shall issue one of the following determinations:
  - (i) A dismissal of the complaint.
  - (ii) A damage award. The amount under this subparagraph is limited to \$10,000 for each domestic animal and in no instance shall the award exceed 90% of the appraised value of the domestic animal.
- (2) Failure to act within the time period under paragraph (1) shall be deemed a damage award in the amount claimed in the complaint under subsection (b)(3).

(f) **ARBITRATION**

- (1) If the complainant does not agree to the damage award under subsection (e)(1)(ii), the complainant and the State dog warden shall appoint a disinterested, qualified citizen to act as arbitrator.
- (2) The arbitrator shall determine the damage award. The amount under this paragraph is limited to \$10,000 for each domestic animal and shall not exceed 90% of the appraised value of the animal.
- (3) The arbitrator shall receive appropriate compensation, paid by the complainant.

(g) **ADMINISTRATIVE APPEAL**

- (1) A complainant may appeal to the department a determination under subsection (e)(1)(i) or (f)(2).
- (2) The appeal must be filed within 30 days of issuance of the determination.
- (3) Within 30 days of filing under paragraph (2), the department must issue one of the following adjudications:
  - (i) Affirming the original determination.
  - (ii) Modifying the original determination.
- (4) Failure to act within the time period under paragraph (3) shall be deemed a modification of the original determination to grant an award in the amount claimed in the complaint under subsection (b)(3).
- (5) This subsection is subject to 2 Pa.C.S. Ch. 5 Subch. A (relating to practice and procedure of Commonwealth agencies).

(h) **JUDICIAL REVIEW** - A complainant may appeal to Commonwealth Court an adjudication

under subsection (g)(3). This subsection is subject to 2 Pa.C.S. Ch. 7 Subch. A (relating to judicial review of Commonwealth agency action).

- (i) **PAYMENT OF CLAIMS** - All damage claims shall be paid from the Dog Law Restricted Account. No payment shall be made for any claim which has already been paid by the claimant's insurance carrier. The claimant must certify to the department that he has not received payment for any damages under this section by any person.
- (j) **RULES AND REGULATIONS** - The secretary may promulgate any rules and regulations deemed necessary to enforce the provisions of this section.

The act is amended by adding a section to read:

Section 701.1. **REIMBURSEMENT FOR RABIES**

(a) **REIMBURSEMENT**

- (1) Any person may make application to the department for loss of a domestic animal from rabies, if the rabies is the result of the animal being attacked by a dog, if all of the following apply:
  - (i) The damage occurs when the damaged animal is confined in a field or other enclosure, adequate for confinement of such animal.
  - (ii) The damage was not caused by a dog owned or harbored by the owner of such damaged domestic animal.
  - (iii) The owner of the offending dog is unknown.
- (2) For the purposes of this section, a domestic animal is presumed to have been attacked by a dog where the owner provides to the department a certificate from a licensed doctor of veterinary medicine and report from any laboratory approved by the department to the effect that the domestic animal was affected with rabies.

(b) **COMPLAINT** - To claim reimbursement from the department for loss of a domestic animal due to rabies, a person must file a written, signed complaint with the department. The complaint must state all of the following:

- (1) The time, place and manner of the damage.
- (2) The number and type of domestic animal damaged.
- (3) The amount of the damage. The amount under this paragraph is limited to \$10,000 for each domestic animal.

(c) **LIMITATION** - A written complaint under subsection (b) must be filed within five business days of discovery of the damage.

(d) **INVESTIGATION** - Within 48 hours of receipt of a complaint under subsection (b), a State

dog warden shall investigate the complaint by examining the site of the occurrence. The State dog warden may examine witnesses under oath or affirmation.

(e) **DETERMINATION**

- (1) Within ten business days after the initiation of the investigation under subsection (d), the State dog warden shall issue one of the following determinations:
  - (i) A dismissal of the complaint.
  - (ii) A damage award. In the case of the Commonwealth paying the award for damage, the amount under this subparagraph is limited to \$10,000 for each domestic animal; and, in no instance, shall the award exceed 90% of the appraised value of the domestic animal.
- (2) Failure to act within the time period under paragraph (1) shall be deemed a damage award in the amount claimed in the complaint under subsection (b)(3) to be paid by the department from the Dog Law Restricted Account.

(f) **ARBITRATION**

- (1) If the complainant does not agree to the damage award under subsection (e)(1)(ii), the State dog warden and the complainant shall appoint a disinterested, qualified citizen to act as arbitrator.
- (2) The arbitrator shall determine the damage award.
- (3) The arbitrator shall receive appropriate compensation, paid by the complainant.

