

No. _____

AN ACT

LEGISLATIVE REFERENCE BUREAU

Amending the act of December 7, 1982 (P.L.784, No.225), known as the Dog Law, further providing for definitions, for issuance of dog licenses, for applications for dog licenses, for kennels, for requirements for kennels, for out-of-State dealer license, for bills of sale, for revocation, suspension or refusal of kennel licenses, for transportation of dogs, for health certificates for importation, for inspections of premises and dogs and for additional duties of department; * * * providing for exemption; further defining "releasing agency"; and making editorial changes.

INTRODUCED _____, 20 _____

By _____ District NO. _____

By _____ District NO. _____

By _____ District NO. _____

By _____ District NO. _____

Referred to Committee on

Date _____ **20** _____

Reported _____ **20** _____

As Committed-Amended

By Hon. _____

AN ACT

1 Amending the act of December 7, 1982 (P.L.784, No.225),
2 entitled, as amended, "An act relating to dogs, regulating
3 the keeping of dogs; providing for the licensing of dogs and
4 kennels; providing for the protection of dogs and the
5 detention and destruction of dogs in certain cases;
6 regulating the sale and transportation of dogs; declaring
7 dogs to be personal property and the subject of theft;
8 providing for the abandonment of animals; providing for the
9 assessment of damages done to animals; providing for payment
10 of damages by the Commonwealth in certain cases and the
11 liability of the owner or keeper of dogs for such damages;
12 imposing powers and duties on certain State and local
13 officers and employees; providing penalties; and creating a
14 Dog Law Restricted Account," further providing for
15 definitions, for issuance of dog licenses, for applications
16 for dog licenses, for kennels, for requirements for kennels,
17 for out-of-State dealer license, for bills of sale, for
18 revocation, suspension or refusal of kennel licenses, for
19 transportation of dogs, for health certificates for
20 importation, for inspections of premises and dogs and for
21 additional duties of department; providing for refusal of
22 entry; further providing for seizure and detention of dogs,
23 for confinement of dogs, for dog bites, for registration, for
24 certain requirements, for control of dangerous dogs, for
25 public safety, for selling, bartering or trading dogs, for
26 damages caused by coyotes, for burdens of proof, for
27 enforcement, for rules and regulations and for violations;
28 providing for exemption; further defining "releasing agency";
29 and making editorial changes.

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

1 Section 1. Section 102 of the act of December 7, 1982
2 (P.L.784, No.225), known as the Dog Law, amended December 11,
3 1996 (P.L.943, No.151), is amended to read:

4 Section 102. Definitions.

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

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

11 "Abandonment." Relinquishment of all rights and claims to an
12 animal by its owner.

13 "Accelerant detection dog." Any dog which is used
14 exclusively for accelerant [detection, commonly referred to as
15 arson canines] or other scent detection.

16 "Agent." A person defined in section 200 who is authorized
17 by this act to process applications for dog license certificates
18 and issue dog license certificates and tags.

19 "Animal control officer." Any person appointed to carry out
20 the duties of dog control.

21 "Attack." The deliberate action of a dog, whether or not in
22 response to a command by its owner, to bite, to seize with its
23 teeth or to pursue any human or domestic animal.

24 "Boarding kennel." Any [kennel] establishment available to
25 the general public where a dog or dogs are housed [or trained]
26 for compensation by the day, week or a specified or unspecified
27 time. The term shall not include a kennel where the practice of
28 veterinary medicine is performed if the kennel is covered by the
29 provisions of the act of December 27, 1974 (P.L.995, No.326),
30 known as the "Veterinary Medicine Practice Act." The term shall

1 include any boarding facility operated by a licensed doctor of
2 veterinary medicine whether or not this facility is on the same
3 premises as a building or structure subject to the provisions of
4 the "Veterinary Medicine Practice Act." The term shall include
5 any establishment that, for consideration, takes control of a
6 dog from the owner for a portion of a day for the purposes of
7 exercise, day care or entertainment of the dog. For the purpose
8 of this term, each time a dog enters the kennel it shall be
9 counted as one dog. This term does not include dog grooming or
10 dog training.

11 ["Breeding kennel." Any kennel operated for the purpose of
12 breeding, buying and selling or in any way transferring dogs for
13 nonresearch purposes.]

14 "Cat." The genus and species known as Felis catus.

15 "Commercial kennel." A kennel that breeds or whelps dogs
16 and:

17 (1) sells or transfers any dog to a dealer or pet shop-
18 kennel; or

19 (2) sells or transfers more than 60 dogs per calendar
20 year.

21 "Confiscate." To appropriate property to the use of the
22 government or to adjudge property to be forfeited to the public,
23 without compensation to the owner of the property.

24 "County animal warden." Any person employed or appointed
25 under section 1002(a.1).

26 "County treasurer." The elected officer for any county or
27 any county employee assigned to the office of the county
28 treasurer charged with the receipt, custody and disbursements of
29 its moneys or funds. The term county treasurer shall include
30 those officials in home rule charter counties responsible for

1 county treasurer's duties.

2 "Coyote." The genus and species known as *Canis latrans*.

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

5 "Dealer." [Any person who owns or operates a dealer kennel
6 in this Commonwealth or who buys, receives, sells, exchanges,
7 negotiates, barter or solicits the sale, resale, exchange or
8 transfer of a dog in this Commonwealth for the purpose of
9 transferring ownership or possession to a third party.] A person
10 who:

11 (1) publicly or privately sells or offers for sale any
12 dog belonging to another person for consideration, a fee or a
13 commission or percentage of the sale price;

14 (2) transfers dogs at wholesale for resale to another;
15 or

16 (3) offers or maintains dogs at wholesale for resale to
17 another.

18 "Dealer kennel." A kennel operating within the Commonwealth
19 which:

20 (1) publicly or privately sells or offers for sale any
21 dog [belonging to another person] as an owner, agent or
22 assignee for a fee, commission or percentage of the sale
23 price;

24 (2) [acquires, sells,] transfers[, exchanges or barter]
25 dogs at wholesale for resale to another; or

26 (3) offers or maintains dogs [for sale, transfer,
27 exchange or barter] at wholesale for resale to another. The
28 term does not include a pound, shelter or common carrier or a
29 kennel defined elsewhere in this section.

30 "Department." The Pennsylvania Department of Agriculture.

1 "Dog." The genus and species known as Canis familiaris.

2 "Dog control." The apprehending, holding and disposing of
3 stray or unwanted dogs. Dog control may be performed by humane
4 society police officers, police officers, State dog wardens or
5 animal control officers.

6 "Domestic animal." Any dog, cat, equine animal or bovine
7 animal, sheep, goat, pig, poultry, bird, fowl, confined hares,
8 rabbits and mink, or any wild or semiwild animal maintained in
9 captivity.

10 "Establishment." The premises on, in or through which a dog
11 is kept, bred, harbored, boarded, sheltered, maintained, sold,
12 given away, exchanged or in any way transferred.

13 (1) The term shall include all of the following:

14 (i) The home, homestead, place of business or
15 operation of a person, including a dealer, which includes
16 all of the land, property, housing facilities or any
17 combination of land, property or housing facilities of
18 the individual or person.

19 (ii) All of the persons residing in or on the
20 establishment.

21 (iii) A person, organization, business or operation
22 which utilizes offsite or rescue network kennel homes to
23 keep, maintain, breed, train, harbor, board, shelter,
24 sell, give away, adopt, exchange or in any way transfer
25 dogs.

26 (2) The term shall not include a gathering of dog owners
27 where dogs remain in the custody and care of their owners,
28 such as a hotel or campground, grooming or training or an
29 event such as a field trial, hunting event or dog show.

30 "General administrative plan." Written policies or

1 guidelines set forth by the Department of Agriculture relating
2 to inspection of kennels by the Department of Agriculture.

3 "Housing facility." A structure that provides animals with
4 shelter, protection from the elements and protection from
5 temperature extremes.

6 "Humanely killed." A method of destruction in accordance
7 with the act of December 22, 1983 (P.L.303, No.83), referred to
8 as the Animal Destruction Method Authorization Law.

9 "Humane society or association for the prevention of cruelty
10 to animals." A nonprofit society or association duly
11 incorporated pursuant to 15 Pa.C.S. Ch. 53 Subch. A (relating to
12 incorporation generally) for the purpose of the prevention of
13 cruelty to animals.

14 "Humane society police officer." Any person duly appointed
15 pursuant to 22 Pa.C.S. § 501 (relating to appointment by
16 nonprofit corporations) to act as a police officer for a humane
17 society or association for the prevention of cruelty to animals.
18 The term shall include any person who is an agent of a humane
19 society or association for the prevention of cruelty to animals
20 as agent is used in 18 Pa.C.S. § 5511 (relating to cruelty to
21 animals).

22 "Kennel." Any establishment [wherein] in or through which at
23 least 26 dogs are kept [for the purpose of breeding, hunting,
24 training, renting, research or vivisection, buying, boarding,
25 sale, show or any other similar purpose and is so constructed
26 that dogs cannot stray therefrom.] or transferred in a calendar
27 year, or a boarding kennel as defined in this act.

28 "Licensed doctor of veterinary medicine." A person who is
29 currently licensed pursuant to the act of December 27, 1974
30 (P.L.995, No.326), known as the "Veterinary Medicine Practice

1 Act."

2 "Nonprofit kennel." [Any kennel operated by an animal rescue
3 league, a humane society or association for the prevention of
4 cruelty to animals] A kennel registered under the laws of this
5 Commonwealth as a nonprofit entity or a nonprofit animal control
6 kennel under sections 901 and 1002. The term shall include
7 kennels operated by approved medical and veterinary schools and
8 nonprofit institutions conducting medical and scientific
9 research, which shall be required to register, but shall not be
10 required to pay any of the following license fees, and which may
11 use their own identification tags for dogs within their kennels
12 without being required to attach tags hereinafter prescribed
13 while dogs are within such kennels, if approved by the
14 secretary.

15 "Out-of-state dealer." A person who does not reside in the
16 Commonwealth of Pennsylvania and [who buys, receives, sells,
17 exchanges, negotiates, barter or solicits the sale, resale,
18 exchange or transfer of a dog in this Commonwealth for the
19 purpose of transferring ownership or possession to a third
20 party.] who:

21 (1) sells or offers for sale a dog belonging to another
22 person in this Commonwealth, for any type of consideration,
23 fee, commission or percentage of the sales price; or

24 (2) transfers a dog in this Commonwealth for resale to
25 another for any type of consideration, fee, commission or
26 percentage of the sales price.

27 "Owner." When applied to the proprietorship of a dog,
28 includes every person having a right of property in such dog,
29 and every person who keeps or harbors such dog or has it in his
30 care, and every person who permits such dog to remain on or

1 about any premises occupied by him.

2 "Permanent identification" or "permanently identified." Any
3 long-lasting identification designed to be nonremovable, such as
4 a tattoo or microchip, determined by the Department of
5 Agriculture through regulation. Any dog permanently identified
6 shall be required to bear a license tag in accordance with the
7 provisions of this act.

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

16 "Persons." Includes State and local officers, or employees,
17 individuals, corporations, copartnerships and associations.
18 Singular words shall include the plural. Masculine words shall
19 include the feminine and neuter.

20 "Pet shop-kennel." Any kennel or person that acquires and
21 sells dogs for the purpose of resale, whether as owner, agent or
22 consignee, and sells or offers to sell such dogs on a retail
23 basis.

24 "Police officer." Any person employed or elected by this
25 Commonwealth, or by any municipality and whose duty it is to
26 preserve peace or to make arrests or to enforce the law. The
27 term includes constables and dog, game, fish and forest wardens.

28 "Primary enclosure." The primary structure that restricts a
29 dog's ability to move in a limited amount of space, such as a
30 room, cage or compartment. The term does not include any run

1 described in section 207(i)(6).

2 "Private kennel." A kennel not meeting the definition of
3 commercial kennel, at, in, or adjoining a residence where dogs
4 are kept or bred by their owner, for the purpose of hunting,
5 tracking and exhibiting in dog shows, or field and obedience
6 trials.

7 "Proper enclosure of a dangerous dog." The secure
8 confinement of a dangerous dog either indoors or in a securely
9 enclosed and locked pen or structure, suitable to prevent the
10 entry of young children and domestic animals and designed to
11 prevent the [animal] dangerous dog from escaping. [Such] The pen
12 or structure shall have secure sides and a secure top and shall
13 also provide protection from the elements for the dog. If the
14 pen or structure has no bottom secured to the sides, the sides
15 must be embedded at least two feet into the ground.

16 "Public place." A place in this Commonwealth to which the
17 general public has a right to resort. A public place need not be
18 a place devoted solely to use by the public, but may be a place
19 which is visited by many persons on a regular basis and is
20 usually accessible to the neighboring public. A public place
21 shall also include television and radio media.

22 "Rescue network kennel." A kennel that utilizes rescue
23 network kennel homes with the goal of ultimately transferring
24 the dog to a permanent owner or keeper through any means of
25 transfer.

26 "Rescue network kennel home." An establishment to which a
27 rescue network kennel assigns a dog until the dog is ultimately
28 transferred to a permanent home.

29 "Research." Investigation or experimentation aimed at the
30 discovery and interpretation of facts or procedures, revision of

1 accepted theories or laws in the light of new facts or practical
2 application of such new or revised theories or laws as related
3 to the advancement of medical science and technological
4 treatment of disease or surgical operations, medical procedures,
5 transplants, functions and any form of medical or
6 pharmacological actions on dogs when applied and personally
7 supervised by a qualified scientist with degrees approved by the
8 secretary.

