

No. 140

AN ACT

To amend sections twenty-six and twenty-nine as amended, section thirty, section thirty-two as amended, and section thirty-seven, 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."

Section 1. Be it enacted, &c., That section twenty-six 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," as last amended by the act, approved the fourteenth day of May, one thousand nine hundred and twenty-nine (Pamphlet Laws, one thousand seven hundred thirteen), is hereby further amended to read as follows:

Section 26. Whenever any person sustains any loss or damage to any live stock or poultry by dogs, or any live stock or poultry of any person is necessarily destroyed because of having been bitten by a dog, except when such loss, destruction or damage shall have

"Dog Law"
of 1921

Section 26, act of
May 11, 1921 (P.
L. 522), as last
amended by act
of May 14, 1929
(P. L. 1713),
further amended.

Damage to live
stock by dogs.

- been caused by a dog harbored by the owner of such live stock or poultry, such person or his agent or attorney may, immediately after the damage was done, complain to any township auditor, or to any justice of the peace, alderman or magistrate of the township, town, borough or city *or of any adjoining township, town or borough*. 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. 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 laboratory of the Department of Agriculture, to the effect that such animal was affected with rabies. Such township auditor, justice of the peace, alderman or magistrate shall at once notify an auditor of the district *in which he or the claimant is resident*, if there be any, and where there is no auditor, then the controller of *any such* [the] district, and together they shall at once examine the place where the alleged loss or damage was sustained and the live stock or poultry injured or killed. They shall then jointly 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. Such appraiser shall examine, under oath or affirmation, any witness called before them. After making diligent inquiry in relation to such claim, such appraisers 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 two appraisers can not agree as to the amount of damage sustained, the Secretary of Agriculture through his officers or agents may appoint a disinterested citizen to assist in determining the amount of damage sustained.
- Complaint by owner.**
- Damages due to rabies.**
- Examination by officers.**
- Hearing.**
- Determination of damages.**
- Civil liability for damages.**
- Petition for quarantine of dogs.**
- Any owner or keeper of such dog or dogs shall be liable to the owner of such live stock or poultry, 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, 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, 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.

Quarantine.

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

Notice of quarantine.

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 2. That section twenty-nine of said act as last amended by 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 29 as last amended by act of May 6, 1927 (P. L. 883), further amended.

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 [his check] 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 [the advance requisition on the "Dog Fund."] *any appropriation to the Department of Agriculture available for this purpose*. 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 township auditor, justice of the peace, alderman, or magistrate, 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 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 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, two

Payment of claim.

Further investigation.

Certificates by appraisers and claimant.

Burial fee.

dollars and fifty cents; [each] for sheep, ram, lamb, calf, goat, kid, or swine, two dollars each for the first three animals, and one dollar for each additional animal; for each head of poultry, 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.

Rights of owner to accrue to State.

Upon payment by the State of damages of live stock, or poultry, by dogs, the rights of the owner of such live stock, or poultry, 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.

Section 30 amended.

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

Payment already made by dog owner.

Section 30. No payment shall be made for any item which has already been paid by the owner of the dog or dogs doing the injury. The fact that no such payment has been made shall be certified by the township auditor, justice of the peace, alderman, or magistrate.

Amounts to be paid by Commonwealth.

When any payment is made by the State for any live stock, *including poultry*, [bitten] *injured* by a dog, such payment shall not exceed one hundred dollars for each horse or mule; sixty dollars for each head of *unregistered cattle*; [or] *one hundred dollars for each head of registered cattle*; twenty dollars for each head of *unregistered swine*, [or] *sheep, or goats; thirty-five dollars for each head of registered swine, sheep, or goats; three dollars for each full-grown goose; four dollars for each full-grown turkey*; and two dollars for each head of *other poultry*, or domesticated hare or rabbit. *All appraisals under this act shall be at the actual value of the livestock, including poultry, killed or injured.*

Section 32 as amended by act of May 6, 1927 (P. L. 833), further amended.

Section 4. That section thirty-two of said act as amended by the act, approved the sixth day of May, one thousand nine hundred and twenty-seven (Pamphlet Laws, eight hundred thirty-three), is hereby amended to read as follows:

Notice to owner to kill dogs.

Section 32. If, in the report of the township auditor, justice of the peace, alderman or magistrate, the name of the owner of any dog or dogs having caused loss or damage to any live stock or poultry is definitely and conclusively shown, or if a written complaint is filed with the Secretary of Agriculture by any owner of live stock or poultry against any dog or dogs, stating that such dog or dogs has or have been seen pursuing or worrying live stock or poultry, and if such charge is proven by investigation on the part of the Secretary of Agriculture, he may notify the owner or keeper of such dog or dogs to immediately kill the same; *whereupon it*

shall be unlawful and a violation of this act for such owner or keeper to permit or cause such dog or dogs, while alive, to leave or be removed from such premises. The killing of such dogs does not remove the liability of the owner of such damage done by his dog or dogs.

Unlawful for condemned dogs to leave premises.

Upon failure, however, of such owner to comply with such order within a period of ten days, any police officer of the township, town, borough, or city in which said dog or dogs are kept, upon notice from the Secretary of Agriculture, shall kill such dog or dogs wherever found. For such service he shall be entitled to a fee of two dollars for each dog so killed, to be paid by the State, upon a certified statement to the Secretary of Agriculture that such dog or dogs have been killed by him. The Secretary of Agriculture shall issue his requisition on the State Treasurer for such amount, unless payment has been made by the owner or keeper of the dog or dogs.

Owner's failure to kill dogs.

Fees of officers for killing dogs.

[After the Secretary of Agriculture has notified any owner or keeper to kill a dog, as herein provided, it shall be unlawful for such owner or keeper to permit such dog to leave the premises, wherein kept, unless in leash.]

Section 5. That section thirty-seven of said act is hereby amended to read as follows:

Section 37 amended.

Section 37. Nothing in this act shall be construed to prevent the owner of a licensed dog from recovering, by action at law, the value of any dog, which dog has been illegally killed by any police officer or any other person within this Commonwealth, from said police officer or other person. [In case] *If, after suit*, such police officer or other person fails to pay the value of such dog so killed, the same shall be paid by the State. The value of said dog shall be ascertained in the same manner as provided in section twenty-six of this act for assessing the damage done to live stock by dogs, and shall in no case exceed one hundred dollars for any one dog.

Recovery for dogs illegally killed.

Payment after suit.

Section 6. This act shall become effective on the first day of June, one thousand nine hundred and thirty-one.

Effective date

APPROVED—The 1st day of June, A. D. 1931.

GIFFORD PINCHOT