

No. 1996-151

AN ACT

HB 397

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 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.

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

Section 1. The title and section 102 of the act of December 7, 1982 (P.L.784, No.225), known as the Dog Law, are amended to read:

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 abandonment of animals; providing for the assessment of damages done to [livestock, poultry and domestic game birds] animals*; 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 employees; providing penalties; and creating a Dog Law Restricted Account.

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[; but the]. *The term shall not include [those kennels] a kennel where the practice of veterinary medicine is performed [and that the establishment] 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[,] but[.]” The term shall include any boarding facility operated by a [veterinarian] licensed doctor of veterinary medicine whether or not this facility is on the same premises as a [veterinary hospital.] 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 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 [or activities that reduce the number of dog related problems]. Dog control [activities] may be performed by [agents of incorporated humane organizations] *humane society police officers*, police officers, State dog wardens or [agents of] animal control [organizations such as municipal dog 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.

["Domestic game bird." All game birds as defined by the act of June 3, 1937 (P.L.1225, No.316), known as "The Game Law," which are kept 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."*

["Livestock." Members of the equine, bovine, ovine, caprine, and porcine species, and confined domesticated hares, rabbits and mink.]

"Nonprofit kennel." Any kennel operated by [Animal Rescue Leagues, Societies for the Prevention of Cruelty to Animals, Animal Humane Societies, and] *an animal rescue league, a humane society or association for the prevention of cruelty to animals or a nonprofit animal control [kennels, which are legally constituted law enforcement agencies and]*

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 of Agriculture] secretary.

"Out-of-state dealer." [Anyone] A *person* who does not reside in the Commonwealth of Pennsylvania and who buys, [sells or otherwise deals with dogs within the Commonwealth of Pennsylvania.] *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 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.

"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 [State constabulary] *constables and* dog, game, fish and forest wardens.

["Poultry." Includes all domestic fowl.]

"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[, vivisection or dealer] kennel.” *[(D kennels)] Any [profit oriented] kennel within the Commonwealth wherein research [or vivisection] is conducted with dogs, or where vivisection is practiced with dogs, or any establishment [that] which breeds, buys, sells, or in any way transfers dogs to laboratories, hospitals, establishments for research or any other similar purpose, or [who] which sells, gives away or in any way transfers dogs to another research[, vivisection] or dealer kennel [(D kennel), or who sells or offers for sale any dog belonging to another person for a fee, commission or percentage of the sales price, either privately or publicly].*

“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 do 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 the regulations pursuant thereto.*

“Vivisection.” *The cutting of or operation on a living animal for physical or pathological investigation or animal experimentation.*

“Wild” or “semiwild 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.

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

Section 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/neuter 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 any 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 forwarded 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 recoverable 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.

Section 3. Sections 201, 202 and 203 of the act are amended to read:
Section 201. Applications for *dog* licenses; fees; [county treasurers as agents] *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, [six] *three* months of age or older, except as hereinafter provided, shall apply to the county treasurer of his respective county or [his authorized] *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, [and] the name, address and telephone number of the owner *and the year of licensure*. The application shall be accompanied by [a license fee of \$2.50 for each neutered male dog and for each spayed female dog for which the certificate of a veterinarian or the affidavit of the owner is produced, and by a license fee of \$4.50 for all other male and female dogs. For Pennsylvania residents 65 years of age or older, the license fee shall be \$1.25 for each neutered male dog and for each spayed female dog for which the certificate of a veterinarian or the affidavit of the owner is produced, and the license fee shall be \$2.25 for all other male or female dogs. When the license is issued by the county treasurer, an additional service fee of 50¢ shall be paid by all applicants regardless of age to the county treasurer for the use of the county. The county treasurers of this Commonwealth shall be agents of the Commonwealth for the collection of license fees. All county treasurers shall pay all license fees collected through the Department of Agriculture into the State Treasury for credit to the Dog Law Restricted Account.] *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 section 200(b), shall also be paid by all applicants, regardless of age or disability.