9 "Research kennel." [Any kennel within the Commonwealth
10 wherein research is conducted with dogs, or where vivisection is
11 practiced with dogs, or any establishment which breeds, buys,
12 sells, or in any way transfers dogs to laboratories, hospitals,
13 establishments for research or any other similar purpose, or
14 which sells, gives away or in any way transfers dogs to another
15 research or dealer kennel.] Any Federal research kennel or other
16 research kennel duly registered with and inspected by the
17 Federal Government under the provisions of the Animal Welfare
18 Act (Public Law 89-544, 7 U.S.C. § 2131 et seq.) and its
19 attendant regulations.

20 "Secretary." The Secretary of Agriculture or any person to
21 whom authority has been delegated by the Secretary of
22 Agriculture.

23 "Seizure." The act of taking possession of property for a
24 violation of law or the taking or removal from the possession of
25 another. The term shall not include the taking of ownership of
26 property.

27 "Service dog." Any dog which has been trained as a guide
28 dog, signal dog or has been trained to do work or perform tasks
29 for the benefit of an individual with a disability, including,
30 but not limited to, guiding individuals with impaired vision,

1 alerting individuals with impaired hearing to intruders or
2 sounds, pulling a wheelchair or fetching dropped items.

3 "Severe injury." Any physical injury that results in broken
4 bones or disfiguring lacerations requiring multiple sutures or
5 cosmetic surgery.

6 "State dog warden." An employee of the department whose
7 primary duty is to enforce this act and the regulations pursuant
8 thereto.

9 "Veterinarian." A doctor of veterinary medicine licensed
10 under the act of December 27, 1974 (P.L.995, No.326), known as
11 the "Veterinary Medicine Practice Act."

12 "Vivisection." The cutting of or operation on a living
13 animal for physical or pathological investigation or animal
14 experimentation.

15 "Wild" or "semiwild animal." A domestic animal which is now
16 or historically has been found in the wild, including, but not
17 limited to, bison, deer, elk, llamas or any species of foreign
18 or domestic cattle, such as ankole, gayal and yak.

19 Section 2. Section 200(a), (b), (e) and (f) of the act,
20 added December 11, 1996 (P.L.943, No.151), are amended and the
21 section is amended by adding subsections to read:

22 Section 200. Issuance of dog licenses; compensation; proof
23 required; deposit of funds; records; license
24 sales; rules and regulations; failure to comply;
25 unlawful acts; penalty.

26 (a) Issuance of dog licenses.--

27 (1) The county treasurer shall be an agent and shall
28 process applications for dog license certificates and issue
29 dog license certificates and tags.

30 (1.1) The county treasurer shall be permitted and may

1 permit agents to issue vanity or collector tags that are
2 approved by the department, in addition to the license.

3 (2) The county treasurer may authorize district justices
4 to be agents and to process applications for dog license
5 certificates and to issue dog license certificates and tags.

6 (3) The county treasurer may authorize other agents
7 within the county to process dog license certificates and to
8 issue dog license certificates and tags. At least half of the
9 agents appointed in each county shall have hours of operation
10 after 5 p.m. at least one weekday and shall be open at least
11 one day of each weekend. Agents who have been appointed by
12 their respective county treasurers under this paragraph shall
13 meet bonding requirements as their respective county
14 treasurers may require.

15 (4) The secretary shall have the authority, after a
16 review of the agents appointed by a county treasurer, to
17 appoint agents within each county to process dog license
18 certificates and to issue dog license certificates and tags.
19 Priority shall be given to licensed doctors of veterinary
20 medicine and kennels licensed under this act. At least half
21 of the agents appointed in each county shall have hours of
22 operation after 5 p.m. at least one weekday and shall be open
23 at least one day of each weekend. Agents appointed by the
24 secretary under this paragraph shall be required to post a
25 bond or other security instrument in a form satisfactory to
26 the secretary in an amount he determines. The secretary may
27 recall the appointment of any agent at any time.

28 (5) Agents who have been appointed by their respective
29 county treasurers prior to the effective date of this section
30 may continue to act as agents for the county treasurers under

1 such bonding requirements as the county treasurer may
2 require.

3 (b) Compensation.--For services rendered in collecting and
4 paying over dog license fees, agents, for as long as they
5 continue to act in that capacity, may collect and retain a sum
6 [of] equal to the cost of a postage stamp plus \$1 for each dog
7 license sold, which amount shall be full compensation for
8 services rendered by them under this act. The compensation shall
9 be retained by the respective agents and shall cover, among
10 other things, the cost of processing and issuing dog licenses,
11 postage, mailing, returns and bonding of the agents. A district
12 justice authorized by the county treasurer to process
13 applications for dog license certificates and issue dog license
14 certificates [and tags] is not authorized to collect
15 compensation under this subsection. Agents under subsection
16 (a) (3) and (5) shall collect an additional 50¢ which shall be
17 remitted to the county treasurer, for the use of the county, in
18 the same manner as records are forwarded under subsection (e).

19 (b.1) Mailings.--Dog license mailings, renewals and other
20 notices related to State dog licenses shall not contain any
21 extraneous advertising, promotions or other materials not
22 previously approved in writing by the department. Department-
23 approved advertising, promotions or other materials may not add
24 to the cost of postage to be paid by the department.

25 * * *

26 (e) Records.--Each agent shall keep on a printed form
27 supplied by the department a correct and complete record of all
28 dog licenses issued and funds that are received or delinquent.
29 The records shall be available at reasonable hours for
30 inspection by any employee of the department charged with the

1 enforcement of this act or any representative of the Department
2 of Auditor General or Office of Attorney General. Within five
3 days following the first day of each month, each agent shall
4 forward to the secretary and to the county treasurer of the
5 county in which the agent is situated, on forms supplied by the
6 department, a complete report of dog licenses issued, in correct
7 numerical sequence. All money collected from the sale of dog
8 licenses, less compensation if collected, and any other
9 information required by the secretary shall be forwarded to the
10 secretary with the report.

11 (e.1) Electronic records.--Within 180 days of the effective
12 date of this section, each county treasurer shall submit to the
13 secretary an electronic data file of license holders. The county
14 treasurer shall monthly update the data file and submit the
15 updated file monthly to reflect all new applicants.

16 (f) License sales.--Each agent shall process applications
17 and issue dog license certificates on a year-round basis.
18 Nothing in this act shall permit an agent while acting in that
19 capacity to suspend license sales during any time. If checks are
20 returned for delinquent funds or the proper dog license fee is
21 not collected for any reason, the agent shall report the
22 delinquency to the department on a form supplied by the
23 department.

24 * * *

25 Section 3. Sections 201 and 206 of the act, amended December
26 11, 1996 (P.L.943, No.151), are amended to read:

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

28 (a) General rule.--Except as provided in subsection (b), on
29 or before January 1 of each year, [unless and until the
30 department promulgates regulations establishing a system of dog

1 license renewal on an annual basis throughout the calendar
2 year,] the owner of any dog, three months of age or older,
3 except as hereinafter provided, shall apply to the county
4 treasurer of his respective county or an agent under section
5 200(a), on a form prescribed by the department for [a] the
6 appropriate license for [such] the dog. The application and
7 license certificate shall state the breed, sex, age, color and
8 markings of [such] the dog, the name, address and telephone
9 number of the owner and the year of licensure. The application
10 shall be accompanied by the appropriate license fee [as follows:

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

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

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

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

23 (ii) For all other male and female dogs, the license
24 fee shall be \$5.] which shall be set by regulation and
25 shall include all of the following classes of licenses:

26 (1) Neutered male dog or spayed female dog, the fee for
27 which shall be lower than that paid for all other male and
28 female dogs. For this license classification the owner or
29 keeper of the dog shall provide a certificate of a licensed
30 doctor of veterinary medicine or the affidavit of the owner

1 or keeper as evidence the dog is neutered or spayed.

2 (2) Except as provided in paragraph (1) or (3), all
3 other male or female dogs.

4 (3) Male or female dog owned by a Pennsylvania resident
5 65 years of age or older or a person with a disability, the
6 fee for which shall be lower than that paid by residents
7 under the age of 65 or without disabilities. The following
8 shall apply:

9 (i) For each neutered male dog and for each spayed
10 female dog for which the certificate of a licensed doctor
11 of veterinary medicine or the affidavit of the owner is
12 produced, the fee shall be lower than that paid under
13 paragraph (1).

14 (ii) For all other male and female dogs, the fee
15 shall be lower than that charged under paragraph (2).

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

19 (5) All additional costs of a vanity or collector tag
20 issued under this subsection shall be in addition to the
21 required license fee under this section. The additional cost
22 shall be split evenly between the county treasurer that
23 issued the license and the Dog Law Restricted Account. No
24 vanity or collector tag may be issued without approval of the
25 department.

26 (b) Lifetime license.--

27 (1) The owner of any dog three months of age or older
28 which has been permanently identified may apply to the county
29 treasurer of his respective county or an agent under section
30 200(a), on a form prescribed by the department for a lifetime

1 license for such a dog. Except as otherwise provided in this
2 act, a dog which has been issued a lifetime license shall be
3 required to wear a license tag. The application and license
4 certificate shall state the breed, sex, age, color and
5 markings of such dog, the type and number of permanent
6 identification and the name, address and telephone number of
7 the owner. The application shall be accompanied by the
8 appropriate license fee [as follows:

9 (1) For each neutered male dog and for each spayed
10 female dog for which the certificate of a licensed doctor of
11 veterinary medicine or the affidavit of the owner is
12 produced, the lifetime license fee shall be \$30.

13 (2) For all other male and female dogs, the license fee
14 shall be \$50.

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

17 (i) For each neutered male dog and for each spayed
18 female dog for which the certificate of a licensed doctor
19 of veterinary medicine or the affidavit of the owner is
20 produced, the license fee shall be \$20.

21 (ii) For all other male and female dogs, the license
22 fee shall be \$30.

23 (4) Compensation, if collected under section 200(b),
24 shall also be paid by all applicants, regardless of age or
25 disability. A dog which has been issued a lifetime license
26 prior to the effective date of this act shall not be subject
27 to fees under this subsection.], which shall be set by
28 regulations and shall include the license categories under
29 subsection (a). Compensation, if collected under section
30 200(b), shall also be paid by all applicants, regardless of

1 age or disability.

2 (2) A dog which has been issued a lifetime license prior
3 to the effective date of this paragraph shall not be subject
4 to fees under this subsection.

5 (3) All additional costs of a vanity or collector tag
6 issued under this subsection shall be charged in addition to
7 the fees under this section. The additional cost shall be
8 split evenly between the county treasurer that issued the tag
9 and the Dog Law Restricted Account. No vanity or collector
10 tag may be issued without approval of the department.

11 (c) Penalty.--A person who violates this section commits a
12 summary offense and, upon conviction, shall be sentenced to pay
13 a fine of not less than [\$25] \$50 nor more than \$300 for each
14 unlicensed dog. Fraudulent statements, including those related
15 to the breed of the dog, failure to pay the appropriate fee, or
16 failure to update records, including address and contact
17 information, within 120 days of moving, constitute a violation.
18 The burden of proof shall be the same as under section 802.

19 Section 206. Kennels.

20 (a) Applications, kennel license classifications and fees.--
21 Any person who is a dealer or keeps or operates a [Class I,
22 Class II, Class III, Class IV or Class V Kennel, Boarding Kennel
23 Class I, Boarding Kennel Class II, Boarding Kennel Class III or
24 nonprofit] kennel shall, on or before January 1 of each year,
25 apply to the department for a kennel license. Kennels shall be
26 classified by type and the fee for the license, which shall be
27 set by regulation, shall be determined by the kennel type, the
28 number of dogs housed, kept, harbored, boarded, sheltered, sold,
29 given away or transferred in or by the kennel. The application
30 forms and kennel licenses shall be as designated by the

1 secretary. A separate license shall be required for each type of
2 kennel and every location at which a kennel is kept or operated.
3 A kennel license is required to keep or operate any
4 [establishment that keeps, harbors, boards, shelters, sells,
5 gives away or in any way transfers a cumulative total of 26 or
6 more dogs of any age in any one calendar year] kennel. All
7 kennel licenses shall expire on December 31. When two or more
8 licensed kennels are operated by the same person at the same
9 location, each kennel shall be inspected and licensed [for each
10 use.] as required by law.

11 Dealer License.

12 A dealer, whether residing in this Commonwealth or outside
13 this Commonwealth, who sells, exchanges, negotiates, barter,
14 gives away or solicits the sale, resale, exchange or transfer of
15 a dog in this Commonwealth for the purpose of transferring
16 ownership or possession to a third party shall obtain a dealer
17 license from the department, which shall be applied for and may
18 be renewed.

19 Kennel Class I.

20 To keep or operate a private kennel, pet shop-kennel,
21 research kennel, rescue network kennel, dealer kennel or
22 [breeding] kennel for a [cumulative] total of 50 dogs or less of
23 any age during a calendar year [- \$75 per year].

24 Kennel Class II.

25 To keep or operate a private kennel, pet-shop kennel,
26 research kennel, rescue network kennel, dealer kennel or
27 [breeding] kennel for a [cumulative] total of 51 to 100 dogs of
28 any age during a calendar year [- \$200 per year].

29 Kennel Class III

30 To keep or operate a private kennel, pet shop-kennel,

1 research kennel, rescue network kennel, dealer kennel or
2 [breeding] kennel for a [cumulative] total of 101 to 150 dogs of
3 any age during a calendar year [- \$300 per year].

4 Kennel Class IV

5 To keep or operate a private kennel, pet shop-kennel,
6 research kennel, rescue network kennel, dealer kennel or
7 [breeding] kennel for a [cumulative] total of 151 to 250 dogs of
8 any age during a calendar year [- \$400 per year].

