

## No. 93

## AN ACT

To amend the title, section two as amended, section nineteen and sections twenty-six, twenty-nine, thirty, thirty-six, and thirty-seven as amended, of the act, approved the eleventh day of May, one thousand nine hundred and twenty-one (Pamphlet Laws, five hundred twenty-two), entitled "An act relating to dogs, and the protection of live stock and poultry from damage by dogs; providing for the licensing of dogs by the Secretary of Agriculture; providing for the enumeration of dogs by assessors; regulating the keeping of dogs, and authorizing their destruction in certain cases; providing for the protection of licensed dogs, and for dogs temporarily imported for trial, show, and breeding purposes; prescribing certain privileges for hunting dogs, and dogs owned or used by the Board of Game Commissioners; providing for the assessment of damages done to live stock and poultry by dogs, and for the illegal killing of licensed dogs, and the payment of such damages by the Commonwealth; imposing powers and duties on certain State, county, city, borough, town, and township officers and employes, directing the payment of all moneys collected into the State Treasury; and making an appropriation thereof, and providing penalties," requiring chiefs of police of boroughs, towns, and townships to properly keep and feed licensed dogs detained, and to give notice to the owner thereof; providing for the payment of claims for damages for live stock dying from, or killed because of, rabies, and for certain game birds killed or injured by dogs; providing for the payment of certain costs and the value of licensed dogs illegally killed by the Commonwealth, and giving the Commonwealth the right to recover sums, so paid, from persons illegally killing dogs.

Section 1. Be it enacted, &c., That the title of the act, approved the eleventh day of May, one thousand nine hundred and twenty-one (Pamphlet Laws, five hundred twenty-two), entitled "An act relating to dogs, and the protection of live stock and poultry from damage by dogs; providing for the licensing of dogs by the Secretary of Agriculture; providing for the enumeration of dogs by assessors; regulating the keeping of dogs, and authorizing their destruction in certain cases; providing for the protection of licensed dogs, and for dogs temporarily imported for trial, show, and breeding purposes; prescribing certain privileges for hunting dogs, and dogs owned or used by the Board of Game Commissioners; providing for the assessment of damages done to live stock and poultry by dogs, and for the illegal killing of licensed dogs, and the payment of such damages by the Commonwealth; imposing powers and duties on certain State, county, city, borough, town, and township officers and employes, directing the payment of all moneys collected into the State Treasury; and making an appropriation thereof, and providing penalties," is hereby amended to read as follows:

Dogs.

Title of  
act of May  
11, 1921 (P. L.  
522), amended.

## AN ACT

Relating to dogs, and the protection of live stock, [and] poultry,  
and game birds raised in captivity from damage by dogs; pro-

viding for the licensing of dogs by the Secretary of Agriculture; providing for the enumeration of dogs by assessors; regulating the keeping of dogs, and authorizing their destruction in certain cases; providing for the protection of licensed dogs, and for dogs temporarily imported for trial, show, and breeding purposes; prescribing certain privileges for hunting dogs and dogs owned or used by the Board of Game Commissioners; providing for the assessment of damages done to live stock, [and] poultry, and game birds by dogs, and for live stock killed by, or dying from, rabies, and for the illegal killing of licensed dogs, and the payment of such damages by the Commonwealth; imposing powers and duties on certain State, county, city, borough, town, and township officers and employes, directing the payment of all moneys collected into the State Treasury; [and making an appropriation thereof] and providing penalties.

Section 2 of said act, as amended by section 1, act of May 6, 1927 (P. L. 833), further amended.

Definitions.

"Live stock."

Section 2. That section two of said act as amended by section one of the act, approved the sixth day of May, one thousand nine hundred and twenty-seven (Pamphlet Laws, eight hundred thirty-three), is hereby further amended to read as follows:

Section 2. For the purpose of this act, the following terms shall have the following meanings, respectively designated for each:

The term "live stock" shall include horses, stallions, colts, geldings, mares, sheep, rams, lambs, bulls, bullocks, steers, heifers, cows, calves, mules, jacks, jennets, burros, goats, kids, swine, confined domesticated hares and rabbits.