(b) Lifetime license.—The owner of any dog [six] *three* months of age or older which has been [tattooed with identification numbers] *permanently identified* may apply to the county treasurer of his respective county or [his authorized] *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 [a] dog, the [identifying tattoo] *type and number[,] of permanent identification* and the name, address and telephone number of the owner. The application shall be accompanied by [a license fee of \$10 for each neutered male dog and for each spayed female dog for which the certificate of a veterinarian or the affidavit of the owner is produced, and by a license fee of \$20 for all other male and female dogs. For Pennsylvania residents 65 years of age or older, the license fee shall be \$5 for each neutered male dog and for each spayed female dog for which the certificate of a veterinarian or the affidavit of the owner is produced, and \$10 for all other male and female dogs. When the license is issued by the county treasurer, an additional service fee of 50¢ shall be paid by all applicants regardless of age to the county treasurer for the use of the county. The department shall promulgate regulations to provide for the registration of lifetime tattoo identification numbers with the department.] *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) Penalty.—*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.*

Section 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.

Section 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 [~~50¢~~] \$1 paid to the county treasurer for the use of the county.

Section 4. Section 204 of the act, amended May 13, 1988 (P.L.396, No.63), is amended to read:

[Section 204. Who shall issue licenses; fees; records.]

The county treasurer may authorize agents to process applications for dog license certificates and to issue license certificates and tags. The county treasurer shall establish the bonding requirements for all agents

designated for purposes of this section, except for district justices who when authorized by the county treasurer shall not be required to furnish a bond. All persons designated by the county treasurer under this section shall charge \$1 as a service fee for each application processed in addition to the license fees established under section 201. The agent shall retain 50¢ of this service fee and the county treasurer shall retain 50¢ of the service fee for the use of the county except when the agent is a district justice, when the entire service fee shall be remitted to the county treasurer for the use of the county. All records of applications by agents designated by the county treasurer under this section shall be forwarded to the county treasurer who shall maintain all dog license application records for the county.]

Section 5. Sections 205, 207, 208, 209, 211, 214, 215 and 216 of the act are amended to read:

Section 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 [the county treasurer.] *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 [county treasurer] *issuing agent* shall charge and retain [25¢] *\$1* for such transfer application.

(b) Dog moved to another county.—Whenever any dog licensed in one county is permanently moved to another county, [the county treasurer] *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 [the treasurer] *an agent* of the county to which the dog is moved. Such [treasurer] *agent* shall thereupon, and upon the payment of a fee of [50¢] *\$1* for the use of the [county to] *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 [after January 1 of any year, of any dog, six] *of any dog three* months old or older, which has not already been licensed[, or any person owning or keeping a dog which becomes six months old after January 1 of any year,] shall forthwith apply for and secure[, from the county treasurer or his agent of the county where such dogs are kept,] a license for such dog [in the same manner as the annual license is obtained] under the provisions of this act.

Section 206. Kennels.

(a) Applications [and], *kennel license classifications and fees*.—Any person who keeps or operates [any kennel may] *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 [county treasurer] *department* for a kennel license. [The county treasurer shall forward all applications for a kennel license to the secretary for approval before a kennel license shall be issued.] 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 on [January 1] *December 31*. [The county treasurer shall, after receiving approval on the application from the secretary, issue kennel licenses of the following description, charging the fees indicated for each classification. In addition, the county treasurer shall charge a 50¢ service fee for the use of the county.] When two or more licensed kennels are operated by the same person at the same location, [the] *each* kennel shall be inspected and licensed for each use [but the license fee charged shall be the highest fee].

[Private] 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 [for any nonresearch related purpose - \$30] - \$75 per year.

[Private] 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 [for any nonresearch related purpose - \$100] - \$200 per year.

[Breeding Kennel Class I.

To keep or operate a kennel for a cumulative total of 150 dogs of any age or less during a calendar year for any nonresearch related purpose - \$150 per year.

Breeding Kennel Class II.

To keep or operate a kennel for a cumulative total of 151 or more dogs of any age during a calendar year for any nonresearch related purpose - \$300 per year.

Pet Shop-Kennel Class I.

To keep or operate, as a pet shop, a kennel involving the sale of 50 dogs or less of any age during a calendar year - \$30 per year.