9 Kennel Class V

10 To keep or operate a private kennel, pet shop-kennel,
11 research kennel, rescue network kennel, dealer kennel or
12 [breeding] kennel for a [cumulative] total of 251 [or more] to
13 500 dogs of any age during a calendar year [- \$500 per year].

14 Kennel Class VI

15 To keep or operate a private kennel, pet shop-kennel,
16 research kennel, rescue network kennel, kennel or dealer kennel
17 for a total of 501 to 750 dogs of any age during a calendar
18 year.

19 Kennel Class VII

20 To keep or operate a private kennel, pet shop-kennel,
21 research kennel, rescue network kennel, kennel or dealer kennel
22 for a total of 751 to 1,000 dogs of any age during a calendar
23 year.

24 Kennel Class VIII

25 To keep or operate a private kennel, pet shop-kennel,
26 research kennel, rescue network kennel, kennel or dealer kennel
27 for a total of 1,001 to 1,500 dogs of any age during a calendar
28 year.

29 Kennel Class IX

30 To keep or operate a private kennel, pet shop-kennel,

1 research kennel, rescue network kennel, kennel or dealer kennel
2 for a total of 1,501 to 2,000 dogs of any age during a calendar
3 year.

4 Kennel Class X

5 To keep or operate a private kennel, pet shop-kennel,
6 research kennel, rescue network kennel, kennel or dealer kennel
7 for a total of 2,001 to 2,500 dogs of any age during a calendar
8 year.

9 Kennel Class XI

10 To keep or operate a private kennel, pet shop-kennel,
11 research kennel, rescue network kennel, kennel or dealer kennel
12 for a total of 2,501 to 3,000 dogs of any age during a calendar
13 year.

14 Kennel Class XII

15 To keep or operate a private kennel, pet shop-kennel,
16 research kennel, rescue network kennel, kennel or dealer kennel
17 for a total of more than 3,001 dogs of any age during a calendar
18 year.

19 Boarding Kennel Class I

20 To keep or operate a boarding kennel having the capacity to
21 accommodate a total of 1 to 10 dogs at any time during a
22 calendar year [- \$100 per year].

23 Boarding Kennel Class II

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

27 Boarding Kennel Class III

28 To keep or operate a boarding kennel having the capacity to
29 accommodate 26 or more dogs at any time during a calendar year
30 [- \$250 per year].

- 1 Nonprofit Kennel [- \$25 per year.]
2 To keep or operate a nonprofit kennel.
3 Kennel Class C-I
4 To keep or operate a commercial kennel for a total of 50 dogs
5 or less of any age during a calendar year.
6 Kennel Class C-II
7 To keep or operate a commercial kennel for a total of 51 to
8 100 dogs of any age during a calendar year.
9 Kennel Class C-III
10 To keep or operate a commercial kennel for a total of 101 to
11 150 dogs of any age during a calendar year.
12 Kennel Class C-IV
13 To keep or operate a commercial kennel for a total of 151 to
14 200 dogs of any age during a calendar year.
15 Kennel Class C-V
16 To keep or operate a commercial kennel for a total of 201 to
17 500 dogs of any age during a calendar year.
18 Kennel Class C-VI
19 To keep or operate a commercial kennel for a total of 501 to
20 750 dogs of any age during a calendar year.
21 Kennel Class C-VII
22 To keep or operate a commercial kennel for a total of 751 to
23 1,000 dogs of any age during a calendar year.
24 Kennel Class C-VIII
25 To keep or operate a commercial kennel for a total of 1,001
26 to 1,500 dogs of any age during a calendar year.
27 Kennel Class C-IX
28 To keep or operate a commercial kennel for a total of 1,501
29 to 2,000 dogs of any age during a calendar year.
30 Kennel Class C-X

1 To keep or operate a commercial kennel for a total of 2,001
2 to 2,500 dogs of any age during a calendar year.

3 Kennel Class C-XI

4 To keep or operate a commercial kennel for a total of 2,501
5 to 3,000 dogs of any age during a calendar year.

6 Kennel Class C-XII

7 To keep or operate a commercial kennel for a total of more
8 than 3,001 dogs of any age during a calendar year.

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

15 (d) Issuance of tags.--The department shall issue the number
16 of tags equal to the number of dogs three months of age or
17 older, or a lesser number as determined by the kennel owner's
18 needs, approved by the secretary to be kept in a kennel
19 described under this section. All tags shall bear the name of
20 the county where they are issued, the kennel license number and
21 any other information required by the secretary through
22 regulations. The tags shall be utilized and displayed as set
23 forth in section 207(d).

24 (e) Kennel [removed to another county] closing, changing
25 name or moving to another location.--If a person that keeps or
26 operates a kennel [permanently removes the kennel to another
27 county] closes, changes its name or moves to another location,
28 the person shall file an application with the secretary [to
29 transfer the license to the county of removal] notifying the
30 secretary of the move, closure, transfer or change of name. Upon

1 approval by the secretary, which shall require an inspection and
2 approval of the new facility, the kennel license [shall] may be
3 allowed to remain in effect until [it has expired pursuant to
4 this section.] the end of the calendar year at which time it
5 shall be renewed in accordance with this act. If a kennel is
6 closing, the secretary must conduct a post-closure inspection.

7 (f) Adequacy of fees.--On or before July 1[, 1998] of each
8 year, the department shall submit a report to the chairperson
9 and minority chairperson of the Agriculture and Rural Affairs
10 Committee of the Senate and the chairperson and minority
11 chairperson of the Agriculture and Rural Affairs Committee of
12 the House of Representatives comparing the expenses incurred by
13 the department for enforcing this act with regard to kennels and
14 the revenues received by the department in accordance with this
15 section.

16 Section 4. Section 207(a.1), (c) and (d) of the act, amended
17 December 11, 1996 (P.L.943, No.151), are amended and the section
18 is amended by adding subsections to read:

19 Section 207. Requirements for kennels.

20 (a.1) Prohibition to operate; injunction; fines.--It shall
21 be unlawful for kennels described under section 206 to operate
22 without first obtaining a kennel license from the department.
23 The secretary shall not approve any kennel license application
24 unless such kennel has been inspected and approved by a State
25 dog warden or employee of the department. The secretary may file
26 a suit in equity in the Commonwealth Court to enjoin the
27 operation of any kennel that violates any of the provisions of
28 this act. [In addition, the secretary may seek in such suit the
29 imposition of a fine for every day in violation of this act for
30 an amount not less than \$100 nor more than \$500 per day.] It

1 shall be no defense to any civil penalty or criminal prosecution
2 under this act that a person operating a kennel failed to
3 properly obtain the appropriate license.

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

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

18 (2) In cases of inability to collect the civil penalty
19 or failure of a person to pay all or a portion of the
20 penalty, the secretary may refer the matter to the Office of
21 Attorney General, which shall institute an action in the
22 appropriate court to recover the penalty.

23 (a.3) Cease and desist order.--

24 (1) The secretary may provide a written order to cease
25 and desist operating to an owner who is operating a kennel
26 without a license. The order shall set forth the general
27 factual and legal basis for the action and shall advise the
28 affected person that within ten days of receipt of the order,
29 he may file with the secretary a written request for an
30 administrative hearing. The order to cease and desist shall

1 become a final order of the department upon expiration of the
2 ten-day period for requesting an administrative hearing,
3 unless a timely request has been filed with the department.
4 Upon receiving a cease and desist order, the unlicensed
5 kennel shall immediately cease and desist from operating a
6 kennel, including boarding, buying, exchanging, selling,
7 giving away or in any way transferring dogs. The kennel shall
8 divest of all dogs over 25 dogs, unless otherwise directed,
9 within a reasonable time period determined by the department
10 but not to exceed ten days. The department shall set forth
11 the manner by which the kennel may divest of the dogs. That
12 person shall be subject to the conditions established under
13 paragraph (2).

14 (2) An unlicensed kennel that has timely filed a request
15 for an administrative hearing shall be allowed to operate
16 under the conditions set forth under section 211(c)(3), (4),
17 (5), (6), (7), (8) and (9) and removal of dogs may occur
18 under section 211(d), (e) and (f).

19 (c) Records to be maintained.--Every keeper of a kennel
20 shall keep, for two years, a record of each dog at any time kept
21 in the kennel. Such record shall show:

22 (1) The breed, color, markings, sex and age of each dog.

23 (2) The date on which each dog entered the kennel.

24 (3) [From where it came] The full name and physical
25 address of the previous owner or kennel from whom the dog was
26 received.

27 (4) [To whom it belongs] The full name and physical
28 address of the person or kennel to whom the dog belongs.

29 (5) For what purpose each dog is kept in the kennel.

30 (6) The date on which each dog leaves the kennel.

1 (7) How [and to whom it is dispensed.] the dog is
2 dispensed. If the dog was transferred to another person or
3 kennel, the record must state the full name and physical
4 address of the person or kennel to whom the dog was
5 dispensed.

6 (8) The name, address and telephone number of the
7 licensed doctor of veterinary medicine used by the kennel.
8 Such record shall be legible and shall be open to inspection and
9 may be copied by any employee of the department, State dog
10 warden or police officer as defined by this act.

11 (c.1) Nonprofit kennels.--All nonprofit kennels shall be
12 required to keep all records required to be kept under this
13 section to the extent possible.

14 (d) [Additional requirements] Tags.--Every holder of a
15 kennel license shall attach one tag to a collar or harness of
16 each dog three months old or older kept by that person, whenever
17 the dog is not within the kennel except as provided for in
18 section 202[.], or during a hunt, show, performance, event or
19 field trial or, in the case of a dealer or a rescue kennel,
20 utilizing rescue kennel network homes. Dogs housed in rescue
21 kennel network homes shall have and display the dealer's tag or
22 rescue kennel network home's tag or individual dog license as
23 provided in this section.

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

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

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

1 (ii) The kennel class and type.

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

4 (2) Rescue network kennel homes associated with a dealer
5 or rescue kennel network shall display a copy of the dealer's
6 or the rescue kennel network's kennel license.

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

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

29 (5) Failure to display a current and valid kennel
30 license certificate or a notice of revocation, suspension or

1 denial as provided in this subsection constitutes a violation
2 of this act.

3 (f) (Reserved).

4 (g) Additional requirements for boarding kennels, nonprofit
5 kennels and Kennel Class I through XII license holders.--The
6 following shall apply to boarding kennels and Kennel Class I
7 through XII license holders:

8 (1) Kennels under this subsection must develop and
9 follow an appropriate plan to provide dogs with the
10 opportunity for exercise. The plan shall be approved by a
11 veterinarian.

12 (2) All kennels for dogs shall be equipped with smoke
13 alarms or fire extinguishers. Housing facilities shall be
14 equipped with fire extinguishers on the premises. An indoor
15 housing facility may have a sprinkler system.

16 (h) Additional requirements for Kennel Class C license
17 holders.--The following shall apply to primary enclosures for
18 all dogs in a kennel of a Class C license holder:

19 (1) Primary enclosures must be designed and constructed
20 so that they are structurally sound and must be kept in good
21 repair.

22 (2) Primary enclosures must meet the following
23 requirements:

24 (i) Have no sharp points or edges that could injure
25 the dogs.

26 (ii) Be maintained in a manner to protect the dogs
27 from injury.

28 (iii) (Reserved).

29 (iv) Keep animals other than dogs from entering the
30 enclosure.

1 (v) Enable the dogs to remain dry and clean.

2 (vi) Provide shelter and protection from
3 temperatures and weather conditions that may be
4 uncomfortable or hazardous to any dog.

5 (vii) Provide sufficient space to shelter all the
6 dogs housed in the primary enclosure at one time.

7 (viii) Provide potable water at all times, unless
8 otherwise directed by a veterinarian in a writing that
9 shall be kept in the kennel records.

10 (ix) Enable all surfaces in contact with the dogs to
11 be readily cleaned and sanitized in accordance with
12 paragraph (14) or be replaceable when worn or soiled.

13 (x) Have floors that are constructed in a manner
14 that protects the dogs' feet and legs from injury.

15 (xi) Provide space to allow each dog to turn about
16 freely, to stand, sit and lie in a comfortable and normal
17 position. The dog must be able to lie down while fully
18 extended without the dog's head, tail, legs, face or feet
19 touching any side of the enclosure.

20 (xii) The interior height of a primary enclosure
21 shall be at least six inches higher than the head of the
22 tallest dog in the enclosure when it is in a normal
23 standing position.

24 (3) Each bitch with nursing puppies shall be provided
25 with an additional amount of floor space, based on her breed
26 and behavioral characteristics and in accordance with
27 generally accepted husbandry practices as determined by the
28 attending veterinarian. If the additional amount of floor
29 space for each nursing puppy is less than 5% of the minimum
30 requirement for the bitch, the amount of floor space must be

1 approved in writing by the attending veterinarian and shall
2 be kept in the kennel records.

3 (4) All dogs housed in the same primary enclosure must
4 be compatible, as determined by observation. Not more than
5 six adult dogs may be housed in the same primary enclosure.
6 Bitches in heat may not be housed in the same primary
7 enclosure with sexually mature males, except for breeding.
8 Bitches with litters may not be housed in the same primary
9 enclosure with other adult dogs, and puppies under 12 weeks
10 of age may not be housed in the same primary enclosure with
11 adult dogs, other than the dam or foster dam. Dogs with a
12 vicious or aggressive disposition must be housed separately.

13 (5) A program of veterinary care shall be established
14 through consultation with a veterinarian and include a
15 physical examination and vaccination schedule, a protocol for
16 disease control and prevention, pest and parasite control,
17 nutrition, emergency care and euthanasia. A copy of the
18 program shall be kept in the kennel records.