(g) **ADMINISTRATIVE APPEAL**

- (1) A person may appeal to the department a determination under subsection (e)(1)(i) or (f)(2).
- (2) The appeal must be filed within 30 days of issuance of the determination.
- (3) Within 30 days of filing under paragraph (2), the department must issue one of the following adjudications:
  - (i) Affirming the original determination.
  - (ii) Modifying the original determination.
- (4) Failure to act within the time period under paragraph (3) shall be deemed a modification of the original determination to grant an award in the amount claimed in the complaint under subsection (b)(3), to be paid by the department, from the Dog Law Restricted Account.

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

(h) **JUDICIAL REVIEW** - A person may appeal to Commonwealth Court an adjudication under subsection (g)(3). This subsection is subject to 2 Pa.C.S. Ch. 7 Subch. A (relating to judicial review of Commonwealth agency action).

(i) **PAYMENT OF CLAIMS** - All damage claims shall be paid from the Dog Law Restricted Account. No payment shall be made for any claim which has already been paid by the claimant's insurance carrier. The claimant must certify to the department that he has not received payment for any damages under this section by any person.

(j) **RULES AND REGULATIONS** - The secretary may promulgate any rules and regulations deemed necessary to enforce the provisions of this section.

Section 702 of the act is amended to read:

Section 702. **QUARANTINES DUE TO DAMAGES**

When the inhabitants of any city, borough, town, or township, or any part thereof, have suffered an excessive amount of damage by dogs to domestic animals, a petition may be presented to the secretary, signed by 20 or more of such residents who are owners of domestic animals, alleging such excessive damage and requesting that a quarantine be placed on all dogs within the limits of such city, borough, town or township, or such part thereof. Upon receipt of such petition, the secretary may, through his State dog wardens, have an investigation made of the facts alleged therein and, if convinced that conditions in such city, borough, town or township, or such designated area, demand such stringent measures, he may establish a dog control quarantine therein. When such quarantine is established, at least ten notices thereof shall be posted through the area affected thereby and notice thereof shall also be published in at least one issue of a newspaper of general circulation throughout such city, borough, town or township. It shall be unlawful for any person, residing in the area affected by such quarantine, to permit a dog, owned or harbored by him to run at large in such quarantined area, or to leave the premises where it is kept, unless accompanied by and under the control of himself or a handler. Any police officer or State dog warden may kill any dog running at large in a quarantined area, in violation of such quarantine, without any liability for damages for such killing.

Section 703 eliminated. Section 704 of the act, amended May 16, 1986 (P.L. 194, No. 59), are amended to read:

Section 703. Eliminated.

Section 704. **KILLING OF DOGS CAUSING DAMAGES**

If the identity of the owner of the dog or dogs has been established under Section 701 or 701.1, the secretary may notify the owner or keeper of such dog or dogs to immediately kill it or them. It shall be

unlawful and a violation of this act for the owner or keeper, after notification by the secretary, to allow to leave or to remove such dog or dogs from the premises, while they are alive, except to a State dog warden or to a veterinarian or animal shelter for euthanasia purposes. The killing of such dog or dogs does not remove the liability of the owner for damages caused by the dog or dogs. Upon failure, however, of such owner to comply with such order within a period of ten days, the secretary may authorize the killing of such dog or dogs wherever found. In addition, upon failure of such owner or keeper to comply with such order within a period of ten days, the owner or keeper shall, upon summary conviction, be sentenced to pay a fine of not less than \$100 and not more than \$500.

Sections 705 and 706 of the act, amended or added May 13, 1988 (P.L. 396, No. 63), are amended to read:

Section 705. **HARBORING UNLICENSED DOGS; FORFEITURE OF RIGHTS REIMBURSEMENT**

Any person who owns or harbors an unlicensed dog required to be licensed under this act shall forfeit any right to be reimbursed by the department for any damages to his domestic animal by dogs or coyotes.

Section 706. **DAMAGES CAUSED BY COYOTES; COMPLAINTS; LIABILITY**

- (a) **REIMBURSEMENT** - Any person may make application to the department for reimbursement for damage to a domestic animal by a coyote, whether or not the domestic animal is directly damaged by the coyote or is necessarily destroyed due to damage caused by the coyote, if the damage occurs when the domestic animal is confined in a field or other enclosure, adequate for confinement of such animal.
- (b) **COMPLAINT** - To receive reimbursement under subsection (a), a person must file a written, signed complaint with the department. The complaint must state all of the following:
  - (1) The time, place and manner of the damage.
  - (2) The number and type of domestic animal damaged.
  - (3) The amount of the damage. The amount under this paragraph is limited to \$10,000 for each domestic animal.
- (c) **LIMITATION** - A written complaint under subsection (b) must be filed within five business days of discovery of the damage.
- (d) **INVESTIGATION** - Within 48 hours of receipt of a complaint under subsection (b), a State dog warden shall investigate the complaint by examining the site of the occurrence. The State dog warden may examine witnesses under oath or affirmation.
- (e) **DETERMINATION**

- (1) Within ten business days after the initiation of the investigation under subsection (d), the State dog warden shall issue one of the following determinations:
  - (i) A dismissal of the complaint.
  - (ii) A damage award. The amount under this subparagraph is limited to \$10,000 for each domestic animal; and the award shall not exceed 90% of the appraised value of the domestic animal.
- (2) Failure to act within the time period under paragraph (1) shall be deemed a damage award in the amount claimed in the complaint under subsection (b)(3).

