

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 746 Session of 2023

INTRODUCED BY VOGEL, CAPPELLETTI, FLYNN, SCHWANK, PENNYCUICK,
BARTOLOTTA, BAKER, FARRY AND KANE, MAY 31, 2023

REFERRED TO AGRICULTURE AND RURAL AFFAIRS, MAY 31, 2023

AN ACT

1 Amending the act of December 7, 1982 (P.L.784, No.225), entitled
 2 "An act relating to dogs, regulating the keeping of dogs;
 3 providing for the licensing of dogs and kennels; providing
 4 for the protection of dogs and the detention and destruction
 5 of dogs in certain cases; regulating the sale and
 6 transportation of dogs; declaring dogs to be personal
 7 property and the subject of theft; providing for the
 8 abandonment of animals; providing for the assessment of
 9 damages done to animals; providing for payment of damages by
 10 the Commonwealth in certain cases and the liability of the
 11 owner or keeper of dogs for such damages; imposing powers and
 12 duties on certain State and local officers and employees;
 13 providing penalties; and creating a Dog Law Restricted
 14 Account," in short title and definitions, further providing
 15 for definitions; in licenses, tags and kennels, further
 16 providing for issuance of dog licenses, compensation, proof
 17 required, deposit of funds, records, license sales, rules and
 18 regulations, failure to comply, unlawful acts and penalty,
 19 for applications for dog licenses, fees and penalties, for
 20 kennels, for requirements for kennels, for revocation or
 21 refusal of kennel licenses, for dogs temporarily in the
 22 Commonwealth and for health certificates for importation; in
 23 offenses of dogs, further providing for dog bites and
 24 detentions and isolation of dogs; in dangerous dogs, further
 25 providing for court proceedings, certificate of registration
 26 and disposition, for requirements, for public safety and
 27 penalties and for construction of article; in injury to dogs,
 28 further providing for selling, bartering or trading dogs; in
 29 enforcement and penalties, further providing for enforcement
 30 of this act by the secretary and provisions for inspections
 31 and for enforcement and penalties; in sterilization of dogs
 32 and cats, further providing for definitions; and imposing
 33 penalties.

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

3 Section 1. The definitions of "humane society or association
4 for the prevention of cruelty to animals," "humane society
5 police officer" and "nonprofit kennel" in section 102 of the act
6 of December 7, 1982 (P.L.784, No.225), known as the Dog Law, is
7 amended and the section is amended by adding definitions to
8 read:

9 Section 102. Definitions.

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

13 * * *

14 "Certificate of vaccination." A certificate verifying
15 vaccination against rabies, containing information consistent
16 with the current version of the National Association of State
17 Public Health Veterinarians Rabies Compendium.

18 * * *

19 "Humane society or association for the prevention of cruelty
20 to animals." A nonprofit society or association duly
21 incorporated pursuant to 15 Pa.C.S. Ch. 53 Subch. A (relating to
22 incorporation generally) for the purpose of the prevention of
23 cruelty to animals[.], which has a licensed physical kennel
24 facility that can house a minimum of ten dogs, and which is not
25 located on a residential property.

26 "Humane society police officer." [Any person duly appointed
27 pursuant to 22 Pa.C.S. § 501 (relating to appointment by
28 nonprofit corporations) to act as a police officer for a humane
29 society or association for the prevention of cruelty to animals.
30 The term shall include any person who is an agent of a humane

1 society or association for the prevention of cruelty to animals
2 as agent is used in 18 Pa.C.S. § 5511 (relating to cruelty to
3 animals).] As defined in 22 Pa.C.S. § 3702 (relating to
4 definitions).

5 "Interstate certificate of veterinary inspection." A legible
6 official document that is:

7 (1) made on a form issued by the chief livestock health
8 official of the state of origin or the United States
9 Department of Agriculture;

10 (2) prepared by an accredited veterinarian of the state
11 of origin certifying the health of the animal described in
12 the certificate; and

13 (3) validated by the chief livestock health official of
14 the state of origin.

15 * * *

16 ["Nonprofit kennel." A kennel registered under the laws of
17 this Commonwealth as a nonprofit entity or a nonprofit animal
18 control kennel under sections 901 and 1002. The term shall
19 include kennels operated by approved medical and veterinary
20 schools and nonprofit institutions conducting medical and
21 scientific research, which shall be required to register, but
22 shall not be required to pay any of the license fees set by this
23 act, and which may use their own identification tags for dogs
24 within their kennels without being required to attach tags
25 hereinafter prescribed while dogs are within such kennels, if
26 approved by the secretary.]