19 (6) Housing facilities for dogs must be sufficiently
20 heated and cooled to protect the dogs from temperature or
21 humidity extremes and to provide for their health and well-
22 being. If dogs are present, the ambient temperature in the
23 facility must not fall below 50 degrees F. The ambient
24 temperature must not rise above 85 degrees F (29.5 degrees C)
25 when dogs are present. The requirements under this paragraph
26 are in addition to all other requirements pertaining to
27 climatic conditions in this chapter.

28 (7) Housing facilities for dogs must be sufficiently
29 ventilated at all times when dogs are present to provide for
30 their health and well-being and to minimize odors, drafts,

1 ammonia levels and to prevent moisture condensation.
2 Ventilation must be provided by windows, vents, fans or air
3 conditioning. Auxiliary ventilation or air conditioning must
4 be provided when the ambient temperature is 85 degrees F or
5 higher. The relative humidity must be maintained at a level
6 that ensures the health and well-being of the dogs housed
7 therein. The ventilation must meet the minimum air flow
8 required for control of moisture condensation under severe
9 conditions. The ventilation in the building shall provide at
10 least six air changes per hour. The building must include
11 ventilation to assure dry kennel floors during cold weather.
12 The ventilation requirements may be achieved through design
13 of the building shell and natural air flow or by means of
14 auxiliary air movement systems. Where auxiliary air movement
15 systems are required or utilized to achieve the required air
16 exchanges, the kennel must still have doors and windows which
17 can be opened to allow air flow in the event of a system
18 malfunction.

19 (8) Housing facilities for dogs must be lighted well
20 enough to permit routine inspection and cleaning of the
21 facility and observation of the dogs. Animal areas must be
22 provided a regular diurnal lighting cycle of either natural
23 or artificial light. Lighting must be uniformly diffused
24 throughout housing facilities and provide sufficient
25 illumination to aid in maintaining good housekeeping
26 practices, adequate cleaning, adequate inspection of animals,
27 and for the well-being of the animals. Primary enclosures
28 must be placed so as to protect the dogs from excessive
29 light. Lighting in an indoor facility must be at least 10
30 foot-candles of light. At least 50 foot-candles of light must

1 be provided in all bathing, grooming and toilet areas and 30
2 foot-candles of light shall be provided in support buildings,
3 including food preparation and storage areas. The lighting in
4 a housing facility must be sufficient to allow observation of
5 the physical condition of the dogs at night. Lighting may not
6 be achieved through open flame.

7 (9) The floors and walls of primary enclosures must be
8 impervious to moisture. The ceilings of indoor housing
9 facilities must be impervious to moisture or be replaceable.

10 (10) All dogs must be provided with adequate food that
11 is clean and free from contaminants.

12 (11) All dogs must be removed from the primary enclosure
13 when the primary enclosure is cleaned in accordance with
14 paragraph (14)(iv).

15 (12) Primary enclosures may not be stacked more than two
16 rows high and the bottom of the uppermost primary enclosure
17 may not be more than four and one-half feet off the housing
18 facility floor. Where the primary enclosures are stacked a
19 tray or other department-approved device which will prevent
20 urine, feces and other debris from passing into or being
21 discharged into the underlying primary enclosure shall be
22 placed under the upper primary enclosures. The tray or
23 approved device must be impermeable to water and capable of
24 being easily sanitized.

25 (13) All kennels shall be equipped with a smoke alarm
26 and shall have a means of fire suppression, such as fire
27 extinguishers or a sprinkler system on the premises.

28 (14) The following shall apply:

29 (i) Excreta, hair, dirt and food waste must be
30 removed from primary enclosures at least daily or more

1 often if necessary to prevent an accumulation of dirt,
2 hair, feces and food waste to prevent soiling of dogs
3 contained in the primary enclosures and to reduce disease
4 hazards, insects, pests and odors.

5 (ii) Used primary enclosures and food and water
6 receptacles must be cleaned and sanitized in accordance
7 with this section before they can be used to house, feed
8 or water another dog, or grouping of dogs.

9 (iii) Used primary enclosures and food and water
10 receptacles for dogs must be sanitized at least once
11 every two weeks using one of the methods under
12 subparagraph (iv) and more often if necessary to prevent
13 an accumulation of dirt, debris, food waste, excreta and
14 other disease hazards.

15 (iv) Hard surfaces of primary enclosures and food
16 and water receptacles must be sanitized using one of the
17 following methods:

18 (A) Live steam under pressure.

19 (B) Washing with water with a temperature of at
20 least 180 degrees F and soap or detergent, as with a
21 mechanical cage washer.

22 (C) Washing all soiled surfaces with appropriate
23 detergent solutions and disinfectant or by using a
24 combination detergent or disinfection product that
25 accomplishes the same purpose with a thorough
26 cleaning of the surfaces to remove organic materials
27 so as to remove all organic material and mineral
28 buildup and to provide sanitization followed by a
29 clean water rinse.

30 (v) Primary enclosures, exercise areas and housing

1 facilities using material that cannot be sanitized using
2 the methods under subparagraph (iv) must be made sanitary
3 by removing the contaminated material as necessary to
4 prevent odors, diseases, pests, insects and vermin
5 infestation.

6 (vi) Premises where primary enclosures are located,
7 including buildings and surrounding grounds, must be kept
8 clean and in good repair to protect the animals from
9 injury, to facilitate the husbandry practices required in
10 this act and to reduce or eliminate breeding and living
11 areas for rodents and other pests and vermin. Premises
12 must be kept free of accumulations of trash, junk, waste
13 products, and discarded matter. Weeds, grasses and bushes
14 must be controlled so as to facilitate cleaning of the
15 premises and pest control and to protect the health and
16 well-being of the animals.

17 (vii) An effective program for the control of
18 insects, external parasites affecting dogs or that are
19 pests must be established and maintained so as to promote
20 the health and well-being of the dogs and reduce
21 contamination by pests in housing facilities.

22 (15) All dogs in a kennel shall have affixed to the
23 front of the primary enclosure something that contains all of
24 the following information:

25 (i) The date of birth of the dog.

26 (ii) The date of the last rabies vaccination.

27 (iii) The date of the dog's last veterinarian check.

28 (16) All veterinarian records shall be kept as long as
29 the dog is at the facility.

30 (17) Notwithstanding any law, a dog may not be

1 euthanized except by a veterinarian.

2 (i) Additional requirements for Kennel Class C license
3 holders.--The following shall apply to dogs over 12 weeks of age
4 in Kennel Class C kennels:

5 (1) A dog housed in a primary enclosure must be provided
6 a minimum amount of floor space in the primary enclosure,
7 calculated as provided under this subparagraph: Find the
8 mathematical square of the sum of the length of the dog in
9 inches, measured from the tip of its nose to the base of its
10 tail, plus six inches, then divide the product by 144, then
11 multiply by 2. The calculation is: (length of dog in inches +
12 6)(length of dog in inches + 6) = required floor space in
13 square inches. Required floor space in inches/144 x 2 =
14 required floor space in square feet. For the second dog
15 placed in the primary enclosure the minimum floor space shall
16 be doubled. The floor space shall be calculated using the
17 longest dog. For each dog above two, the minimum floor space
18 shall be multiplied by 1.5 per additional dog.

19 (2) Primary enclosures must be placed no higher than 12
20 inches above the floor of the housing facility and may not be
21 placed or stacked on top of another cage or primary
22 enclosure.

23 (3) The floor of any primary enclosure must be solid and
24 strong enough so that the floor does not sag or bend between
25 the structural supports.

26 (4) Each primary enclosure shall have an entryway that
27 will allow the dog unfettered clearance out of the enclosure
28 to the exercise area under paragraph (6) if the enclosure is
29 opened.

30 (5) Each primary enclosure shall open onto and be

1 adjacent to an exercise area.

2 (6) Exercise requirements shall be as follows:

3 (i) The exercise run must allow for unfettered
4 clearance for dogs from their primary enclosure.

5 (ii) The exercise run must be at least twice the
6 size of the primary enclosure under paragraph (1).

7 (iii) The exercise run must have adequate means to
8 prevent dogs from escaping.

9 (iv) The exercise run fencing must be kept in good
10 repair and be free of rust, jagged edges or other defects
11 that could cause injury to the dogs.

12 (v) The exercise run shall be cleaned in accordance
13 with the requirements under subsection (h) (14).

14 (vi) Dogs must not be placed in the area in a manner
15 that would cause injury to the dogs.

16 (vii) Compatible dogs, as determined under
17 subsection (h) (4), may be exercised together.

18 (viii) Nursing bitches shall be exercised separately
19 with their puppies when age appropriate.

20 (ix) Exercise area ground must be solid and
21 maintainable. Surfaces such as gravel, packed earth and
22 grass which are solid and maintainable may be utilized.

23 (x) The exercise area must be outdoors.

24 (7) Notwithstanding any other provision of law, rabies
25 vaccines may only be administered by a licensed veterinarian.

26 (8) A dog shall be examined by a veterinarian at least
27 once a year or at each pregnancy, whichever occurs more
28 frequently. During the examination the veterinarian shall use
29 appropriate methods to prevent, control, diagnose and treat
30 diseases and injuries.

1 with dogs without first obtaining an out-of-state dealer license
2 from the department. It shall be unlawful for a kennel licensed
3 under this act to knowingly accept, receive, buy, barter or
4 exchange a dog with an unlicensed out-of-state dealer for
5 resale. A conviction for a violation of this section shall
6 result in a penalty as determined under section 903(c). Each
7 transaction for each dog shall constitute a separate violation.

8 (c) List of out-of-state dealers.--The department shall
9 annually provide to licensed kennels a list of licensed out-of-
10 state dealers. If a kennel wants to conduct business with an
11 out-of-state dealer not listed on the list, the kennel must
12 first obtain written approval from the department.

13 Section 6. Section 210 of the act is amended to read:

14 Section 210. Bills of sale.

15 All owners or operators of kennels described in section 206,
16 and all out-of-state dealers shall be required to have in their
17 possession a bill of sale for each dog purchased or transported,
18 except for dogs delivered to the kennel licensee for purposes of
19 boarding or for dogs whelped at the kennel. Any bill of sale
20 which is fraudulent or indicates the theft of any dog, shall be
21 prima facie evidence for the immediate revocation of license and
22 imposition of fines and penalties by the secretary. The bill of
23 sale shall contain information required by the secretary through
24 regulations. For each dog exchanged, bartered, given away or in
25 any other way transferred by a kennel described in section 206
26 or an out-of-state dealer, a record of the transaction shall be
27 kept. The bill of sale or record shall include the current and
28 valid kennel license number of the kennel or out-of-state dealer
29 that sold, exchanged, bartered, gave away or transferred the dog
30 and any other information required by the secretary.

1 Section 7. Section 211 of the act, amended December 11, 1996
2 (P.L.943, No.151), is amended to read:

3 Section 211. Revocation, suspension or refusal of kennel
4 licenses.

5 (a) General powers of secretary.--The secretary shall revoke
6 a kennel license or out-of-state dealer license if a licensee is
7 convicted of a violation of 18 Pa.C.S. § 5511 (relating to
8 cruelty to animals) or a cruelty law of another jurisdiction.
9 The secretary shall not issue a kennel license or out-of-state
10 dealer license to a person that has been convicted of a
11 violation of 18 Pa.C.S. § 5511 within the last ten years. The
12 secretary may revoke or suspend a kennel license or out-of-state
13 dealer license or refuse to issue a kennel license or out-of-
14 state dealer license for any one or more of the following
15 reasons:

16 (1) the person holding or applying for a license has
17 made a [material] misstatement or misrepresentation in the
18 license application;

19 (2) the person holding or applying for a license has
20 made a [material] misstatement or misrepresentation to the
21 department or its personnel regarding a matter relevant to
22 the license;

23 (3) the person holding or applying for a license has
24 [been convicted of any violation of] violated this act;

25 (4) the person holding or applying for a license has
26 failed to comply with any regulation promulgated under this
27 act; [or]

28 (5) the person holding or applying for a license has
29 been convicted of any law relating to cruelty to animals[.]
30 and the conviction is more than ten years old, if there is

1 evidence the person has not been rehabilitated and granting a
2 license would jeopardize the health, safety and welfare of
3 the dogs;

4 (6) the person holding or applying for a license has
5 been convicted of a felony;

6 (7) the person holding or applying for a license has:

7 (i) been convicted of a violation of section 9.3 of
8 the act of December 17, 1968 (P.L.1224, No.387), known as
9 the "Unfair Trade Practices and Consumer Protection Law,"
10 which rises to the level of a misdemeanor or requires the
11 person to cease and desist from operating a kennel or
12 owning, selling or caring for dogs, or both; or

13 (ii) entered into an agreement with the Office of
14 Attorney General which requires the person to cease and
15 desist from operating a kennel or owning, selling or
16 caring for dogs, or both;

17 (8) the person holding or applying for a license has
18 received final disapproval to operate based on a local
19 ordinance or zoning ordinance relating to operation of a
20 kennel;

21 (9) the person holding or applying for a license has or
22 is acting in concert with a person who has violated the act
23 of December 15, 1986 (P.L.1610, No.181), known as the "Rabies
24 Prevention and Control in Domestic Animals and Wildlife Act;

25 (10) the person holding or applying has had a yearly
26 license refused or revoked within the past ten years; or

27 (11) the person holding or applying for a license has a
28 person who does or will play a role in the ownership or
29 operation of the kennel who may be refused a kennel license
30 under this section. A role shall include, but not be limited

1 to, ownership of a direct or indirect financial interest,
2 direct or indirect participation in management or actual
3 caretaking of the dogs.