"Poultry."

The term "poultry" shall include all domestic fowl.

"Domestic game bird."

The term "domestic game bird" shall include all game birds, as defined by the "Game Law" of the Commonwealth, which are kept in captivity.

"Person."

The word "persons" shall include State and local officers or employes, individuals, corporations, copartnerships, and associations. Singular words shall include the plural. Masculine words shall include the feminine and neuter.

"Owner."

The word "owner," when applied to the proprietorship of a dog, shall include every person having a right of 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 any premises occupied by him.

"Kennel."

The term "kennel" shall mean any establishment wherein or whereon dogs are kept for the purpose of breeding, sale, or show purposes, and which is so constructed that dogs cannot stray therefrom.

"Police officer."

The term "police officer" shall mean any person employed or elected by this Commonwealth, or by any municipality, county, or township, and whose duty it is to preserve peace or to make arrests or to enforce the law. The term includes State constabulary, game, fish, and forest wardens.

Section 19 of said act, amended.

Section 3. That section nineteen of said act is hereby amended to read as follows:

Section 19. It shall be the duty of every police officer to seize and detain any dog or dogs which bear a proper license tag and which are found running at large, either upon the public streets or highways of the Commonwealth, or upon the property of other than the owner of such dogs, and unaccompanied by the owner or keeper. Any police officer is hereby authorized and empowered to go upon any premises and enter any building to seize and detain any dog or dogs which have been found running at large unaccompanied by the owner or keeper, when such police officer is in immediate pursuit of any such dog or dogs.

Seizure of dogs running at large.

It shall be the duty of every police officer to kill any dog which does not bear a proper license tag, which is found running at large. The chief of police or his agents of any city, *borough, town, and township*, the high constable of any borough, or the constable of any borough not having a high constable, and the constable of any incorporated town or township, shall cause any dog bearing a proper license tag and so seized and detained to be properly kept and fed, and shall cause immediate notice, either personal or by registered mail, to be given to the person in whose name the license was procured, or his agent, to claim such dog within ten days. The owner of a dog so detained shall pay all reasonable expenses incurred by reason of its detention, under the provisions of this section, before the dog is returned.

Killing of unlicensed dogs running at large.

Disposition of licensed dogs seized.

Section 4. That sections twenty-six, twenty-nine, and thirty of said act, as last amended by the act, approved the twenty-fifth day of May, one thousand nine hundred and thirty-three (Pamphlet Laws, one thousand thirty-six), are hereby further amended to read as follows:

Sections 26, 29, and 30 of said act, as amended by act of May 25, 1933 (P. L. 1036), further amended.

Section 26. Whenever any person sustains any loss or damage to any live stock or poultry or to *game birds raised in captivity, and while confined within an inclosure*, by dogs, or sustains loss of live stock from *rabies*, or any live stock or poultry or *game bird raised in captivity, and while confined within an inclosure*, of any person is necessarily destroyed because of having been bitten by a dog, except when such loss, destruction or damage shall have been caused by a dog harbored by the owner of such live stock or poultry or *domestic game bird*, such person or his agent or attorney may, immediately after the damage was done, complain to a duly authorized agent of the Department of Agriculture. Such complaint shall be in writing, shall be signed by the person making such complaint, and shall state when, where, and how such damage was done, and by whose dog or dogs, if known, or *when the animal died from rabies or was killed because of rabies*. Claims covering damage due to rabies shall be made immediately following the death of the animal, and shall be supported by a certificate from a licensed and duly qualified veterinarian, or a report from the

Damage to live stock by dogs.

Complaint by owner to agent of department.

Damages due to rabies.