Pet Shop-Kennel Class II.

To keep or operate, as a pet shop, a kennel involving the sale of 51 to 100 dogs of any age during a calendar year - \$100 per year.

Pet Shop-Kennel Class III.

To keep or operate, as a pet shop, a kennel involving the sale of 101 to 150 dogs of any age during a calendar year - \$150 per year.

Pet Shop-Kennel Class IV.

To keep or operate, as a pet shop, a kennel involving the sale of 151 or more dogs of any age during a calendar year - \$300 per year.

Boarding Kennel.

To keep or operate a boarding kennel - \$35 per year.

D Kennel Class I.

To keep or operate a research, vivisection or dealer kennel for a cumulative total of less than 500 dogs of any age during the calendar year - \$150 per year.

D Kennel Class II.

To keep or operate a research, vivisection or dealer kennel for a cumulative total of 500 to 5,000 dogs of any age during the calendar year - \$300 per year.

D Kennel Class III.

To keep or operate a research, vivisection or dealer kennel for a cumulative total of more than 5,000 dogs of any age during the calendar year - \$500 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 26 or more dogs at any time during a calendar year - \$250 per year.

Nonprofit Kennel - [No fee] \$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) Prohibition to operate; injunction; fines.—It shall be unlawful for kennels described under this section to operate without first obtaining a kennel license. 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 to exceed \$50 per day.]

(d) Issuance of tags.—The [county treasurer] *department* shall issue the number of tags equal to the number of dogs [six] *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.

(e) *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.*

(f) *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. [Transfer of] *Requirements for kennels.*

[(a) Kennel removed to another county.—Whenever any person who keeps or operates a kennel permanently removes the kennel to another county, he shall file an application with the secretary to transfer his license to the county of removal. Upon approval by the secretary, the kennel license shall remain in effect, until it has expired pursuant to section 206.]

(a.1) *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 [for two years]. 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) [Where] *From where* it came [from].
- (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 [disposed] *dispensed*.
- (8) *The name, address and telephone number of the licensed doctor of veterinary medicine used by the kennel.*

Such record shall be legible and shall be open to inspection *and may be copied* by any employee of the department, State dog warden or police officer [or agent of any legally constituted law enforcement agency] 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 [six] *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. Kennels in first and second class cities.

All owners or operators of kennels described in section 206(a) in cities of the first class, second class and second class A shall apply for an applicable license. Persons operating and maintaining such kennels shall comply with the provisions of this act and shall be subject to the same penalties for violations of this act. Such persons shall apply to the applicable treasurer who shall process the applications in the same manner as provided herein for county treasurers.]

Section 209. Out-of-state [kennel] *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 [kennel] *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 [kennel] *dealer* license from the department.

Section 211. Revocation, *suspension* or refusal of *kennel* licenses.

[The secretary shall have the power to revoke or refuse to issue any kennel license for conviction of any violation of this act or the noncompliance with any regulations pursuant to this act or for the conviction for violation of any law relating to cruelty to animals.]

(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;*

(2) *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.

(3) 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 to 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 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 [graduate veterinarian] *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 [over three months and under one year of age] shall have been vaccinated against rabies with an approved rabies vaccine. All dogs over one year of age shall have been vaccinated or revaccinated against rabies after one year of age. The vaccination to prevent rabies shall be valid for a period of three years for dogs

vaccinated at more than one year of age with an approved three-year MLV vaccine or inactivated vaccine and for a period of one year for all other approved inactivated vaccines.] *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 [graduate veterinarian] *doctor of veterinary medicine.*

[Section 215. Selling, bartering or trading dogs.]

It shall be unlawful for any person to buy, sell, transfer, barter, trade, raffle, rent, auction or offer as an inducement to purchase any product, commodity or service, any dog at any public place other than at licensed kennel locations, pet shop-kennels licensed pursuant to this act, dog shows, or field trials sponsored by a recognized breed or kennel association. For purposes of this section the term public place shall mean a place to which the general public has a right to resort; not necessarily a place devoted solely to the uses of the public, but a place which is in point of fact public rather than private, a place visited by many persons and usually accessible to the neighboring public. It shall be unlawful to barter, trade, sell or in any way transfer any dog under seven weeks of age, unless such puppies have been orphaned and it becomes necessary to transfer said orphaned puppies to a nonprofit kennel.