(f) **ARBITRATION**

- (1) If the complainant does not agree to the damage award under subsection (e)(1)(ii), the complainant and the State dog warden shall appoint a disinterested, qualified citizen to act as arbitrator.
- (2) The arbitrator shall determine the damage award. The amount under this paragraph is limited to \$10,000 for each domestic animal.
- (3) The arbitrator shall receive appropriate compensation paid by the complainant.

(g) **ADMINISTRATIVE APPEAL**

- (1) A complainant may appeal to the department a determination under subsection (e)(1)(i) or (f)(2).
- (2) The appeal must be filed within 30 days of issuance of the determination.
- (3) Within 30 days of filing under paragraph (2), the department must issue one of the following adjudications:
  - (i) Affirming the original determination.
  - (ii) Modifying the original determination.
- (4) Failure to act within the time period under paragraph (3) shall be deemed a modification of the original determination to grant an award in the amount claimed in the complaint under subsection (b)(3).
- (5) This subsection is subject to 2 Pa.C.S. Ch. 5 Subch. A (relating to practice and procedure of Commonwealth agencies).

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

- (i) **PAYMENT OF CLAIMS** - All damage claims shall be paid from the Dog Law Restricted Account. No payment shall be made for any claim which has already been paid by the claimant's insurance carrier. The claimant must certify to the department that he has not received payment for any damages under this section by any person. Claims paid under this section shall not exceed \$20,000 annually.
- (j) **RULES AND REGULATIONS** - The secretary shall promulgate rules and regulations to enforce the provisions of this section.

## **ARTICLE VIII STATEMENTS AND PROOFS**

### **Section 801. FALSE STATEMENTS**

It is unlawful for any person knowingly to make any false statement or to conceal any fact required to be disclosed under any of the provisions of this act.

Section 802 of the act is amended to read:

### **Section 802. BURDENS OF PROOF**

In any proceeding under this act, the burden of proof of the fact that a dog has been licensed, or has been imported for breeding, trial, or show purposes, or that a dog is under the required licensed age of three months as hereinbefore provided, shall be on the owner of such dog. Any dog not bearing a license tag shall prima facie be deemed to be unlicensed. It is unlawful for any person dealing in and with dogs, to use a false or fictitious name unless such name is registered with the Commonwealth.

Sections 901 and 903 of the act, amended May 31, 1990 (P.L. 213, No. 46), are amended to read:

## **ARTICLE IX ENFORCEMENT AND PENALTIES**

### **Section 901. ENFORCEMENT OF THIS ACT BY THE SECRETARY; PROVISIONS FOR INSPECTIONS**

- (a) **GENERAL RULE** - The secretary, through State dog wardens, employees of the department and police officers, shall be charged with the general enforcement of this law. The secretary may employ all proper means for the enforcement of this act and may enter into agreements pursuant to section 1002, which shall be filed with the department, for the purpose of dog control. State dog wardens and employees of the department are hereby authorized to enter upon the premises of any persons for the purpose of investigation. A dog warden or employee of the department may enter into a home or other building only with the permission of the occupant or with a duly issued search warrant.
- (b) **TRAINING FOR DOG WARDENS** - The secretary shall establish training requirements for

dog wardens and other employees of the department charged with the enforcement of this act which shall include dog handling and humane capture, preliminary recognition of dog pathology, knowledge of proper dog sanitation, kennel inspection procedures and shelter and dog law enforcement.

(b.1) **TRAINING REQUIREMENTS** - The department shall establish a program for initial training of dog wardens and employees of the department which must include, at a minimum, a total of 56 hours of instruction, in accordance with paragraphs (1), (2), and (3).

- (1) The program for initial training of dog wardens must include at least 32 hours of instruction in the following group of instructional areas:
  - (i) Dog laws and applicable rules and regulations.
  - (ii) Care and treatment of dogs.
  - (iii) Pennsylvania criminal law and criminal procedure.
- (2) At least 24 hours of instruction in the initial training program must be provided in the following group of instructional areas:
  - (i) Dog handling and humane capture.
  - (ii) Preliminary recognition of dog pathology.
  - (iii) Proper dog sanitation and shelter.
  - (iv) Kennel inspection procedures.
- (3) The initial training program must also require an individual, as a prerequisite to successful completion of the training program, to take and pass a final examination that sufficiently measures the individual's knowledge and understanding of the instructional material.