4 (b) Notice of action.--

5 (1) The secretary shall provide written notice of a
6 kennel license or an out-of-state dealer license revocation[,
7 suspension] or refusal to the person whose license is
8 revoked[, suspended] or refused. The notice shall set forth
9 the general factual and legal basis for the action and shall
10 advise the affected person that within ten days of receipt of
11 the notice he may file with the secretary a written request
12 for an administrative hearing. The hearing shall be conducted
13 in accordance with 2 Pa.C.S. (relating to administrative law
14 and procedure).

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

21 (c) Seizure and constructive seizure.--] refusal shall be
22 effective upon the expiration of the ten-day period for
23 requesting an administrative hearing, unless a timely request
24 for a hearing has been filed with the department.

25 (c) Administrative process.--[(1)] Whenever the secretary
26 revokes[, suspends] or refuses a kennel license or an out-of-
27 state dealer license, the [department may seize and impound any
28 dog in the possession, custody or care of the person whose
29 license is revoked, suspended or refused if there are reasonable
30 grounds to believe that the dog's health, safety or welfare is

1 endangered. Reasonable costs of transportation, care and feeding
2 of a seized and impounded dog shall be paid by the person from
3 whom the dog was seized and impounded.

4 (2) (i) If the person whose kennel license or out-of-
5 state dealer license is revoked, suspended or refused and
6 whose dog has been seized and impounded provides the
7 secretary with satisfactory evidence or assurances that
8 the dog will receive adequate care and has paid all costs
9 of transportation, care and feeding related to the
10 seizure and impoundment of the dog, the person may
11 retrieve the seized and impounded dog.

12 (ii) If the owner of a seized and impounded dog is
13 someone other than the person from whom the dog was
14 seized and impounded, the dog owner may retrieve his dog
15 from impoundment upon payment of all transportation, care
16 and feeding costs applicable to the dog. The person from
17 whom the dog was seized and impounded shall be
18 responsible to reimburse the dog owner for the
19 transportation, care and feeding costs.

20 (3) The secretary shall allow a dog to remain in the
21 physical possession, custody or care of the person whose
22 kennel license or out-of-state dealer license is revoked,
23 suspended or refused upon any one or more of the following
24 findings:

25 (i) if the secretary has no reasonable grounds to
26 believe that the health, safety or welfare of the dog is
27 endangered; or

28 (ii) the person whose license is revoked, suspended
29 or refused has provided satisfactory evidence or
30 assurances that the dog will receive adequate care.

1 (4) Ownership of a dog which has been seized and
2 impounded or which is under constructive seizure may be
3 forfeited upon the written request of its owner.

4 (5) The secretary may direct that ownership of a
5 particular dog which is seized and impounded pursuant to
6 paragraph (1) is to be forfeited. The department shall serve
7 the owner of the affected dog with written notice of
8 forfeiture. The notice shall indicate that ownership of the
9 dog in question may be forfeited to some entity other than
10 the department. Notice of forfeiture shall be served by
11 personal service or by registered or certified mail, return
12 receipt requested, to the owner of the affected dog or a
13 responsible person at the kennel from which the dog was
14 seized and impounded. The notice shall specify an effective
15 date of forfeiture which shall be not less than ten days from
16 service of the notice. The notice shall further inform the
17 dog owner of his right to request an administrative hearing
18 on the issue of forfeiture by delivering a written request to
19 the department prior to the date of forfeiture. A written
20 hearing request shall act as a supersedeas of the forfeiture
21 action. At the administrative hearing, the department shall
22 have the burden of proving that the affected dog owner did
23 not adequately care for the subject dog, or that no
24 satisfactory evidence or assurances have been given to the
25 department that the subject dog will be adequately cared for
26 if it is returned to the owner, or that the owner has
27 abandoned the subject dog. Abandonment shall be presumed if
28 an owner fails to make timely payment of reasonable costs of
29 transportation, care and feeding of the seized and impounded
30 dog after two written requests to do so have been served by

1 personal service or registered or certified mail, return
2 receipt requested, upon a responsible person at the kennel in
3 question or to the dog owner.

4 (d) Reimbursement of transportation, care and feeding
5 costs.--A person described in subsection (c)(1) and (2) who has
6 paid transportation, care and feeding costs with respect to a
7 dog seized under this section may make application to the
8 department for reimbursement of the costs if all persons cited
9 or charged with violations of this act as the result of the
10 conditions at the kennel at issue are acquitted of all charges
11 or violations.

12 (e) Department as guarantor of payment of certain costs.--A
13 kennel at which a dog is impounded by the department under the
14 authority of this section shall be compensated from the Dog Law
15 Restricted Account in the amount of \$5 per dog for each day or
16 portion thereof that the dog is held at the kennel if:

17 (1) the kennel has attempted, without success, to obtain
18 payment for transportation, care and feeding costs from the
19 owner of the dog and the owner of the kennel from which the
20 dog was seized and impounded; and

21 (2) the kennel makes written application to the
22 department, setting forth the amount sought, details of a
23 good faith attempt at obtaining payment of the costs from the
24 dog owner and the kennel owner and the dates and number of
25 dogs justifying the amount sought.

26 (f) Prohibition.--No dog seized under this section shall be
27 sold or given freely for the purpose of vivisection or research
28 or be conveyed in any manner for these purposes or be conveyed
29 to a dealer.] following shall apply:

30 (1) The person whose license refusal or revocation has

1 become effective shall immediately cease and desist from
2 operating a kennel, including boarding, buying, exchanging,
3 selling, giving away or in any way transferring dogs. The
4 kennel owner shall divest himself of all dogs over 25 dogs,
5 unless directed otherwise by a department or court order,
6 within a reasonable time period as determined by the
7 department, but not to exceed ten days. The department's
8 notice of revocation or refusal shall set forth the manner by
9 which the kennel owner may divest himself of the dogs. The
10 person shall be subject to the conditions established under
11 paragraphs (3) through (9).

12 (2) The person whose license is refused or revoked and
13 who has timely filed a request for an administrative hearing,
14 and who would continue to require a kennel license under this
15 act, pending the exhaustion of all administrative appeals
16 shall be considered to be operating under suspension and
17 shall, during the duration of all administrative appeals, and
18 thereafter if the department's action is upheld, be subject
19 to the conditions established under paragraphs (3) through
20 (9).

21 (3) The kennel may not acquire any additional dogs or
22 increase the number of dogs in the kennel by any means,
23 including breeding.

24 (4) The department shall be notified prior to the
25 euthanization of any dog. No dog may be euthanized unless it
26 is determined by a veterinarian that the euthanasia will
27 prevent the dog from suffering caused by a medical condition.
28 Where a veterinarian determines a dog should be euthanized, a
29 copy of the veterinarian's findings, signed by the
30 veterinarian, shall be provided to the department.

1 (5) The kennel shall reduce the number of dogs on the
2 premises to 25, or a lesser number as may be directed by the
3 department or court order, and in the manner and within the
4 time period set forth in the order of the department or the
5 court, not exceeding ten days after an order has become
6 effective or after the exhaustion of any administrative
7 appeal where the department's action is upheld.

8 (6) The kennel shall permit State dog wardens to inspect
9 the kennel without a warrant in order to determine compliance
10 with the department's order, any relevant court order and any
11 provision of this act.

12 (7) If there are more dogs than specified in paragraph
13 (5) on the premises after the expiration of the time period
14 set forth in paragraph (5), the kennel may select the number
15 of dogs allowed under paragraph (5) on the premises to keep.
16 The remainder shall be forfeited to the entity set forth in
17 the department's or court's order or to an entity approved by
18 the department without compensation to the owner.

19 (8) Failure to take actions or to meet the conditions
20 imposed under this subsection, in addition to any other
21 penalties allowed under this act, may result in imposition by
22 the department of a penalty of not less than \$100 nor more
23 than \$500 per day for each violation. Each dog in excess of
24 25 dogs, or a lesser amount if set forth in the department or
25 court order, shall count as one violation.

26 (9) Any violation of this subsection shall constitute a
27 misdemeanor of the third degree.

28 (d) Removal of dogs.--

29 (1) After service of an order under subsection (c) (1) or
30 section 207(a.3) or during the duration of an administrative

1 appeal under subsection (c)(2) or section 207(a.3)(2), the
2 department may order the removal of any dog from that kennel
3 if the department determines, based on the conditions found
4 at that kennel, there are reasonable grounds to believe the
5 dog's health, safety or welfare is endangered because of
6 neglect of duty of care, deprivation of necessary sustenance,
7 water, shelter or veterinary care or access to clean and
8 sanitary shelter which will protect the animal against
9 inclement weather and preserve the animal's body heat and
10 keep it dry or other conditions which a veterinarian
11 determines pose a serious health risk to the dog. The removal
12 may occur immediately upon notice followed by service of the
13 order.

14 (2) The order of removal shall set forth the general
15 factual and legal basis for the action taken and shall advise
16 the kennel owner that within ten days of receipt the kennel
17 owner may file with the secretary a written request for an
18 administrative hearing subject to bonding requirements of
19 this section. The order shall be served by personal service
20 or by registered or certified mail, return receipt requested,
21 to the kennel owner affected or to a responsible employee of
22 such kennel owner. The department order shall become final
23 upon the expiration of the ten-day period for requesting an
24 administrative hearing, unless a timely request for a hearing
25 has been filed with the secretary.

26 (3) The written request for a hearing must be filed by
27 the affected kennel owner with the secretary within ten days
28 of receipt of the order of removal, or such order shall
29 become final. The request for a hearing shall set forth the
30 factual and legal grounds upon which the request is based. A

1 hearing on the matter shall be held in accordance with 2
2 Pa.C.S. (relating to administrative law and procedure). The
3 issue on appeal shall be limited to whether the department
4 order was justified under paragraph (1).

5 (4) If the department's order has become final or after
6 the exhaustion of any administrative appeals, in cases where
7 the department's action is upheld, the dogs removed under the
8 order shall be forfeited to the entity set forth in the
9 department's order or to an entity approved by the department
10 without compensation to the owner.

11 (e) Bonding requirements.--The following shall apply to
12 bonding requirements:

13 (1) If dogs are removed from a kennel under this act and
14 an administrative appeal is filed, the owner of the licensed
15 or unlicensed kennel shall post a bond in the amount required
16 under paragraph (2) within ten days of the filing of such
17 appeal.

18 (2) The amount of the surety bond shall be based on the
19 number of dogs removed and shall be equal to the estimated
20 cost of transportation, care and feeding, pursuant to removal
21 and impoundment, for a period of 31 days. The surety bond
22 shall be payable to the Commonwealth of Pennsylvania,
23 Department of Agriculture, Bureau of Dog Law Enforcement. The
24 department shall remit such funds to the entity holding the
25 dogs.

26 (3) If after appeal the dogs are placed under the care
27 of the owner from which they were removed, the department
28 shall reimburse the owner for the reasonable costs of the
29 bond incurred under this subsection.

30 (f) Prohibitions.--No dog removed under this section may be:

- 1 (1) sold or given freely for the purpose of vivisection,
2 auction or research;
3 (2) conveyed in any manner for purposes of vivisection,
4 auction or research; or
5 (3) conveyed to a dealer.

6 Section 8. Section 213 of the act is amended to read:

7 Section 213. Transportation of dogs.

8 It shall be unlawful for any dog required to be licensed as
9 hereinbefore provided, to be transported for any purpose without
10 a current license tag firmly attached to a collar or harness
11 securely fastened to the dog except when a dog is being
12 transported for law enforcement or to receive veterinary care
13 pursuant to an order of the secretary for humane purposes. All
14 vehicles being used to transport dogs are subject to inspection
15 and must meet requirements for such transportation through
16 regulations as promulgated by the secretary.

17 Section 9. Sections 214, 218 and 219 of the act, amended or
18 added December 11, 1996 (P.L.943, No.151), are amended to read:

19 Section 214. Health certificates for importation.

20 It shall be [unlawful] a violation of this act to transport
21 any dog into this Commonwealth except under the provisions in
22 section 212 without a certificate of health prepared by a
23 licensed doctor of veterinary medicine, which certificate, or
24 copy of such, shall accompany [such] the dog while in this
25 Commonwealth. [Such] The certificate shall state that the dog is
26 at least [seven] eight weeks of age and shows no signs or
27 symptoms of infectious or communicable disease; did not
28 originate within an area under quarantine for rabies; and, as
29 ascertained by reasonable investigation, has not been exposed to
30 rabies within 100 days of importation. All dogs must have been

1 vaccinated for rabies in accordance with the act of December 15,
2 1986 (P.L.1610, No.181), known as the "Rabies Prevention and
3 Control in Domestic Animals and Wildlife Act." The name of the
4 vaccine manufacturer, the date of administration, and the rabies
5 tag number must appear on health certificates prepared by a
6 licensed doctor of veterinary medicine.

7 Section 218. Inspections [of premises and dogs].

8 (a) Premises and dogs.--State dog wardens and other
9 employees of the department are hereby authorized to inspect all
10 licensed kennels [and], all dogs within the Commonwealth and all
11 unlicensed establishments which are operating as a kennel as
12 defined by section 206. For purposes of inspection, a State dog
13 warden and other full-time employees of the department shall be
14 authorized to enforce the provisions of this act and regulations
15 promulgated by the department [pursuant to] under this act.

16 State dog wardens and employees of the department shall inspect
17 all licensed kennels within the Commonwealth at least [once]
18 twice per calendar year to enforce the provisions of this act
19 and regulations promulgated by the department under this act.