Section 216. County and city treasurer records, licenses and transfers.

The county or city treasurer shall keep a record of all dog licenses for a period of two years or more as directed by the secretary and all kennel licenses and all transfers issued during the year. Such record shall contain the name and address of the person to whom each license is issued. In the case of an individual license, the record shall also state the breed, sex, age, color and markings of the dog licensed; and in the case of a kennel license, it shall state the place where the business is conducted. The record shall be a public record and open to persons interested during business hours. Whenever the ownership or possession of any dog licensed under the provisions of this act is transferred from one person to another, as provided in section 205, except the temporary transfer of dogs for hunting purposes or for breeding, trial, or show, such transfer shall be noted on the record of the county or city treasurer and be so reported to the department. The county or city treasurer shall keep an accurate record for two years of all license fees collected by him or paid over to him by any district justice or authorized agent of the treasurer. License fees as herein provided shall be remitted by the county or city treasurer to the State Treasurer through the Department of Agriculture for credit to the Dog Law Restricted Account on or before the 15th day of each calendar month together with a report of each payer on forms furnished by the department.]

Section 6. Section 217 of the act, amended May 31, 1990 (P.L.211, No.45), is amended to read:

Section 217. **[Guide dogs, hearing dogs, aid dogs for the handicapped]**
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 **[blind person owning a guide dog or any deaf person owning a hearing dog or any handicapped]** 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 **[dog guides for the blind, hearing dogs for the deaf, aid dogs for the handicapped]** *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 **[dog guides for the blind]** *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 **[dog guides for the blind]** *service dogs* shall be exempt from the licensing requirements of this act.

Section 7. 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 **[individually licensed]** dogs within the Commonwealth **[and]** to enforce the provisions of this act and regulations promulgated by the department pursuant to this act[: *Provided, however, That]. 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.*

Section 8. The act is amended by adding a section to read:

Section 219. Additional duties of the department.

(a) Enforcement of licensure requirement; development of plan.—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.

Section 9. Sections 301, 302 and 303 of the act are amended to read:

Section 301. Quarantines.

A quarantine may be established by any State dog warden [employed by the department, accredited veterinarian], *licensed doctor of veterinary medicine* having the approval of a State dog warden or [veterinarian] *any licensed doctor of veterinary medicine* employed by the department or State or county health department. Any State dog warden [employed by the department, accredited veterinarian], *licensed doctor of veterinary medicine* having the approval of a State dog warden or [veterinarian] *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 premises, materials or products for the purpose of preventing or controlling the spread 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 special 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 or 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 [licensed] dogs; costs; destruction of dogs.

(a) *General rule.*—It shall be the duty of every police officer [or], State dog warden, *employee of the department or animal control officer* to seize and detain any [licensed] 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 [or], 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 [or], State dog warden, *employee of the department or animal control officer* to constitute a threat to the public health and welfare.

[The] (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 legible tattoo] 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 [dispose of] dispense such dog by sale or by [destruction in some humane manner] 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.

[Section 303. Seizure and detention of unlicensed dogs; costs; destruction of dogs.

Except as is otherwise provided by section 305, any police officer, State dog warden, animal control officer or constable shall cause any unlicensed or untattooed dog to be seized, detained, kept and fed for a period of 48 hours at any legally constituted or authorized kennel approved by the secretary; 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 euthanized in a humane manner. No dog so caught and detained by any legally constituted law enforcement agency or municipality shall be sold or given freely for the purpose of vivisection or research or be conveyed in any manner for any such purposes.]

Section 10. The act is amended by adding a section to read:

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

Section 501. Killing dogs; [complaints in trespass before district justice; vicious] dogs *as nuisances*[; fines; bonds].

(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 [livestock, *or wounding or killing poultry*] *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 [livestock *or poultry*] *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 [livestock, *wounding or killing poultry*] *domestic animal*, wounding or killing any dogs, *cats* or household pets, or *pursuing, wounding or* attacking human beings.