27 * * *

28 "Seller." An individual who:

29 (1) sells or transfers the ownership interest of a dog
30 to another individual for consideration of money; and

1 (2) meets the criteria to be licensed as a kennel.

2 * * *

3 Section 2. Sections 200(a) and (b) and 201 of the act are
4 amended to read:

5 Section 200. Issuance of dog licenses; compensation; proof
6 required; deposit of funds; records; license sales;
7 rules and regulations; failure to comply; unlawful
8 acts; penalty.

9 (a) Issuance of dog licenses.--

10 (1) The county treasurer shall be an agent and shall
11 process applications for dog license certificates and issue
12 dog license certificates and tags.

13 (1.1) The county treasurer shall be permitted and may
14 permit agents to issue vanity or collector tags that are
15 approved by the department, in addition to the license.

16 (2) The county treasurer may authorize magisterial
17 district judges to be agents and to process applications for
18 dog license certificates and to issue dog license
19 certificates and tags.

20 (3) The county treasurer may authorize other agents
21 within the county to process dog license certificates and to
22 issue dog license certificates and tags. At least half of the
23 agents appointed in each county shall have hours of operation
24 after 5 p.m. at least one weekday and shall be open at least
25 one day of each weekend. Agents who have been appointed by
26 their respective county treasurers under this paragraph shall
27 meet bonding requirements as their respective county
28 treasurers may require.

29 (4) The secretary shall have the authority, after a
30 review of the agents appointed by a county treasurer, to

1 appoint agents within each county to process dog license
2 certificates and to issue dog license certificates and tags.
3 Priority shall be given to licensed doctors of veterinary
4 medicine and kennels licensed under this act. At least half
5 of the agents appointed in each county shall have hours of
6 operation after 5 p.m. at least one weekday and shall be open
7 at least one day of each weekend. Agents appointed by the
8 secretary under this paragraph shall be required to post a
9 bond or other security instrument in a form satisfactory to
10 the secretary in an amount he determines. The secretary may
11 recall the appointment of any agent at any time.

12 (5) Agents who have been appointed by their respective
13 county treasurers prior to the effective date of this section
14 may continue to act as agents for the county treasurers under
15 such bonding requirements as the county treasurer may
16 require.

17 (6) The secretary shall establish, operate and maintain,
18 through a vendor or otherwise, a single Statewide dog
19 licensing Internet website capable of selling dog licenses
20 online in each county that has not implemented and made
21 functional online dog licensing as of the effective date of
22 this paragraph.

23 (b) Compensation.--

24 (1) For services rendered in collecting and paying over
25 dog license fees, agents, for as long as they continue to act
26 in that capacity, may collect and retain a sum equal to the
27 cost of a postage stamp plus \$1 for each dog license sold,
28 which amount shall be full compensation for services rendered
29 by them under this act. The compensation shall be retained by
30 the respective agents and shall cover, among other things,

1 the cost of processing and issuing dog licenses, postage,
2 mailing, returns and bonding of the agents.

3 (2) A magisterial district judge authorized by the
4 county treasurer to process applications for dog license
5 certificates and issue dog license certificates is not
6 authorized to collect compensation under this subsection.

7 (3) Agents under subsection (a) (3) and (5) shall collect
8 an additional 50¢ which shall be remitted to the county
9 treasurer, for the use of the county, in the same manner as
10 records are forwarded under subsection (e).

11 * * *

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

13 (a) General rule.--Except as provided in subsection (b), on
14 or before January 1 of each year, the owner of any dog, three
15 months of age or older, or upon transfer to a new owner,
16 whichever comes first, except as hereinafter provided, shall
17 apply to the county treasurer of his respective county or an
18 agent under section 200(a), on a form prescribed by the
19 department, for the appropriate license for the dog. The
20 application and license certificate shall state the breed, sex,
21 age, color and markings of the dog, the name, address and
22 telephone number of the owner and the year of licensure. The
23 application shall be accompanied by the appropriate license fee
24 as follows:

25 [(1) For each neutered male dog and for each spayed
26 female dog for which the certificate of a licensed doctor of
27 veterinary medicine or the affidavit of the owner is
28 produced, the license fee shall be \$5.]

29 [(2) For all other male and female dogs, the license fee
30 shall be \$7.]

1 (2.1) For all male and female dogs, the license fee
2 shall be \$7.

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

5 [(i) For each neutered male dog and for each spayed
6 female dog for which the certificate of a licensed doctor
7 of veterinary medicine or the affidavit of the owner is
8 produced, the license fee shall be \$3.]