(b.2) **LIMITATION ON THE POSSESSION OF FIREARMS** - No dog warden or employee of the department shall carry, possess or use a firearm in the performance of duties unless the person has the approval of the secretary and holds a current and valid certification in the use of handling of firearms pursuant to at least one of the following:

- (1) The act of June 18, 1974 (P.L. 359, No. 120), referred to as the Municipal Police Education and Training Law.
- (2) The act of October 10, 1974 (P.L. 705, No. 235), known as the "Lethal Weapons Training Act."
- (3) The act of February 9, 1984 (P.L. 3, No. 2), known as the "Deputy Sheriffs' Education and Training Act."
- (4) Any other firearms program which has been determined by the

Commissioner of the Pennsylvania State Police to be of sufficient scope and duration to provide the participant with basic training in the use and handling of firearms. The department may provide for such firearms training for dog wardens.

(b.3) **APPLICATION OF SECTION TO PRIOR DOG WARDENS.**

- (1) Any dog warden or employee of the department who, prior to the effective date of this act, has successfully completed a training program similar to that required under subsection (b) shall, after review by the secretary, be certified as having met the training requirements of this act. Any dog warden or employee of the department who, prior to the effective date of this act, has not successfully completed a training program similar to that required under subsection (b) may continue to perform the duties of a dog warden until the person has successfully completed the required training program, but not longer than two years from the effective date of this act.
- (2) Any dog warden or employee of the department who, prior to the effective date of this act, has not received approval of the secretary and been certified in the use and handling of firearms pursuant to one or more of the acts set forth in subsection (b.2)(1), (2) and (3) shall not carry or possess a firearm in the performance of the duties of a dog warden on or after the effective date of this act until the person has, under subsection (b.2), received approval of the secretary and been certified in the use and handling of firearms.

(b.4) **REFUSAL, SUSPENSION OR REVOCATION AUTHORIZED** - The department may refuse to employ a person to act as a dog warden or may suspend or revoke the employment of a person who is acting as a dog warden if the department determines that the person has:

- (1) Failed to satisfy the training requirements of subsection (b.1).
- (2) Had a criminal history record which would disqualify the applicant from becoming a law enforcement officer.
- (3) Been convicted of violating 18 Pa.C.S. § 5301 (relating to official oppression).

(b.5) **ADDITIONAL GROUNDS** - The department may refuse to employ a person to act as a dog warden or other employee charged with the enforcement of this act or may suspend or revoke the employment of a person who is acting as a dog warden or is charged with the enforcement of this act if the department determines that the person has:

- (1) Made a false or misleading statement in the application for employment.
  - (2) Carried or possessed a firearm in the performance of his or her duties without certification pursuant to subsection (b.2).
  - (3) Engaged in conduct which constitutes a prima facie violation of 18 Pa.C.S. § 5301.
  - (4) Knowingly failed to enforce any of the provisions of this act.
  - (5) Violated any of the provisions of this act.
- (b.6) **TRAINING AVAILABLE TO OTHERS** - The department may provide training under subsections (b.1) and (b.2) to any person not employed by the department and may charge a reasonable fee to cover the costs incurred for providing this service. Training for any person not employed by the department need not include instruction in kennel inspection procedures.
- (c) **ADVISORY BOARD** - The secretary shall appoint a Dog Law Advisory Board to advise him in the administration of this act. The board shall consist of the following:
- (1) The secretary or his designee, who shall act as chairman.
  - (2) A representative of animal research establishments.
  - (3) A representative of a Statewide veterinary medical association.
  - (4) Two representatives of animal welfare organizations.
  - (5) Three representatives of farm organizations, with one from each Statewide general farm organizations.
  - (6) A representative of dog clubs.
  - (7) A representative of commercial kennels.
  - (8) A representative of pet store kennels.
  - (9) A representative of sportsmen.
  - (10) A representative of a national purebred canine pedigree registry.
  - (11) A representative of lamb and wool growers.
  - (12) A county treasurer.
  - (13) A representative of hunting-sporting dog organizations.
  - (14) A representative of the police.
- (d) **TERMS** - The length of the initial term of each appointment to the board shall be set by the secretary, and shall be staggered so that the terms of approximately one-third of the appointments expire each year.
- (e) **ABSENCES** - Three consecutive unexcused absences from regular board meetings or failure to attend at least 50% of the regularly scheduled board meetings in any calendar year shall be considered cause for termination of appointment, unless the secretary, upon written request of the member, finds that the member should be excused from attending a meeting because of illness or death of a family member or for a similar emergency.
- (f) **VACANCIES** - Vacancies in the membership of the board shall be filled for the balance of an unexpired term in the same manner as the original appointment.