Section 12. 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) **Exception.**—When a dog that bites or attacks a human being is a [guide dog for the blind, a hearing dog for the deaf, an aid dog for the handicapped] *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 [an accredited veterinarian] *a licensed doctor of veterinary medicine*.

Section 13. 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 501-A. **Definitions.**

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

"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, animate or inanimate object, with the obvious intent to destroy, kill, wound, injure or otherwise harm the object of its action.

"Dangerous dog." A dog determined to be a dangerous dog under section 502-A.

"Domestic animal." Any dog, cat, equine animal, bovine animal, sheep, goat or porcine animal.

"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.

"Severe injury." Any physical injury that results in broken bones or disfiguring lacerations requiring multiple sutures or cosmetic surgery.]
Section 502-A. **Registration.**

(a) [Determination] *Summary offense of harboring a dangerous dog.*—Any person who has been attacked by [a dog] *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 [make] *file* a complaint before a district justice, charging the

owner or keeper of such a dog with harboring a dangerous dog. [The determination of a dog as a dangerous dog shall be made by the district justice upon evidence of a dog's history or propensity to attack without provocation based upon an incident in which the] *The owner or keeper of the 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:*

[(1)] (i) Inflicted severe injury on a human being without provocation on public or private property.

[(2)] (ii) Killed or inflicted severe injury on a domestic animal without provocation while off the owner's property.

[(3)] (iii) Attacked a human being without provocation.

[(4)] (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 paragraph (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 [determination] conviction.—The district justice shall make a report of a [determination] 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 505-A. 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 **[upon persons or animals] by dangerous dog.**—If a dangerous dog, through the intentional, reckless or negligent conduct of the dog's owner, attacks a person or **[another] 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 **[destroyed] humanely killed** in an expeditious **[and humane]** 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 of 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 **[destroyed] humanely killed** in an expeditious **[and humane]** 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 14. Section 601 of the act is amended to read:

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 subjects of theft. [Except as provided in sections 301, 302, 303, 501 and 704 and in the act of June 3, 1937 (P.L.1225, No.316), known as “The Game Law,” it shall be unlawful for any person, except a police officer, State dog warden or accredited veterinarian to kill, injure, or to attempt to kill or injure, any dog.]

(b) [Poison] *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 [illegal] *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 [will] *shall* pay a fine of *not less than \$300 [to] 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 15. Section 602 of the act, amended 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 [misdemeanor] felony of the [second] 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 [misdemeanor] felony of the [first] 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 a 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 or 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.

Section 16. 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 17. Section 701 of the act, amended May 16, 1986 (P.L.194, No.59), is amended to read:

Section 701. [Damages] *Reimbursement for damages*; complaints[; examination of claims; liability; quarantines].

[(a) General rule.—Whenever any person sustains any loss by dogs to livestock or poultry or to game birds raised in captivity, and while confined within an enclosure, or if any person sustains loss of livestock from rabies, or if any livestock or poultry or game bird raised in captivity, and while confined within an enclosure, is necessarily destroyed because of having been bitten by a dog, except when such loss, destruction or damage, with the exception of loss by rabies, shall have been caused by a dog harbored by the owner of such livestock or poultry or domestic game bird, such person or his agent or attorney may, immediately after the damage was done, complain to a State dog warden or employee of the department and may make application to the department for reimbursement of such loss or damage. 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 and a report from any laboratory approved by the department, 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 State dog warden shall at once examine the place where the alleged loss or damage was sustained and the livestock or poultry or domestic game bird injured or killed, or in case of rabies where it died or was killed. The State dog warden may examine under oath or affirmation any witness called before him. After making diligent inquiry in relation to such claim, such investigating officer 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. 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 of the dog or the owner of the livestock or poultry does not agree as to the amount of damage allowed by the appraiser, the owner requesting the appraisal and the appraiser may appoint a disinterested qualified citizen to assist in determining the amount of damage sustained. For such services, the said disinterested citizens shall receive appropriate compensation which shall be paid by the owner requesting the appraisal. Any owner or keeper of such dog or dogs, except in the case of rabies, shall be liable to the Commonwealth for the damages paid by the Commonwealth and the costs incurred as hereinafter provided. There shall be a maximum allowable claim loss on each occurrence of \$10,000 per animal; however, in no instance shall the payment exceed 90% of the appraised value. The secretary shall promulgate rules and regulations to enforce the provisions of this section. All claims shall be paid from the Dog Law Restricted Account.