9 (ii) For all [other] male and female dogs, the
10 license fee shall be \$5.

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

14 (5) All additional costs of a vanity or collector tag
15 issued under this subsection shall be in addition to the
16 required license fee under this section. The additional cost
17 shall be distributed equally between the county treasurer
18 that issued the license and the Dog Law Restricted Account. A
19 vanity or collector tag shall not be issued without approval
20 of the department.

21 (b) Lifetime license.--The owner of any dog three months of
22 age or older which has been permanently identified may apply to
23 the county treasurer of his respective county or an agent under
24 section 200(a), on a form prescribed by the department for a
25 lifetime license for such a dog. Except as otherwise provided in
26 this act, a dog which has been issued a lifetime license shall
27 be required to wear a license tag. The application and license
28 certificate shall state the breed, sex, age, color and markings
29 of such dog, the type and number of permanent identification and
30 the name, address and telephone number of the owner. The

1 application shall be accompanied by the appropriate license fee
2 as follows:

3 [(1) For each neutered male dog and for each spayed
4 female dog for which the certificate of a licensed doctor of
5 veterinary medicine or the affidavit of the owner is
6 produced, the lifetime license fee shall be \$30.]

7 [(2) For all other male and female dogs, the license fee
8 shall be \$50.]

9 (2.1) For all male and female dogs, the license fee
10 shall be \$49.

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

13 (i) For each [neutered male dog and for each spayed
14 female dog for which the certificate of a licensed doctor
15 of veterinary medicine or the affidavit of the owner is
16 produced,] male and female dog, the license fee shall be
17 ~~[\$20]~~ \$33.

18 [(ii) For all other male and female dogs, the
19 license fee shall be \$30.]

20 (4) Compensation, if collected under section 200(b),
21 shall also be paid by all applicants, regardless of age or
22 disability. A dog which has been issued a lifetime license
23 prior to the effective date of [this act] the amendment of
24 this subsection shall not be subject to fees under this
25 subsection.

26 (5) All additional costs of a vanity or collector tag
27 issued under this subsection shall be charged in addition to
28 the fees under this section. The additional cost shall be
29 distributed equally between the county treasurer that issued
30 the tag and the Dog Law Restricted Account. A vanity or

1 collector tag shall not be issued without approval of the
2 department.

3 (b.1) Proof of licensure.--A person owning or keeping a dog
4 that is required to be licensed shall produce proof of licensure
5 within ten days after a police officer, State dog warden,
6 department official or designated municipal animal control
7 officer requests the proof.

8 (b.2) Application.--A seller of dogs at retail to a
9 Pennsylvania resident shall provide the new dog owner with a
10 department-issued dog license application and department-issued
11 letter regarding dog licensing.

12 (c) Penalty.--A person who violates this section commits a
13 summary offense and, upon conviction, shall be sentenced to pay
14 a fine of not less than [~~\$50~~] \$100 nor more than [~~\$300~~] \$500 for
15 each unlicensed dog. Fraudulent statements, including those
16 related to the breed of the dog, failure to pay the appropriate
17 fee or failure to update records, including address and contact
18 information, within 120 days of moving constitute a violation.
19 The burden of proof shall be the same as under section 802.

20 (d) Increase of fees.--The secretary may increase fees as
21 follows:

22 (1) A fee under subsection (a)(2.1) or (3) may be
23 increased by no more than \$2, to become effective December 1,
24 2025.

25 (2) A fee under subsection (a)(2.1) or (3) may be
26 increased by an additional \$1, to become effective December
27 1, 2027.

28 (3) The secretary shall transmit notice of a fee
29 increase under this subsection to the Legislative Reference
30 Bureau for publication in the next available issue of the

1 Pennsylvania Bulletin.

2 Section 3. Sections 206(a) and (b) and 207(a.1), (a.2)(1),
3 (c.1), (e) and (g) of the act are amended and the sections are
4 amended by adding subsections to read:

5 Section 206. Kennels.

6 (a) Applications, kennel license classifications and fees.--

7 (1) Any person who keeps or operates a kennel shall, on
8 or before January 1 of each year, apply to the department for
9 [a] the appropriate type and class of kennel license. Kennels
10 shall be classified by type, and the fee for the license
11 shall be determined by the kennel type, the number of dogs
12 housed, kept, harbored, boarded, sheltered, sold, given away
13 or transferred in or by the kennel during the previous year.