20 State dog wardens and only regular, full-time employees of the
21 department shall be authorized to enter upon the premises of
22 approved medical, dental or veterinary schools, hospitals,
23 clinics or other medical or scientific institutions,
24 organizations or persons where research is being conducted or
25 where pharmaceuticals, drugs or biologicals are being produced.
26 [Research facilities in the Commonwealth that are currently
27 under Federal Government inspection shall be exempt from State
28 inspection if they have undergone no less than one Federal
29 Government inspection within the past 12 months. Submission of
30 such evidence of Federal inspection by documentation to the

1 department may be established by regulation subject to
2 legislative review.] It shall be unlawful for any person to
3 refuse admittance to such State dog wardens and employees of the
4 department for the purpose of making inspections and enforcing
5 the provisions of this act.

6 (b) Records.--State dog wardens and other employees of the
7 department shall be authorized to inspect the records required
8 under this act of all licensed and unlicensed kennels.

9 (c) Search warrant.--State dog wardens and other employees
10 of the department may apply for a search warrant to any
11 Commonwealth official authorized to issue a search warrant for
12 the purposes of inspecting or examining any kennel, property,
13 building, premise, place, dog, book, record or other physical
14 evidence or for the purpose of removing any dog under section
15 207 or 211. The warrant shall be issued upon probable cause. It
16 shall be sufficient probable cause to show any of the following:

17 (1) The inspection, examination or seizure is pursuant
18 to a general administrative plan to determine compliance with
19 this act.

20 (2) The State dog warden or employee of the department
21 has reason to believe that a violation of this act or the
22 regulations promulgated under the authority of this act has
23 occurred.

24 Section 219. Additional duties of the department.

25 (a) Enforcement of licensure requirement; development of
26 plan.--By no later than June 30, 1997, the department shall
27 develop and begin to implement a written plan to increase the
28 number of dog licenses issued in this Commonwealth. Such plan
29 shall be developed in consultation with the several counties and
30 municipalities which enforce the provisions of this act and in

1 consultation with the Dog Law Advisory Board and shall at least
2 include methodology for increasing the number of dog licenses
3 issued and assuring the annual renewal of such licenses. The
4 methodology may include the periodic use of public service
5 advertisements, newspaper advertisements, school and special
6 events-based educational programs conducted in conjunction with
7 counties and organizations concerned with the humane care and
8 treatment of dogs, and literature designed to increase awareness
9 of this act which may be provided to purchasers of dogs at the
10 point of sale.

11 (b) Analysis of plan; report.--By no later than June 30,
12 1998, and annually thereafter, the department shall submit to
13 the chairperson and minority chairperson of the Agriculture and
14 Rural Affairs Committee of the Senate and the chairperson and
15 minority chairperson of the Agriculture and Rural Affairs
16 Committee of the House of Representatives a report analyzing the
17 activities adopted by the department to implement the plan and
18 the results of such activities.

19 Section 10. The act is amended by adding a section to read:
20 Section 220. Refusal of entry.

21 (a) Violation.--It shall be a violation of this act if a
22 person refuses entry to an agent of the Commonwealth acting to
23 enforce this act. A refusal shall include any of the following:

24 (1) Preventing an agent from entering property.

25 (2) Preventing an agent from inspecting a dog.

26 (3) Hiding a dog from an agent.

27 (4) An act or omission that prevents an agent from
28 gaining entry to the property.

29 (b) Order of inspection.--When a State dog warden or
30 employee of the department attempts a kennel inspection in a

1 building and no person is present to grant him access, a State
2 dog warden or employee of the department may post an order on an
3 entrance to the building demanding access to the building within
4 24 hours. Failure to permit an inspection within the 24-hour
5 time period indicated in the order that was posted shall be a
6 violation of this act and shall constitute a refusal for
7 purposes of subsection (a).

8 Section 11. The heading of Article III of the act is amended
9 to read:

10 ARTICLE III

11 QUARANTINES, DOGS AT LARGE, CONFINEMENT

12 Section 12. Section 302 of the act, amended December 11,
13 1996 (P.L.943, No.151), is amended to read:

14 Section 302. Seizure and detention of dogs; costs; destruction
15 of dogs.

16 (a) General rule.--It shall be the duty of every police
17 officer, State dog warden, employee of the department or animal
18 control officer to seize and detain any dog which is found
19 running at large, either upon the public streets or highways of
20 the Commonwealth, or upon the property of a person other than
21 the owner of [such] the dog, and unaccompanied by the owner or
22 keeper. Every police officer, State dog warden, employee of the
23 department or animal control officer may humanely kill any dog
24 which is found running at large and is deemed after due
25 consideration by the police officer, State dog warden, employee
26 of the department or animal control officer to constitute a
27 threat to the public health and welfare.

28 (b) Licensed dogs.--The State dog warden or employee of the
29 department, the animal control officer, or the chief of police
30 or his agents of any city, borough, town or township, the

1 constable of any borough and the constable of any incorporated
2 town or township shall cause any dog bearing a proper license
3 tag or permanent identification and so seized and detained to be
4 properly kept and fed at any licensed kennel approved by the
5 secretary for [such] those purposes and shall cause immediate
6 notice, by registered or certified mail with return receipt
7 requested, to the person in whose name the license was procured,
8 or his agent, to claim [such] the dog within five days after
9 receipt thereof. The owner or claimant of a dog so detained
10 shall pay a penalty of [\$15] \$50 to the political subdivision
11 whose police officers make [such] the seizures and detention and
12 all reasonable expenses incurred by reason of its detention to
13 the detaining parties before the dog is returned. If five days
14 after obtaining the postal return receipt, [such] the dog has
15 not been claimed, such chief of police, or his agent, or a
16 constable, or State dog warden or employee of the department
17 shall dispense [such] the dog by sale or by giving it to a
18 humane society or association for the prevention of cruelty to
19 animals. No dog so caught and detained shall be sold for the
20 purpose of vivisection, or research, or be conveyed in any
21 manner for these purposes. All moneys derived from the sale of
22 [such] the dog, after deducting the expenses of its detention,
23 shall be paid through the Department of Agriculture to the State
24 Treasurer for credit to the Dog Law Restricted Account.

25 (c) Unlicensed dogs.--Except as otherwise provided by
26 section 305, any police officer, State dog warden, employee of
27 the department or animal control officer shall cause any
28 unlicensed dog to be seized, detained, kept and fed for a period
29 of 48 hours at any licensed kennel approved by the secretary for
30 [such] those purposes, except any dog seriously ill or injured

1 or forfeited with the owner's permission. The 48-hour period
2 shall not include weekends or days the approved kennel is not
3 open to the general public. Any person may view [such] the
4 detained dogs during normal business hours. Any unlicensed dog
5 remaining unclaimed after 48 hours may be humanely killed or
6 given to a humane society or association for the prevention of
7 cruelty to animals. No dog so caught and detained shall be sold
8 for the purpose of vivisection, or research, or be conveyed in
9 any manner for these purposes.

10 Section 13. Section 305 of the act is amended to read:

11 Section 305. Confinement and housing of dogs not part
12 of a kennel.

13 (a) Confinement and control.--It shall be unlawful for the
14 owner or keeper of any dog to fail to keep at all times [such
15 dog either] the dog in any of the following manners:

16 (1) confined within the premises of the owner;

17 (2) firmly secured by means of a collar and chain or
18 other device so that it cannot stray beyond the premises on
19 which it is secured; or

20 (3) under the reasonable control of some person, or when
21 engaged in lawful hunting, exhibition, performance events or
22 field training.

23 (b) Housing.--It shall be unlawful for the owner or keeper
24 of a dog to house the dog for any period of time in a drum,
25 barrel, refrigerator or freezer regardless of the material of
26 which the drum, barrel, refrigerator or freezer is constructed.

27 Section 14. Sections 502 and 502-A of the act, amended
28 December 11, 1996 (P.L.943, No.151), are amended to read:

29 Section 502. Dog bites; detention and isolation of dogs.

30 (a) Confinement.--Any dog which bites or attacks a human

1 being shall be confined in quarters approved by a designated
2 employee of the Department of Health, a State dog warden or
3 employee of the Department of Agriculture, an animal control
4 officer or a police officer. [Such] The dog may be detained and
5 isolated in an approved kennel or at the dog owner's property or
6 to another location approved by the investigating officer. Where
7 [such] the dog is detained is at the discretion of the
8 investigating officer. All dogs so detained must be isolated for
9 a minimum of ten days. Any costs incurred in the detaining and
10 isolation of [such] the dog shall be paid by the offending dog's
11 owner or keeper or both. [When] If the dog's owner or keeper is
12 not known, the Commonwealth is responsible for all reasonable
13 costs for holding and detaining [such] the dog.

14 (b) Bite victims.--The following shall apply:

15 (1) The investigating officer shall be responsible for
16 notifying the bite victim of the medical results of the
17 offending dog's confinement. Any cost to the victim for
18 medical treatment resulting from an attacking or biting dog
19 must be paid fully by the owner or keeper of [such] the dog.
20 The Commonwealth shall not be liable for medical treatment
21 costs to the victim.

22 (2) (i) For the purpose of this subsection, the term
23 "medical results of the offending dog's confinement"
24 shall mean, except as provided in subparagraph (ii),
25 information as to whether the quarantined dog is still
26 alive and whether it is exhibiting any signs of being
27 infected with the rabies virus.

28 (ii) If a nonlethal test for rabies is developed,
29 the term shall mean the results of the test and not the
30 meaning given in subparagraph (i).

1 (c) Exception.--When a dog that bites or attacks a human
2 being is a service dog or a police work dog in the performance
3 of duties, [said] the dog need not be confined if it is under
4 the active supervision of a licensed doctor of veterinary
5 medicine.

6 Section 502-A. [Registration] Court proceedings, certificate of
7 registration and disposition.

8 (a) Summary offense of harboring a dangerous dog.--Any
9 person who has been attacked by one or more dogs, or anyone on
10 behalf of [such] the person, a person whose domestic animal has
11 been killed or injured without provocation, the State dog warden
12 or the local police officer may file a complaint before a
13 district justice, charging the owner or keeper of [such] the a
14 dog with harboring a dangerous dog. The owner or keeper of the
15 dog shall be guilty of the summary offense of harboring a
16 dangerous dog if the district justice finds beyond a reasonable
17 doubt that the following elements of the offense have been
18 proven:

19 (1) The dog has done [one or more] any of the following:

20 (i) Inflicted severe injury on a human being without
21 provocation on public or private property.

22 (ii) Killed or inflicted severe injury on a domestic
23 animal without provocation while off the owner's
24 property.

25 (iii) Attacked a human being without provocation.

26 (iv) Been used in the commission of a crime.

27 (2) The dog has either or both of the following:

28 (i) A history of attacking human beings and/or
29 domestic animals without provocation.

30 (ii) A propensity to attack human beings and/or

1 domestic animals without provocation. A propensity to
2 attack may be proven by a single incident of the conduct
3 described in paragraph (1)(i), (ii), (iii) or (iv).

4 (3) The defendant is the owner or keeper of the dog.

5 (a.1) Effect of conviction.--A finding by a district justice
6 that a person is guilty under subsection (a) of harboring a
7 dangerous dog shall constitute a determination that the dog is a
8 dangerous dog for purposes of this act.

9 (b) Report of conviction.--The district justice shall make a
10 report of a conviction under subsection (a) to the Bureau of Dog
11 Law Enforcement, identifying the convicted party, identifying
12 and describing the dog or dogs and providing [such] other
13 information as the bureau might reasonably require.

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

20 (d) Disposition of dog during court proceedings.--An owner
21 or keeper of any dog who has been charged with harboring a
22 dangerous dog shall keep [such] the dog or dogs confined in a
23 proper enclosure or, when off the property of the owner or
24 keeper for purposes of veterinary care, muzzled and on a leash
25 until [such] the time a report is made under subsection (b). If
26 an appeal of a decision under subsection (b) is filed, [such]
27 the dog or dogs shall remain so confined until [such] the
28 proceedings are completed. It shall be unlawful for an owner or
29 keeper of a dog who has been charged with harboring a dangerous
30 dog to dispense, move, sell, give away or transfer the dog in

1 any manner except to [be] have it humanely killed or move the
2 dog to a licensed kennel if approved by the investigating
3 officer. A violation of this subsection shall constitute a
4 summary offense accompanied by a fine of not less than [\$200]
5 \$500.

6 Section 15. Sections 503-A and 504-A of the act, added May
7 31, 1990 (P.L.213, No.46), are amended to read:

8 Section 503-A. Requirements.

9 [(a) Enclosure and insurance.--The department shall issue,
10 upon payment of all fees under subsection (b), a certificate of
11 registration to the owner of such animal within 30 days of
12 notification, in writing, by the department that the dog has
13 been determined to be dangerous and that the owner presents
14 sufficient evidence of:

15 (1) A proper enclosure to confine a dangerous dog and
16 the posting of a premises with a clearly visible warning sign
17 that there is a dangerous dog on the property. In addition,
18 the owner shall conspicuously display a sign with a warning
19 symbol that informs children of the presence of a dangerous
20 dog.

21 (2) (i) A surety bond in the amount of \$50,000 issued
22 by an insurer authorized to do business within this
23 Commonwealth, payable to any person injured by the
24 dangerous dog; or

25 (ii) a policy of liability insurance, such as
26 homeowner's insurance, issued by an insurer authorized to
27 do business within this Commonwealth in the amount of at
28 least \$50,000, insuring the owner for any personal
29 injuries inflicted by the dangerous dog. The policy shall
30 contain a provision requiring the secretary to be named

1 as additional insured for the sole purpose of being
2 notified by the insurance company of cancellation,
3 termination or expiration of the liability insurance
4 policy.]