(b) *Excess damages.*—If the owner of the livestock or poultry or domestic game bird feels that he has sustained damages, including consequential and future damages, beyond the amount of damage as finally appraised or paid by the Commonwealth, he may commence a civil action for the excess amount against the owner or keeper of the dog by which such damage was done. The receipt of payment from the owner of the dog of the appraised amount or the receipt of payment from the Commonwealth shall not preclude such an action, but shall be considered in determining the total amount of damages sustained and recoverable.]

(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.

Section 18. 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 a 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 19. 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 [livestock or poultry or domestic game birds] *domestic animals*, a petition may be presented to the secretary, signed by 20 or more of such residents who are owners of [livestock or poultry or domestic game birds] *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 [condition] *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 20. Sections 703 and 704 of the act, amended May 16, 1986 (P.L.194, No.59), are amended to read:

[Section 703. Payments of claims out of Dog Law Restricted Account; rights against dog owners inuring to the Commonwealth.

The owner of any dog or dogs known to have caused any damage to livestock, poultry or domestic game birds shall be liable for all damages and costs. If the owner cannot be found or is unknown, then the secretary shall issue a requisition for the payment of the amount of the allowable claim. All such payments shall be from funds in the Dog Law Restricted Account. No payment shall be made for any item which has already been paid by the claimant's insurance carrier. The claimant shall certify to the department that he has not received payment for any damages under section 701(a) by any person. Upon payment by the State

of damages under section 701(a), the rights of the owner of such livestock, poultry or domestic game bird against the owner of the dog or dogs causing the damages shall, to the extent of the damages so paid, inure to the benefit of the Commonwealth.]

Section 704. Killing of dogs causing damages.

If the identity of the owner of the dog or dogs has been established under [sections 701 and 703] *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.

Section 21. 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 of 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 [livestock, poultry or domestic game birds] *domestic animal* by dogs or coyotes.

Section 706. Damages caused by coyotes; complaints; liability.

[(a) General rule.—Whenever any person sustains any loss by coyote to livestock or poultry, or to game birds raised in captivity, and while confined within a field or other enclosure, provided that the enclosure is adequate for the purpose intended, such person or his agent or attorney may, immediately after the damage was done, complain to a State dog warden or employee of the department and may make application to the department for reimbursement of such loss or damage. The complaint shall be in writing, shall be signed by the person making the complaint and shall state when, where and how the damage was done. Upon receipt of such notice, the State dog warden shall at once examine the place where the alleged loss was sustained and the livestock or poultry or domestic game bird injured or killed. The State dog warden may examine under oath or affirmation any witness called before him. After making diligent inquiry in relation to such claim, the investigating officer shall determine whether any damage has been sustained and the amount of the damage. If the owner of the livestock or poultry or domestic game bird does not agree as to the amount of damage allowed by the

appraiser, the owner requesting the appraisal and the appraiser may appoint a disinterested qualified citizen to assist in determining the amount of damage sustained. For such services, the said disinterested citizen shall receive appropriate compensation which shall be paid by the owner requesting the appraisal. There shall be a maximum allowable claim loss on each occurrence of \$10,000 per animal; however, in no instance shall the payment exceed 90% of the appraised value. All claims shall be paid from the Dog Law Restricted Account; however, in no instance shall the sum total of paid claims for the purpose of this section exceed \$20,000 per annum. The secretary shall have the power to promulgate such rules and regulations as may be necessary to implement this section.

(b) **Definition.**—As used in this section, the term “coyote” means the genus and species known as *canis latrans*.]

(a) **Reimbursement.**—A 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 shall 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.

Section 22. 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 [six] *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.