- (g) **RECOMMENDATIONS** - The board may make nonbinding recommendations to the secretary on all matters related to the provisions of this act.

## **Section 902. RULES AND REGULATIONS**

The Secretary, after due notice and a public hearing, may promulgate rules and regulations to carry out the provisions and intent of this act.

## **Section 903. VIOLATIONS**

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

## **Section 904. PERMANENT IDENTIFICATION ALTERED**

It shall be unlawful to change or alter any form of permanent identification of a dog. Any person convicted of defacing or altering any form of permanent identification of a dog shall be guilty of a summary offense and upon conviction thereof shall be sentenced to pay a fine of \$300 or to imprisonment for not less than 90 days, or both. A bill of sale shall accompany all permanently identified dogs when sold.

## **Section 905. DISPOSITION OF FINES AND PENALTIES**

If a prosecution pursuant to this act is initiated by a State dog warden, employee of the department or State Police Officer, all fines forfeited, recognizances and other forfeitures imposed, lost or forfeited under this act shall be payable through the Department of Agriculture into the State Treasury for credit to the Dog Law Restricted Account. If a prosecution pursuant to this act is initiated by a local police officer or animal control officer, all fines forfeited, recognizances and other forfeitures imposed, lost or forfeited under this act shall be payable to the political subdivision which employs such local police officer or animal control officer.

## **Section 906. REPORTS TO GENERAL ASSEMBLY**

On or before March 1, 1997, and on or before March 1 of each subsequent year, the secretary shall provide a report to the Agriculture and Rural Affairs Committee of the Senate and Agriculture and Rural Affairs Committee of the House of Representatives which shall describe all relevant activities of the department for the preceding calendar year under this act.

The report shall contain, at a minimum, the following:

- (1) The number of State dog wardens by county.
- (2) The number of dog licenses issued by county.

- (3) The number of kennel license issued in each kennel class by county.
- (4) The number of out-of-state dealer licenses issued by the department.
- (5) The total moneys collected from license fees.
- (6) The number of kennel inspections performed, which shall include the number of kennels inspected by kennel class, the number of dogs kept at each inspected kennel and the county of location.
  
- (7) The number of kennel licenses and out-of-state dealer licenses refused, revoked or suspended and the reasons for such refusals, revocations or suspensions.
- (8) The number of citations issued by county and the disposition of each citation.
- (9) The number of dogs seized and impounded and the total reimbursements made by the department for the transportation, care and feeding of such dogs.
  
- (10) The total payments made by the department from the Dog law Restricted Account and the reasons for such payments.
- (11) Recommendations to improve the administration and enforcement of this act, if applicable.

#### **Section 907. STATE DOG WARDENS; PLAN FOR APPOINTMENT**

- (a) **DEVELOPMENT OF PLAN** - On or before March 1, 1997, the department, in consultation with the Dog Law Advisory Board, shall develop a plan to provide for the appointment of an adequate number of State dog wardens to service in each of the department's Dog Law enforcement regions. The plan shall provide for the appointment of State dog wardens to each Dog Law enforcement region as specified in the plan no later than January 1, 1998. Upon completion, the plan shall be forwarded to the chairman and minority chairman of the Agriculture and Rural Affairs Committee of the Senate and the chairman and minority chairman of the Agriculture and Rural Affairs Committee of the House of Representatives.
  
- (b) **RESTRICTION ON USE OF SURPLUS FUNDS** - Notwithstanding any other provisions of this act to the contrary, the department shall not make any payments of surplus funds pursuant to section 1002(b) to counties, municipalities, humane societies or associations for the prevention of cruelty to animals unless and until it has developed and implemented a plan to appoint an adequate number of State dog wardens to service in each of its Dog Law enforcement regions in accordance with subsection (a). Nothing in this subsection shall be construed to prohibit a county or municipality, as the case may be, from appointing county dog wardens to perform the duties and functions of Dog Law enforcement alone or in conjunction with a State dog warden in any Dog Law enforcement region.

### **ARTICLE IX-A STERILIZATION OF DOGS AND CATS**

#### **Section 901-A. DEFINITIONS**

The following words and phrases when used in this article shall have the meanings given to them in

this section unless the context clearly indicates otherwise:

"Adopt" or "adoption." The transfer of ownership of a dog or cat from a releasing agency to a new owner.

"Licensed doctor of veterinary medicine." A person licensed to practice veterinary medicine under the act of December 27, 1974 (P.L. 995, No. 326), known as the Veterinary Medicine Practice Act or licensed under similar laws and qualifications in other states.

"Neuter." A procedure to render a male dog or cat unable to reproduce.

"New owner." A person who enters into a binding agreement pursuant to section 902-A and who adopts a dog or cat from a releasing agency.