14 (2) A person who did not keep or operate a kennel during
15 the previous year shall apply for the type and class of
16 kennel the person expects to operate during the calendar
17 year.

18 (3) A person operating a kennel who changes the type or
19 classification of kennel due to an increase in the number of
20 dogs housed, kept, harbored, boarded, sheltered, sold, given
21 away or transferred in or by the kennel during any calendar
22 year shall, within seven days of the increase, apply to the
23 department for the appropriate type and class of kennel
24 license.

25 (4) The application forms and kennel licenses shall be
26 as designated by the secretary. A separate license shall be
27 required for each type of kennel and every location at which
28 a kennel is kept or operated. A kennel license is required to
29 keep or operate any kennel. All kennel licenses shall expire
30 on December 31. When two or more licensed kennels are

1 operated by the same person at the same location, each kennel
2 shall be inspected and licensed as required by law. The total
3 number of dogs housed, kept, harbored, boarded, sheltered,
4 sold, given away or transferred in or by all of the kennels
5 operated by that person at that location shall be counted to
6 determine whether those kennels meet the definition of
7 "commercial kennel" in section 102, in which case each kennel
8 must apply for, and be inspected and licensed as, the
9 appropriate Kennel Class C type.

10 (5) The kennel classes and license fees shall be as
11 follows:

12 (i) Kennel Class I.

13 To keep or operate a private kennel, pet shop-kennel,
14 research kennel, rescue network kennel, dealer kennel,
15 out-of-state dealer kennel or kennel for a total of 50
16 dogs or less of any age during a calendar year - [~~\$75~~]
17 \$100 per year.

18 (ii) Kennel Class II.

19 To keep or operate a private kennel, pet-shop kennel,
20 research kennel, rescue network kennel, dealer kennel,
21 out-of-state dealer kennel or kennel for a total of 51 to
22 100 dogs of any age during a calendar year - [~~\$200~~] \$250
23 per year.

24 (iii) Kennel Class III.

25 To keep or operate a private kennel, pet shop-kennel,
26 research kennel, rescue network kennel, dealer kennel,
27 out-of-state dealer kennel or kennel for a total of 101
28 to 150 dogs of any age during a calendar year - [~~\$300~~]
29 \$375 per year.

30 (iv) Kennel Class IV.

1 To keep or operate a private kennel, pet shop-kennel,
2 research kennel, rescue network kennel, dealer kennel, out-of-state dealer kennel
3 out-of-state dealer kennel or kennel for a total of 151
4 to 250 dogs of any age during a calendar year - [~~\$400~~
5 \$500 per year.

6 (v) Kennel Class V.

7 To keep or operate a private kennel, pet shop-kennel,
8 research kennel, rescue network kennel, dealer kennel, out-of-state dealer kennel
9 out-of-state dealer kennel or kennel for a total of 251
10 to 500 dogs of any age during a calendar year - [~~\$500~~
11 \$625 per year.

12 (vi) Kennel Class VI.

13 To keep or operate a private kennel, pet shop kennel,
14 research kennel, rescue network kennel, [~~kennel or~~]
15 dealer kennel, out-of-state dealer kennel or kennel for a
16 total of more than 500 dogs of any age during a calendar
17 year - [~~\$750~~ \$950 per year.

18 (vii) Boarding Kennel Class I.

19 To keep or operate a boarding kennel having the
20 capacity to accommodate a total of 1 to 10 dogs at any
21 time during a calendar year - [~~\$100~~ \$125 per year.

22 (viii) Boarding Kennel Class II.

23 To keep or operate a boarding kennel having the
24 capacity to accommodate a total of 11 to 25 dogs at any
25 time during a calendar year - [~~\$150~~ \$200 per year.

26 (ix) Boarding Kennel Class III.

27 To keep or operate a boarding kennel having the
28 capacity to accommodate 26 or more dogs at any time
29 during a calendar year - [~~\$250~~ \$325 per year.

30 [~~Nonprofit Kennel~~

1 To keep or operate a nonprofit kennel - \$25 per
2 year.]

3 (x) Kennel Class C-I.

4 To keep or operate a commercial kennel for a total of
5 50 dogs or less of any age during a calendar year - [\$75]
6 \$100 per year.

7 (xi) Kennel Class C-II.

8 To keep or operate a commercial kennel for a total of
9 51 to 100 dogs of any age during a calendar year - [\$200]
10 \$250 per year.

11 (xii) Kennel Class C-III.

12 To keep or operate a commercial kennel for a total of
13 101 to 150 dogs of any age during a calendar year -
14 [\$300] \$375 per year.