Section 23. Sections 901 and 903 of the act, amended May 31, 1990 (P.L.213, No.46), are amended to read:

Section 901. Enforcement of this act by the [Secretary of Agriculture] *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 **[with local agencies and organizations]** *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 and 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 [one representative from each of the following: Pennsylvania Veterinarian Medical Association, Federation of Humane Societies, Sportsmen's Association, dog clubs, animal research establishments, dog dealers, Pennsylvania Farmers Association, State Grange, lamb and wool growers and poultry farmers associations. The board shall be chaired by the secretary or his designee and shall convene when called by the secretary.] 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 organization.*

(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 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 [and second] violation and for a [third] *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 24. Section 904 of the act is amended to read:

Section 904. [Tattoos] *Permanent identification* altered.

It shall be unlawful to change or alter any [tattoo] *form of permanent identification of a dog*. Any person convicted of defacing or altering any [tattoo] *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 [tattooed] *permanently identified* dogs when sold.

Section 25. The act is amended by adding sections to read:

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 the 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 licenses 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 serve 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 provision 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 serve 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.

Section 26. The act is amended by adding an article to read:

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.

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:

(1) The animal is sterilized by a licensed doctor of veterinary medicine by (give date).

(2) 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:

(1) To have the animal sterilized by a licensed doctor of veterinary medicine by (give date).

(2) 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 hands the 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).*

*(Signature of
Licensed Doctor of Veterinary
Medicine)
Address
City State Zip*

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 new 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 deposited 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 cost 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 27. Section 1001 of the act is amended to read:

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 appropriated 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 sections 701, ~~[702]~~ *701.1* and ~~[703]~~ *706*, and the maintenance of a ~~[\$100,000]~~ *\$50,000* indemnity fund;

(4) all payments to counties pursuant to section 1002(a) *and (a.1)(3)*; ~~[and]~~

(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 28. 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 ~~[incorporated]~~ humane ~~[organization]~~ *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. ~~[If three or more municipalities join to form one dog law enforcement agency, the joint agency shall be eligible for 50% of the total grant moneys that the municipalities would be entitled to if each applied individually, without the current restrictions imposed by the regulations of the department regarding the usage of the moneys.]~~ *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 law enforcement]~~ *dog control* agency is created, one of the ~~[municipalities]~~ *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 [incorporated] humane [organizations] *societies or associations for the prevention of cruelty to animals* from any amount declared to be surplus. [The secretary may also authorize such payments to any municipality within a county, except counties of the first class, which has been designated by the county to act as its agent in requesting the funds, 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.] Such payments shall be based on the secretary's evaluation pursuant to rules and regulations promulgated under this act.

Section 29. Sections 1101, 1201, 1202 and 1205 of the act are amended to read:

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 of 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 **[livestock] domestic animals** by dogs.

Section 1201. Applicability to cities of the first class, second class [and], 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 **[livestock or poultry] 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. Abandonment of animals by owner.

(a) **Disposal.**—Any animal placed in the custody of a licensed doctor of veterinary medicine for treatment, boarding, or other care which shall be abandoned by its owner or his agent for a period of more than ten days after written notice by registered return receipt mail is given to the owner or his agent at his last known address and return receipt is received by the doctor, may be turned over to the custody of the nearest Humane Society or dog pound in the area for disposal after 48 hours as such custodian may deem proper. During such 48-hour period, the animal may be released only to the owner or his agent. If the owner claims the animal, he shall be liable for room and board charges for the animal during the abandonment period.

(b) **Notice.**—The giving of notice to the owner, or the agent of the owner, of such animal by the licensed doctor of veterinary medicine as provided in subsection (a) and receipt of return receipt by the doctor, which he shall retain for 12 days, shall relieve the doctor of veterinary medicine, 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 shall not constitute grounds for disciplinary procedure under this act.

(c) **Definition.**—For the purpose of this section, the term “abandonment” means 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. Such abandonment shall constitute relinquishment of all rights and claims by the owner to such animal.]
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.*

Section 30. 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.

APPROVED—The 11th day of December, A.D. 1996.

THOMAS J. RIDGE