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

"Spay." A procedure to render a female dog or cat unable to reproduce.

"Sterilize" or "sterilization." The spaying or neutering of a dog or cat.

#### Section 902-A. **SPAYING OR NEUTERING AS CONDITION FOR RELEASE OF CERTAIN ANIMALS**

No dog or cat may be adopted by a new owner from a releasing agency unless the animal has been sterilized by a licensed doctor of veterinary medicine or unless the new owner signs agreement to have the animal sterilized by or under the supervision of a licensed doctor of veterinary medicine and deposits funds with the releasing agency to ensure that the adopted animal will be sterilized. The amount of the deposit required shall be determined by each releasing agency. In no event shall the required deposit be less than \$30 for a dog or \$20 for a cat.

#### Section 903-A. **REFUND OF DEPOSIT UPON PROOF OF STERILIZATION**

The funds deposited with the releasing agency shall be refunded to the owner upon the presentation of a written statement signed by a licensed doctor of veterinary medicine that the subject animal has been sterilized. However, no refunds shall be made unless the animal was sterilized within 60 days of acquisition in the case of a mature animal or, in the case of an immature animal, within 30 days of the date the animal attained the age of six months.

#### Section 904-A. **RULES AND STERILIZATION AGREEMENT**

Releasing agencies may establish any additional rules to implement this article, provided that such rules are not in conflict with the provisions or purpose of this article to require the sterilization of all dogs and cats adopted from releasing agencies. The sterilization agreement to be used by releasing agencies shall be in substantially the following form:

This agreement is made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, by and between:

(Releasing Agency)	_____	(New Owner)	_____
Name	_____	Name	_____
Address	_____	Address	_____
City	_____ Telephone _____	City	_____ Telephone _____

In consideration of the adoption of this animal, and in further consideration of mutual obligations herein, the releasing agency authorizes the adoption of the following animal to the new owner:  
(describe \_\_\_\_\_ animal)

1. The releasing agency agrees to release the above-listed animal into the care of the new owner and refund the new owner's sterilization deposit provided that:
  - a. The animal is sterilized by a licensed doctor of veterinary medicine by (give date).
  - b. A written statement signed by the licensed doctor of veterinary medicine performing the sterilization that the animal has been sterilized by the stated date is given to the releasing agency.
2. The new owner accepts the above-listed animal and agrees:
  - a. To have the animal sterilized by a licensed doctor of veterinary medicine by (give date).
  - b. To provide written evidence to the releasing agency from the licensed doctor of veterinary medicine performing the sterilization that the animal has been sterilized by the above date listed. This agreement shall be binding upon the assigns, heirs, executors and administrators of the respective parties. The parties hereto have hereunto set their hand they day and year first above written.

Amount of deposit \_\_\_\_\_

\_\_\_\_\_  
Releasing Agency  
\_\_\_\_\_  
(Signature of Agent)  
\_\_\_\_\_  
New Owner  
\_\_\_\_\_  
(Signature of)

**WRITTEN STATEMENT OF LICENSED DOCTOR OF VETERINARY MEDICINE**

I hereby certify that the above-described animal has been sterilized on \_\_\_\_\_ (give

date).

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Signature of

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Licensed Doctor of Veterinary  
Medicine

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Address

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City	Zip	State
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**Section 905-A. EXTENSION OF TIME TO STERILIZE**

Upon presentation of a written report from a licensed doctor of veterinary medicine stating that the life or health of an adopted animal may be jeopardized by sterilization, the releasing agency shall grant a 30-day extension of the period within which sterilization would otherwise be required. Further extensions shall be granted upon additional veterinary reports stating their necessity.

**Section 906-A. EXEMPTION FROM STERILIZATION; REFUND OF DEPOSITED FUNDS**

Upon presentation of a written report from a licensed doctor of veterinary medicine stating that the adopted animal has already been sterilized or can never be sterilized due to old age or a health condition that would likely result in the death of the animal, the sterilization deposit shall be refunded.

**Section 907-A. DEATH OF ADOPTED ANIMAL**

Upon request, the releasing agency shall refund deposited funds to the new owner upon reasonable proof being presented to the releasing agency by the owner that the adopted animal died before the expiration of the period during which the sterilization was required to be completed.

**Section 908-A. FORFEITURE OF DEPOSITED FUNDS AND ADOPTED DOG OR CAT**

Failure of a new owner to comply with provisions of this article shall result in the forfeiture of the deposit funds to the releasing agency. The releasing agency may reclaim the dog or cat from the new owner.

**Section 909-A. DISPOSITION OF FORFEITED FUNDS; RECORD OF ACCOUNTS**

Funds which have been forfeited by new owners shall be placed in an interest-bearing account

belonging to the releasing agency. The releasing agency may allocate the unused funds from such account to programs which directly promote, subsidize or otherwise reduce the costs of sterilization of animals of the releasing agency. Funds may also be used to provide for the health and welfare of animals being cared for by the releasing agency. The releasing agency shall maintain an accurate accounting of these forfeited funds.