5 (a) Certificate of registration requirements.--The owner or
6 keeper of a dog who has been convicted of harboring a dangerous
7 dog shall keep the dog properly confined and shall register the
8 dog with the department. Within 30 days of receiving written
9 notification from the department that the dog has been
10 determined to be dangerous, the owner or keeper of the dog shall
11 comply with all the provisions of this section. The department
12 shall issue, upon sufficient evidence of compliance with the
13 requirements of this section and payment of all fees under
14 subsection (b), a certificate of registration to the owner or
15 keeper of the dangerous dog.

16 (a.1) Compliance requirements.--The owner or keeper of a dog
17 who has been convicted of harboring a dangerous dog shall do all
18 of the following:

19 (1) Present sufficient evidence of a proper enclosure to
20 confine a dangerous dog and the posting of a premises with a
21 clearly visible warning sign that there is a dangerous dog on
22 the property. In addition, the owner shall conspicuously
23 display a sign with a warning symbol that informs children of
24 the presence of a dangerous dog.

25 (2) Pay court-ordered restitution to a victim of a
26 dangerous dog.

27 (3) Permanently identify the dangerous dog by having a
28 microchip implanted in the dangerous dog. The microchip shall
29 be implanted by a properly licensed doctor of veterinary
30 medicine and the costs shall be borne by the owner or keeper

1 of the dangerous dog. The owner or keeper of the dangerous
2 dog and the veterinarian implanting the microchip shall sign
3 a form, developed by the department, verifying the dangerous
4 dog has had a microchip implanted and setting forth the
5 microchip number.

6 (4) Have the dangerous dog spayed or neutered. The
7 spaying or neutering shall be done by a properly licensed
8 doctor of veterinary medicine and the costs shall be borne by
9 the owner or keeper of the dangerous dog. The owner or keeper
10 of the dangerous dog and the veterinarian performing the
11 spaying or neutering shall sign a form, developed by the
12 department, verifying the dangerous dog has been spayed or
13 neutered.

14 (5) Obtain:

15 (i) a surety bond in the amount of \$50,000 issued by
16 an insurer authorized to do business within this
17 Commonwealth, payable to any person injured by the
18 dangerous dog; or

19 (ii) a policy of liability insurance, such as
20 homeowner's insurance, issued by an insurer authorized to
21 do business within this Commonwealth in the amount of at
22 least \$50,000, insuring the owner for any personal
23 injuries inflicted by the dangerous dog. The policy shall
24 contain a provision requiring the secretary to be named
25 as additional insured for the sole purpose of being
26 notified by the insurance company of cancellation,
27 termination or expiration of the liability insurance
28 policy.

29 (b) [Fee] Registration fee.--The registration fee for a
30 dangerous dog certificate shall be [\$25 or such] \$500 per

1 calendar year for the life of the dog plus an additional amount
2 set by the department as may be necessary to cover the costs of
3 issuing this registration and enforcing this section. This
4 registration fee shall be in addition to any other fees
5 collectable under this act and shall be credited to the Dog Law
6 Restricted Account for the purpose of administering and
7 enforcing this act.

8 (c) Uniform identifiable symbol.--The department shall have
9 the authority to establish a uniform identifiable symbol for
10 visual recognition of dangerous dogs. [The "Ugh Dog" symbol
11 developed by Animal-Vues may be adopted as the standard symbol
12 to identify dangerous dogs.]

13 (d) Other requirements.--The owner or keeper of a dangerous
14 dog shall [sign a statement attesting that]:

15 (1) The owner shall maintain and not voluntarily cancel
16 the liability insurance required by this section during the
17 period for which licensing is sought unless the owner ceases
18 to own the dangerous dog prior to expiration of the license.

19 (2) The owner or keeper shall notify the Bureau of Dog
20 Law Enforcement, the State dog warden and the local police
21 department within 24 hours if a dangerous dog is on the
22 loose, is unconfined, has attacked another animal, has
23 attacked a human being, has died or has been sold or donated.
24 If the dangerous dog has been sold or donated, the owner
25 shall also provide the Bureau of Dog Law Enforcement and the
26 State dog warden with the name, address and telephone number
27 of the new owner or new address of the dangerous dog.

28 (3) The new owner or keeper of the dangerous dog shall
29 be required to comply with all of the provisions of this act
30 and regulations pertaining to a dangerous dog.

1 Section 504-A. Control of dangerous dogs.

2 It is unlawful for an owner or keeper of a dangerous dog to
3 permit the dog to be outside the proper enclosure unless the dog
4 is muzzled and restrained by a substantial chain or leash and
5 under physical restraint of a responsible person. The muzzle
6 shall be made in a manner that will not cause injury to the dog
7 or interfere with its vision or respiration but shall prevent it
8 from biting any person or animal or from destroying property
9 with its teeth.

10 Section 16. Sections 505-A, 603, 706, 802 and 901 of the
11 act, amended or added December 11, 1996 (P.L.943, No.151), are
12 amended to read:

13 Section 505-A. Public safety and penalties.

14 (a) Failure to register and restrain.-- [A dangerous dog
15 shall be immediately confiscated by a State dog warden or a
16 police officer upon the occurrence of any of the following:] The
17 owner or keeper of a dangerous dog who violates any of the
18 following provisions on the first occurrence commits a
19 misdemeanor of the third degree:

20 (1) The dog is not validly registered under this act.

21 (2) The owner [does not secure and maintain the
22 liability insurance coverage required under section 503-A.]
23 or keeper of a dangerous dog fails to comply with the
24 provisions of section 503-A or 504-A.

25 (3) The dangerous dog is not maintained in the proper
26 enclosure.

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

30 [In addition, an owner violating this subsection commits a

1 misdemeanor of the third degree.]

2 (a.1) Subsequent violations.--The owner or keeper of a
3 dangerous dog who commits a subsequent violation of any of the
4 provisions under subsection (a) commits a misdemeanor of the
5 second degree and upon conviction shall pay a fine not to exceed
6 \$5,000, plus the costs of quarantine, kennel charges and
7 destruction of the dangerous dog. The dangerous dog shall be
8 forfeited immediately by the owner or keeper to a dog warden,
9 police officer or game warden and shall be placed in a kennel
10 or, if necessary, quarantined for a length of time to be
11 determined by the department. After a period of ten days, if no
12 appeal has been filed and the necessary quarantine period has
13 elapsed, the dangerous dog shall be destroyed humanely in an
14 expeditious manner. If an appeal is filed, the dangerous dog
15 shall remain confined at the owner's or keeper's expense until
16 the proceedings are completed.

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

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

26 (b) Attacks by dangerous dog.--If a dangerous dog, through
27 the intentional, reckless or negligent conduct of the dog's
28 owner or keeper, attacks a person or a domestic animal, the
29 dog's owner [is] or keeper shall be guilty of a misdemeanor of
30 the second degree. In addition, the dangerous dog shall be

1 immediately confiscated[, placed in quarantine for the proper
2 length of time and thereafter humanely killed in an expeditious
3 manner, with costs of quarantine and destruction to be borne by
4 the dog's owner.] by a dog warden or a police officer and placed
5 in quarantine for a length of time to be determined by the
6 department. After a period of ten days, if no appeal has been
7 filed by the owner or keeper of the dangerous dog and after the
8 quarantine period has expired, the dangerous dog shall be
9 humanely destroyed in an expeditious manner, with costs of
10 kenneling, quarantine and destruction to be borne by the dog's
11 owner or keeper. If an appeal is filed, the dangerous dog shall
12 remain confined at the owner's or keeper's expense until the
13 proceedings are completed and if found guilty of the cited
14 offense, the dangerous dog shall thereafter be humanely
15 destroyed in an expeditious manner, with costs of kenneling,
16 quarantine and destruction to be borne by the dog's owner or
17 keeper.

18 (c) Attacks causing severe injury or death.--The owner or
19 keeper of any dog that, through the intentional, reckless or
20 negligent conduct of the dog's owner or keeper, aggressively
21 attacks and causes severe injury or death of any human shall be
22 guilty of a misdemeanor of the first degree. In addition, the
23 dog shall be immediately confiscated by a State dog warden or a
24 police officer[, placed in quarantine for the proper length of
25 time and thereafter humanely killed in an expeditious manner,
26 with costs of quarantine and destruction to be borne by the
27 dog's owner.] and placed in quarantine for a length of time to
28 be determined by the department. After a period of ten days, if
29 no appeal has been filed by the owner or keeper of the dangerous
30 dog, and after the quarantine period has expired, the dangerous

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

9 (d) Dog owned by a minor.--If the owner of the dangerous dog
10 is a minor, the parent or guardian of the minor shall be liable
11 for injuries and property damages caused by an unprovoked attack
12 by the dangerous dog under section 4 of the former act of July
13 27, 1967 (P.L.186, No.58), entitled "An act imposing liability
14 upon parents for personal injury, or theft, destruction, or loss
15 of property caused by the willful, tortious acts of children
16 under eighteen years of age, setting forth limitations, and
17 providing procedure for recovery."

18 (e) Mandatory reporting.--

19 (1) All known incidents of dog attacks shall be reported
20 to the State dog warden, who shall investigate each incident
21 and notify the department if a dog has been determined to be
22 dangerous.

23 (2) A State dog warden or police officer who has
24 knowledge of a dog which has attacked a person shall file a
25 written report summarizing the circumstances of the attack
26 with the police in the municipality where the owner of the
27 dog resides or if the attack occurred outside the owner's
28 municipality of residence, with the police having
29 jurisdiction in the municipality where the attack occurred.
30 The report shall be available for public inspection.

1 Section 603. Selling, bartering or trading dogs.

2 (a) Illegal transfers.--It shall be unlawful to offer a dog
3 as an inducement to purchase a product, commodity or service.
4 The sale of a dog by a licensed kennel shall not be considered
5 to be an inducement.

6 (b) Illegal to transfer ownership of certain puppies.--It
7 shall be unlawful to barter, trade, raffle, sell, auction or in
8 any way transfer ownership of a dog under [seven] eight weeks of
9 age, unless the dog has been orphaned and it becomes necessary
10 to transfer ownership of the orphaned dog to a nonprofit kennel,
11 or from a nonprofit kennel with approval by a licensed doctor of
12 veterinary medicine.

13 (c) Illegal for certain persons to transfer dogs.--It shall
14 be unlawful for any person to buy, sell, transfer, barter,
15 trade, raffle, auction or rent a dog at any public place in this
16 Commonwealth other than a kennel licensed pursuant to this act,
17 or a dog show or field trial sponsored by a recognized breed or
18 kennel association or transfer by a rescue network kennel within
19 its own network or to another rescue network kennel. If a
20 purchase, sale, transfer, barter, trade, raffle, auction or
21 rental of a dog occurs at or on the premises of a kennel, the
22 transaction shall be unlawful unless one of the parties to the
23 transaction is an employee, volunteer or other person acting as
24 an authorized representative of the kennel.

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

26 (a) Reimbursement.--A person may make application to the
27 department for reimbursement for damage to a domestic animal by
28 a coyote, whether or not the domestic animal is directly damaged
29 by the coyote or is necessarily destroyed due to damage caused
30 by the coyote, if the damage occurs when the domestic animal is

1 confined in a field or other enclosure adequate for confinement
2 of such animal.

3 (b) Complaint.--To receive reimbursement under subsection
4 (a), a person must file a written, signed complaint with the
5 department. The complaint must state all of the following:

6 (1) The time, place and manner of the damage.

7 (2) The number and type of domestic animal damaged.

8 (3) The amount of the damage. The amount under this
9 paragraph is limited to \$10,000 for each domestic animal.

10 (c) Limitation.--A written complaint under subsection (b)
11 must be filed within five business days of discovery of the
12 damage.

13 (d) Investigation.--Within 48 hours of receipt of a
14 complaint under subsection (b), a State dog warden shall
15 investigate the complaint by examining the site of the
16 occurrence. The State dog warden may examine witnesses under
17 oath or affirmation.

18 (e) Determination.--

19 (1) Within ten business days after the initiation of the
20 investigation under subsection (d), the State dog warden
21 shall issue one of the following determinations:

22 (i) A dismissal of the complaint.

23 (ii) A damage award. The amount under this
24 subparagraph is limited to \$10,000 for each domestic
25 animal, and the award shall not exceed 90% of the
26 appraised value of the domestic animal.

27 (2) Failure to act within the time period under
28 paragraph (1) shall be deemed a damage award in the amount
29 claimed in the complaint under subsection (b) (3).

30 (f) Arbitration[.--

1 (1) If the complainant does not agree to the damage
2 award under subsection (e)(1)(ii), the complainant and the
3 State dog warden shall appoint a disinterested, qualified
4 citizen to act as arbitrator.

5 (2) The arbitrator shall determine the damage award. The
6 amount under this paragraph is limited to \$10,000 for each
7 domestic animal.

8 (3) The arbitrator shall receive appropriate
9 compensation paid by the complainant.] disallowed.--
10 Arbitration shall not be permitted under this section or
11 section 701.1(f).

12 (g) Administrative appeal.--

13 (1) A complainant may appeal to the department a
14 determination under subsection (e)(1)(i) [or (f)(2)].

15 (2) The appeal must be filed within 30 days of issuance
16 of the determination.

17 (3) Within 30 days of filing under paragraph (2), the
18 department must issue one of the following adjudications:

19 (i) Affirming the original determination.

20 (ii) Modifying the original determination.

21 (4) Failure to act within the time period under
22 paragraph (3) shall be deemed a modification of the original
23 determination to grant an award in the amount claimed in the
24 complaint under subsection (b)(3).

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

28 (h) Judicial review.--A complainant may appeal to
29 Commonwealth Court an adjudication under subsection (g)(3). This
30 subsection is subject to 2 Pa.C.S. Ch. 7 Subch. A (relating to

1 judicial review of Commonwealth agency action).