- laboratory of the Department of Agriculture, to the effect that such animal was affected with rabies. *It shall not be necessary to prove that an animal dying from or killed because of rabies was actually bitten by a dog. The presumption shall exist that such animal was so bitten.* Upon receipt of such notice, the agent of the Department of Agriculture shall at once examine the place where the alleged loss or damage was sustained and the live stock or poultry or domestic game bird injured or killed, or in case of rabies where it died or was killed. The agent of the Department of Agriculture shall then fix a time for taking testimony relative to such claim and shall give notice of such time to the claimant and to the dog owner, if known. The agent of the Department of Agriculture shall examine under oath or affirmation, any witness called before him. After making diligent inquiry in relation to such claim, such appraiser shall determine whether any damage has been sustained and the amount thereof, and, if possible, who was the owner of the dog or dogs by which such damage was done. If the owner does not agree as to the amount of damage allowed by the appraiser, the owner and appraiser may appoint a disinterested citizen to assist in determining the amount of damage sustained. For such services, the said disinterested citizen shall receive two dollars and mileage at five cents per mile for the distance traveled, which shall be paid by the owner and considered as part of the costs in such claim.
- Any owner or keeper of such dog or dogs shall be liable to the owner of such live stock or poultry or domestic game bird, in a civil action, for all damages and costs, or to the Commonwealth to the extent of the amount of damages and costs paid by the Commonwealth as hereinafter provided.
- When the inhabitants of any city, borough, or township, or of any part thereof, have suffered an excessive amount of damage by dogs to live stock or poultry or domestic game birds, a petition may be presented to the Secretary of Agriculture, signed by twenty or more of such residents who are owners of live stock or poultry or domestic game birds, alleging such excessive damage and requesting that a quarantine be placed on all dogs within the limits of such city, borough, or township, or such part thereof. Upon receipt of such petition, the Secretary of Agriculture may, through his authorized agents, have an investigation made of the facts alleged therein and, if convinced that conditions in such city, borough, or township, or such designated area, demands such stringent measures, he may establish a dog control quarantine therein.
- When such 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
- Proof.**
- Examination by agent.**
- Hearing.**
- Determination of damages.**
- Civil liability for damages.**
- Petition for quarantine of dogs.**
- Quarantine.**
- Notice of quarantine.**

least one issue of a newspaper of general circulation throughout such city, borough, 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.

Violation of  
dog law.

Any police officer may kill any dog running at large in a quarantined area, in violation of such quarantine, without any liability for damages for such killing.

Killing of  
dogs running  
at large.

Section 29. Upon the Secretary of Agriculture receiving and approving such report, if it appears thereby that a certain amount of damage has been sustained by the claimant, he shall immediately draw a requisition in favor of the claimant for the amount of loss or damage such claimant has sustained according to such report, together with necessary and proper costs incurred. Such amount shall be paid from any appropriation to the Department of Agriculture available for this purpose.

Payment  
of claim.

If such report is not approved, and it is deemed advisable, a further investigation may be made by the Secretary of Agriculture, through his officers or agents, to ascertain the amount of damage sustained. No person shall receive payment for any claim until the appraiser, before whom the claim was made, has certified that due diligence was made to ascertain whose dog or dogs did the damage, and the claimant has certified that the carcasses of the live stock or poultry killed *or dying from or killed because of rabies* and for which damages have been assessed were buried within twenty-four hours after the assessment of damages. The owners of any live stock or poultry killed by dogs, *or live stock dying from or killed because of rabies*, or live stock necessarily destroyed because of having been bitten by a dog other than a dog harbored by such person, shall be paid a burial fee, as follows: For each horse, stallion, colt, gelding, mare, bull, bullock, steer, heifer, cow, mule, jack, jennet, or burro, one dollar and fifty cents; for sheep, ram, lamb, calf, goat, kid, or swine, one dollar each for the first three animals, and fifty cents for each additional animal; for each head of poultry *or domestic game bird*, domestic hare or rabbit, ten cents each,—to be included in said report and paid as other damages under this section. Where said carcasses are turned over to a scavenger or reduction plant, no burial fee shall be allowed.

Further  
investigation.

Certificates  
by appraiser  
and claimant.

Burial fee.

Upon payment by the State of damages of live stock or poultry *or domestic game bird* by dogs, the rights of the owner of such live stock or poultry *or domestic game bird* against the owner of a dog, to the extent of the amount of damages so paid by the State, shall inure to the benefit of the State.

Rights of  
owner to  
accrue to  
State.