Section 910-A. **CONSTRUCTION OF ARTICLE**

The provisions of this article shall not be construed to require the sterilization of dogs and cats which are being held in releasing agencies which might be claimed by their rightful owners. Further, this article shall not be construed to interfere with municipal ordinances or the policies and programs of releasing agencies that meet or exceed the sterilization requirements set forth in this article.

Section 911-A. **PENALTY**

Failure to comply with the provisions of this article relating to the sterilization of animals constitutes a summary offense.

Section 1001 of the act is amended to read:

**ARTICLE X  
DISPOSITION AND APPROPRIATION OF FUNDS**

Section 1001. **DOG LAW RESTRICTED ACCOUNT; DISPOSITION AND APPROPRIATION OF FUNDS ACCRUING UNDER THE PROVISIONS OF THIS ACT**

- (a) **DOG LAW RESTRICTED ACCOUNT CREATED** - All moneys paid into the State Treasury under the provisions of this act shall be paid into a restricted account hereby created and to be known as the Dog Law Restricted Account. Any interest accrued on the account shall be credited to the account for the purposes of meeting the requirements of this act.
- (b) **APPROPRIATION** - As much as may be necessary of such moneys and interest in the Dog Law Restricted Account are hereby appropriate to pay:
  - (1) All salaries of the employees of the department in administering their duties under this act;
  - (2) All expenses of the secretary and the department in administering their duties under this act;
  - (3) All payments of all allowable damage claims pursuant to section 701, 701.1 and 706, and the maintenance of a \$50,000 indemnity fund;
  - (4) All payments to counties pursuant to section 1002(a) and (a.1)(3);
  - (5) All payments from surplus moneys declared to be available by the secretary pursuant to section 1002(b);
  - (6) All payments for promotion and educational activities and
  - (7) All training required under section 901.

- (c) **SUBSIDIZED SERVICES** - No funds credited to the restricted account created by this section shall be used for government subsidized veterinary services.

Section 1002 of the act, amended May 16, 1986 (P.L. 194, No. 59) and May 13, 1988 (P.L. 396, No. 63), is amended to read:

Section 1002. **COUNTY DOG LAW PROGRAMS**

- (a) **DOG CONTROL FACILITIES** - Any county except counties of the first class, two or more counties which form a joint dog control agency or any humane society or association for the prevention of cruelty to animals may submit requests for funding to establish and maintain dog control facilities or other functions of dog control within the county to complement the Commonwealth dog law enforcement program. Any county or humane society or association for the prevention of cruelty to animals which receives funding under this section shall appoint one or more animal control officers who shall be subject to the training requirements under section 901(b.1) and (b.2). If a joint dog control agency is created, one of the counties shall act as a lead agency for the purposes of meeting the requirements of the program, including, but not limited to, recordkeeping, supervision of employees and other administrative duties as required by this act.

(a.1) **COUNTY DOG LAW ENFORCEMENT**

- (1) A county may request the secretary to be authorized to perform any or all of the duties and functions of dog law enforcement under Article I; Article II, except sections 206, 207, 209, 211, and 218, as it pertains to kennel inspections; Article III, except section 301, Articles V through IX; this article; Article XI and Article XII.
- (2) The secretary may also authorize a municipality within a county, except counties of the first class, which has been designated by the county to act as its representative, to perform any or all of the duties and functions of dog law enforcement as outlined in this subsection, provided that the municipality agrees to accept all obligations imposed upon the county by the guidelines and conditions of the department and the applicable regulations.
- (3) A county which the secretary authorizes to perform the duties and functions of dog law enforcement under this subsection shall appoint one or more officers to be known as county animal wardens who shall have the power to enforce the portions of the dog law enumerated in paragraph (1) in the county.

- (4) County animal wardens shall be subject to the training requirements under section 901.
  - (5) No dealer nor any humane society police officer shall be appointed as a county animal warden in any county.
  - (6) Nothing in this act shall be construed as authorizing a county to delegate or assign any powers or duties conferred upon counties or municipalities under this subsection to any private corporation, association or organization or any other nongovernmental entity.
  - (7) The secretary and a county shall agree upon the amount of funds available to a county for the purpose of this subsection, except that no agreement shall authorize the county to receive an annual amount greater than the total annual contributions to the Dog Law Restricted Account for the previous year resulting from the issuance of individual dog licenses within the county.
  - (8) Any agreement between the secretary and a county under this subsection shall be set forth within a memorandum of understanding which shall be reviewed annually.
  - (9) The secretary may recall the county program authorization at any time, when such county shall subsequently revert to State jurisdiction.
- (b) **SURPLUS FUNDS** - The secretary may declare that there is a surplus of money in the Dog Law Restricted Account. The secretary may authorize additional payments to the counties, except to counties of the first class, municipalities and to humane societies or associations for the prevention of cruelty to animals from any amount declared to be surplus. Such payments shall be based on the secretary's evaluation pursuant to rules and regulations promulgated under this act.