2 (i) Payment of claims.--All damage claims shall be paid from
3 the Dog Law Restricted Account. No payment shall be made for any
4 claim which has already been paid by the claimant's insurance
5 carrier. The claimant shall certify to the department that he
6 has not received payment for any damages under this section by
7 any person. Claims paid under this section shall not exceed
8 \$20,000 annually.

9 (j) Rules and regulations.--The secretary shall promulgate
10 rules and regulations to enforce the provisions of this section.
11 Section 802. Burdens of proof.

12 (a) Licensing.--In any proceeding under this act, the burden
13 of proof of the fact that a dog has been licensed, or has been
14 imported for breeding, trial, hunting, performance event or show
15 purposes, or that a dog is under the required licensed age of
16 three months as hereinbefore provided, shall be on the owner of
17 such dog. Any dog not bearing a license tag shall prima facie be
18 deemed to be unlicensed except as provided under section 207(d).
19 It is unlawful for any person dealing in and with dogs, to use a
20 false or fictitious name unless such name is registered with the
21 Commonwealth.

22 (b) Age and name.--In a proceeding under this act, the
23 burden of proof of the age of a dog shall be on the owner of the
24 dog. It shall be unlawful for a person dealing in and with dogs
25 to use a false or fictitious name unless the name is registered
26 with the Commonwealth.

27 Section 901. Enforcement of this act by the secretary;
28 provisions for inspections.

29 (a) General rule.--The secretary, through State dog wardens,
30 employees of the department and police officers, shall be

1 charged with the general enforcement of this law. The secretary
2 may employ all proper means for the enforcement of this act
3 [and], including issuing notices and orders, assessing criminal
4 and injunctive penalties, assessing civil penalties and entering
5 into consent agreements. The secretary may enter into agreements
6 pursuant to section 1002, which shall be filed with the
7 department, for the purpose of dog control. State dog wardens
8 and employees of the department are hereby authorized to enter
9 upon the premises of any [persons] person for the purpose of
10 investigation. A dog warden or employee of the department may
11 enter into a home or other building only with the permission of
12 the occupant or with a duly issued search warrant.

13 (b) Training for dog wardens.--The secretary shall establish
14 training requirements for dog wardens and other employees of the
15 department charged with the enforcement of this act which shall
16 include dog handling [and], cruelty, humane capture, preliminary
17 recognition of dog pathology, knowledge of proper dog
18 sanitation, kennel inspection procedures and shelter and dog law
19 enforcement.

20 (b.1) Training requirements.--The department shall establish
21 a program for initial training of dog wardens and employees of
22 the department which must include, at a minimum, a total of [56]
23 64 hours of instruction, in accordance with [paragraphs (1), (2)
24 and (3).] this subsection. The following shall apply:

25 (1) The program for initial training of dog wardens must
26 include at least 32 hours of instruction in the following
27 group of instructional areas:

- 28 (i) Dog laws and applicable rules and regulations.
29 (ii) Care and treatment of dogs.
30 (iii) Pennsylvania criminal law and criminal

1 procedure.

2 (2) At least [24] 32 hours of instruction in the initial
3 training program must be provided in the following group of
4 instructional areas:

- 5 (i) Dog handling and humane capture.
- 6 (ii) Preliminary recognition of dog pathology.
- 7 (iii) Proper dog sanitation and shelter.
- 8 (iv) Kennel inspection procedures.
- 9 (v) Biosecurity risks, techniques and protocol.

10 (3) The initial training program must also require an
11 individual, as a prerequisite to successful completion of the
12 training program, to take and pass a final examination that
13 sufficiently measures the individual's knowledge and
14 understanding of the instructional material.

15 (4) Training shall be conducted in accordance with 22
16 Pa.C.S. Ch. 37 (relating to humane society police officers).

17 (b.2) Limitation on the possession of firearms.--No dog
18 warden or employee of the department shall carry, possess or use
19 a firearm in the performance of duties. [unless the person has
20 the approval of the secretary and holds a current and valid
21 certification in the use and handling of firearms pursuant to at
22 least one of the following:

23 (1) The act of June 18, 1974 (P.L.359, No.120), referred
24 to as the Municipal Police Education and Training Law.

25 (2) The act of October 10, 1974 (P.L.705, No.235), known
26 as the "Lethal Weapons Training Act."

27 (3) The act of February 9, 1984 (P.L.3, No.2), known as
28 the "Deputy Sheriffs' Education and Training Act."

29 (4) Any other firearms program which has been determined
30 by the Commissioner of the Pennsylvania State Police to be of

1 sufficient scope and duration to provide the participant with
2 basic training in the use and handling of firearms. The
3 department may provide for such firearms training for dog
4 wardens.]

5 (b.3) Application of section to prior dog wardens.--

6 (1) Any dog warden or employee of the department who,
7 prior to the effective date of this act, has successfully
8 completed a training program similar to that required under
9 subsection [(b)] (b.1) shall, after review by the secretary,
10 be certified as having met the training requirements of this
11 act. Any dog warden or employee of the department who, prior
12 to the effective date of this act, has not successfully
13 completed a training program similar to that required under
14 subsection [(b)] (b.1) may continue to perform the duties of
15 a dog warden until the person has successfully completed the
16 required training program, but not longer than two years from
17 the effective date of this act.

18 (2) [Any dog warden or employee of the department who,
19 prior to the effective date of this act, has not received
20 approval of the secretary and been certified in the use and
21 handling of firearms pursuant to one or more of the acts set
22 forth in subsection (b.2) (1), (2) and (3) shall not carry or
23 possess a firearm in the performance of the duties of a dog
24 warden on or after the effective date of this act until the
25 person has, under subsection (b.2), received approval of the
26 secretary and been certified in the use and handling of
27 firearms.] (Reserved).

28 (b.4) Refusal, suspension or revocation authorized.--The
29 department may refuse to employ a person to act as a dog warden
30 or may suspend or revoke the employment of a person who is

1 acting as a dog warden if the department determines that the
2 person has:

3 (1) Failed to satisfy the training requirements of
4 subsection (b.1).

5 (2) Had a criminal history record which would disqualify
6 the applicant from becoming a law enforcement officer.

7 (3) Been convicted of violating 18 Pa.C.S. § 5301
8 (relating to official oppression).

9 (b.5) Additional grounds.--The department may refuse to
10 employ a person to act as a dog warden or other employee charged
11 with the enforcement of this act or may suspend or revoke the
12 employment of a person who is acting as a dog warden or is
13 charged with the enforcement of this act if the department
14 determines that the person has:

15 (1) Made a false or misleading statement in the
16 application for employment.

17 (2) Carried or possessed a firearm in the performance of
18 his or her duties [without certification pursuant to
19 subsection (b.2)].

20 (3) Engaged in conduct which constitutes a prima facie
21 violation of 18 Pa.C.S. [§ 5301] §§ 5301 and 5511 (relating
22 to cruelty to animals).

23 (4) Knowingly failed to enforce any of the provisions of
24 this act.

25 (5) Violated any of the provisions of this act.

26 (b.6) Training available to others.--The department may
27 provide training under subsections (b.1) and (b.2) to any person
28 not employed by the department and may charge a reasonable fee
29 to cover the costs incurred for providing this service. Training
30 for any person not employed by the department need not include

1 instruction in kennel inspection procedures.

2 (c) Advisory board.--The secretary shall appoint a Dog Law
3 Advisory Board to advise [him] the secretary in the
4 administration of this act. The board shall consist of the
5 following[:], who shall either be a resident of this
6 Commonwealth or an organization of this Commonwealth:

7 (1) The secretary or his designee, who shall act as
8 chairman.

9 (2) A representative of animal research establishments.

10 (3) A representative of a Statewide veterinary medical
11 association.

12 (4) Two representatives of animal welfare organizations.

13 (5) Three representatives of farm organizations, with
14 one from each Statewide general farm organization.

15 (6) A representative of dog clubs.

16 (7) A representative of commercial kennels.

17 (8) A representative of pet store kennels.

18 (9) A representative of sportsmen.

19 (10) A representative of a national purebred canine
20 pedigree registry.

21 (11) A representative of lamb and wool growers.

22 (12) A county treasurer.

23 (13) A representative of hunting-sporting dog
24 organizations.

25 (14) A representative of the police.

26 (15) Eight members representing the general public who
27 are recommended by the Governor.

28 (d) Terms.--The length of the initial term of each
29 appointment to the board shall be set by the secretary and shall
30 be staggered so that the terms of approximately one-third of the

1 appointments expire each year.

2 (e) Absences.--Three consecutive unexcused absences from
3 regular board meetings or failure to attend at least 50% of the
4 regularly scheduled board meetings in any calendar year shall be
5 considered cause for termination of appointment unless the
6 secretary, upon written request of the member, finds that the
7 member should be excused from attending a meeting because of
8 illness or death of a family member or for a similar emergency.

9 (f) Vacancies.--Vacancies in the membership of the board
10 shall be filled for the balance of an unexpired term in the same
11 manner as the original appointment.

12 (g) Recommendations.--The board may make nonbinding
13 recommendations to the secretary on all matters related to the
14 provisions of this act.

15 Section 17. Section 902 of the act is amended to read:

16 Section 902. Rules and regulations.

17 The secretary[, after due notice and a public hearing,] may
18 promulgate rules and regulations to carry out the provisions and
19 intent of this act.

20 Section 18. Section 903 of the act, amended December 11,
21 1996 (P.L.943, No.151), is amended to read:

22 Section 903. [Violations.

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

29 (a) Criminal penalties.--Unless otherwise provided under
30 this act, a person who violates a provision of Articles II

1 through VII or a rule or regulation adopted or order issued
2 under this act commits the following:

3 (1) For the first offense, a summary offense and shall,
4 upon conviction, be sentenced for each offense to pay a fine
5 of not less than \$100 nor more than \$500 or to serve a term
6 of imprisonment for not more than 90 days, or both.

7 (2) For a subsequent offense which occurs within one
8 year of sentencing for the first violation, a misdemeanor of
9 the third degree and shall, upon conviction, be sentenced for
10 each offense to pay a fine of not less than \$500 nor more
11 than \$1,000 plus costs of prosecution or to serve a term of
12 imprisonment of not more than one year, or both.

13 (b) Representation.--Upon prior authorization and approval
14 of the district attorney for the county in which the proceeding
15 is held, a State dog warden may be represented in any proceeding
16 under this section by an attorney employed by the Office of
17 General Counsel.

18 (c) Civil penalty.--

19 (1) In addition to proceeding under any other remedy
20 available at law or in equity for a violation of a provision
21 of this act or a rule or regulation adopted under this act,
22 the Bureau of Dog Law Enforcement may assess a civil penalty
23 of not less than \$100 nor more than \$1,000 per day of each
24 offense. The factors for consideration in determining the
25 amount of the penalty are:

26 (i) The gravity of the violation.

27 (ii) The potential harm to the public.

28 (iii) The potential effect to the dog or dogs.

29 (iv) The willfulness of the violation.

30 (v) Previous violations.

1 (vi) The economic benefit to the violator for
2 failing to comply with this act.

3 (2) If the Bureau of Dog Law Enforcement finds that a
4 violation did not cause harm or an adverse effect to a dog,
5 it may issue a warning in lieu of assessing a penalty where
6 the owner or operator, upon notice, takes immediate action to
7 resolve the violation and come into compliance.

8 (3) In cases of inability to collect the civil penalty
9 or failure of any person to pay all or a portion of the
10 penalty, the Bureau of Dog Law Enforcement may refer the
11 matter to the Office of General Counsel or the Office of
12 Attorney General, which shall institute an action in the
13 appropriate court to recover the penalty.

14 (d) Civil remedies.--In addition to any other remedies
15 provided for in this act, a violation of this act or the
16 regulations promulgated under this act shall be abatable in the
17 manner provided by law or equity.

18 (e) Equitable relief.--In cases where the circumstances
19 require it, a mandatory preliminary injunction, special
20 injunction or temporary restraining order may be issued upon the
21 terms prescribed by the court, provided that notice of the
22 application has been given to the defendant in accordance with
23 the rules of equity practice. In any such proceeding, the court
24 shall issue a prohibitory or mandatory preliminary injunction if
25 it finds that the defendant is engaging in unlawful conduct as
26 defined by this act or is engaging in conduct which is causing
27 immediate and irreparable harm to the public. In addition to an
28 injunction, the court in such equity proceeding may assess civil
29 penalties in accordance with this section.

30 (f) Penalties collected.--All civil penalties collected

1 under this act shall be remitted to the Dog Law Restricted
2 Account.

3 Section 19. The act is amended by adding a section to read:
4 Section 908. Exemption.

5 Research kennels in this Commonwealth that are currently
6 registered with and inspected by the Federal Government under
7 the Animal Welfare Act (Public Law 89-544, 7 U.S.C. § 2131 et
8 seq.) shall be exempt from this act and regulations promulgated
9 under this act if they can provide documentation to the
10 department demonstrating that the research kennel has undergone
11 at least one Federal inspection in the last 12 months and the
12 research kennel sill maintains a valid Federal registration.
13 Submission of such evidence of Federal inspection and
14 registration by documentation to the department may be
15 established by regulation.

16 Section 20. The definition of "releasing agency" in section
17 901-A of the act, added December 11, 1996 (P.L.943, No.151), is
18 amended to read:

19 Section 901-A. Definitions.

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

23 * * *

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

28 * * *

29 Section 21. This act shall take effect as follows:

30 (1) The addition of section 207(h) and (i) of the act

1 shall take effect in 180 days.

2 (2) The remainder of this act shall take effect
3 immediately.