Sections 1101, 1201, 1202 and 1205 of the act are amended to read:

## **ARTICLE XI LIABILITY OF THE COMMONWEALTH**

### Section 1101. **LIABILITY OF THE STATE**

Nothing in this act shall be construed to prevent the owner of a licensed dog from recovering by action at law the value any dog which has been illegally killed by any person, provided the Commonwealth

shall be liable to the owner of any legally licensed dog, for the value thereof, if illegally killed by any police officer or employee of the Commonwealth and the Commonwealth may thereupon recover the amount so paid to such owner from the police officer or employee of the Commonwealth doing the illegal killing, by an action at law. Whenever the Commonwealth shall be liable for any killing, the value of said dog shall be ascertained in the same manner as provided in section 701, for assessing the damage done to domestic animals by dogs.

## ARTICLE XII MISCELLANEOUS PROVISIONS

### Section 1201. **APPLICABILITY TO CITIES OF THE FIRST CLASS, SECOND CLASS, SECOND CLASS A AND THIRD CLASS**

- (a) **CITIES OF THE FIRST CLASS, SECOND CLASS AND SECOND CLASS A** - Insofar as this act provides for the individual licensing of dogs and the payment of damages for domestic animals injured by dogs or for licensed dogs illegally killed, it shall not apply to cities of the first class, second class and second class A. Such individual dog licensing and payment of damages in cities of the first class, second class and second class A shall continue to be carried on under the provisions of existing laws.
  
- (b) **CITIES OF THE THIRD CLASS** - Insofar as this act provides for the individual licensing of dogs by the department, the payment of damages by the department for domestic animals injured by dogs or for licensed dogs illegally killed, and for the performance of duties and functions of dog law enforcement by the department under Articles I and II, except sections 206, 207, 209, 211 and 218 as it pertains to kennel inspections; Article III, except section 301; Articles V through IX; this Article; Articles XI and XII, the foregoing responsibilities shall not apply to the department within a city of the third class that does both of the following:
  - (1) Adopts its own dog licensing ordinance establishing individual dog licensure on a calendar year basis, or on another basis consistent with that in use by the department.
  
  - (2) Notifies the secretary, in writing, of its intention to assume responsibility for enforcement of its dog licensing ordinance under authority of this section for a period commencing January 1 of a particular year and not ending prior to December 31 of the year in which the city of the third class terminates its responsibility for enforcement. If the department changes dog licensure from a calendar year basis to some other basis by regulation promulgated under authority of section 201, it may modify the requirement set forth in this paragraph to provide for the efficient and equitable transfer of dog law enforcement responsibility and appropriate dog license fees from the city of the third class to the department.

Section 1202. Eliminated.

Section 1203. **SEVERABILITY**

The provisions of this act shall be severable, and, if any of its provisions shall be held to be unconstitutional, the decision of the court shall not affect or impair any of the remaining provisions of this act. It is hereby declared as a legislative intent that this act would not have been adopted had such unconstitutional provisions been included therein.

Section 1204. **ACTS NOT AFFECTED**

This act does not repeal or in any way affect any of the provisions of the following acts:

- (1) The act of July 22, 1913 (P.L. 928, No. 441), entitled "An act relating to domestic animals; defining domestic animals so as to include poultry; providing methods of improving the quality thereof, and of preventing, controlling, and eradicating diseases thereof; imposing certain duties upon practitioners of veterinary medicine in Pennsylvania; regulating the manufacture, use and sale of tuberculin, mallein and other biological products for use with domestic animals; defining the powers and duties of the State Livestock Sanitary Board, and the officers and employees thereof; fixing the compensation of the Deputy State Veterinarian; and providing penalties for the violation of this act."

Section 1205. **REPEALER**

- (a) The act of December 22, 1965 (P.L. 1124, No. 437), known as the "Dog Law of 1965," is repealed.
- (b) Section 34, act of December 27, 1974 (P.L. 995, No. 326), known as the "Veterinary Medicine Practice Act," is repealed.
- (c) The act of July 11, 1917 (P.L. 818, No. 317), known as the "Dog Law of One Thousand Nine Hundred and Seventeen," is repealed

This act shall take effect as follows:

- (1) Sections 102, 200(b) and 201 of the act shall take effect immediately.
- (2) This section shall take effect immediately.
- (3) The remainder of this act shall take effect in 60 days.