15 (xiii) Kennel Class C-IV.

16 To keep or operate a commercial kennel for a total of
17 151 to 250 dogs of any age during a calendar year -
18 [\$400] \$500 per year.

19 (xiv) Kennel Class C-V.

20 To keep or operate a commercial kennel for a total of
21 251 to 500 dogs of any age during a calendar year -
22 [\$500] \$625 per year.

23 (xv) Kennel Class C-VI.

24 To keep or operate a commercial kennel for a total of
25 more than 500 dogs of any age during a calendar year -
26 [\$750] \$950 per year.

27 (xvi) Humane society or association for the
28 prevention of cruelty to animals.

29 To keep or operate a humane society or association
30 for the prevention of cruelty to animals - \$35 per year.

1 (xvii) Municipal Holding Pens.

2 To keep or operate a municipal holding pen - \$35 per
3 year.

4 (xviii) Rescue Network Kennel.

5 To keep a rescue network kennel during a calendar
6 year, the kennel class license fee is applicable to the
7 number of dogs housed by or transferred through or at the
8 rescue network kennel or rescue network kennel homes
9 registered under the rescue network kennel.

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

17 (b.1) Rescue network kennels.--

18 (1) No person shall engage in or carry on the business
19 of a rescue network kennel unless the person is duly licensed
20 by the department.

21 (2) An application for a rescue network kennel must be
22 made on a form furnished by the department. The form shall
23 contain such information as the department may reasonably
24 require to determine the applicant's identity, competency and
25 eligibility.

26 (3) A person that applies for or holds a rescue network
27 kennel license shall identify the location of any home where
28 dogs are kept on behalf of the rescue network kennel.

29 * * *

30 Section 207. Requirements for kennels.

1 (a.1) Prohibition to operate; injunction; fines.--

2 (1) It shall be unlawful for kennels described under
3 section 206 to operate without first obtaining a kennel
4 license from the department.

5 (2) The secretary shall not approve any kennel license
6 application unless such kennel has been inspected and
7 approved by a State dog warden or employee of the department.

8 (3) The secretary may file a suit in equity in the
9 Commonwealth Court to enjoin the operation of any kennel that
10 violates any of the provisions of this act.

11 (4) It shall be no defense to any civil penalty or
12 criminal prosecution under this act that a person operating a
13 kennel failed to properly obtain the appropriate type and
14 class of license.

15 (5) A kennel operator that is applying for a different
16 type or class of license because of an increase in the total
17 number of dogs or due to birth of additional dogs housed,
18 kept, harbored, boarded, sheltered, sold, given away or
19 transferred in or by the kennel during a calendar year shall
20 not be in violation, provided the application is filed within
21 seven days of the increase.

22 (6) A person who is required to file for a Kennel Class
23 C license pursuant to this subsection and has complied with
24 paragraph (5) shall have an additional 365 days from the date
25 of filing of the Kennel Class C license application to come
26 into compliance with the additional requirements for Kennel
27 Class C license holders. The secretary may grant an extension
28 of time for a person to come into compliance with the Kennel
29 Class C requirements if the secretary determines the person
30 is making a good-faith effort to comply with the requirements

1 and makes a showing of reasonable expectation that compliance
2 can be achieved through the granting of an extension. A
3 person who has not complied with paragraph (5) may be
4 assessed a civil penalty under subsection (a.2), in addition
5 to any penalty under section 903, of not less than \$1,000 nor
6 more than \$5,000 each day a kennel operates in violation of
7 paragraph (5). The penalty shall be premised on the gravity
8 and willfulness of the violation, the potential harm to the
9 health and safety of the animals and the public, previous
10 violations and the economic benefit to the violator for
11 failing to comply with this act.

12 (7) A person who operates a kennel without first
13 obtaining the appropriate type and class of kennel license
14 from the department commits a misdemeanor of the third
15 degree.

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

18 (1) In addition to proceeding under any other remedy
19 available at law or in equity for a violation of a provision
20 of this act or a rule or regulation adopted or order issued
21 under this act, the secretary may assess a civil penalty, in
22 addition to any penalty under section 903(c), against an
23 unlicensed kennel of not less than [~~\$500~~] \$1,000 nor more
24 than [~~\$1,000~~] \$5,000 for each day it operates in violation of
25 this act. The penalty shall be premised on the gravity and
26 willfulness of the violation, the potential harm to the
27 health and safety of the animals and the public, previous
28 violations and the economic benefit to the violator for
29 failing to comply with this act.

30 * * *

1 (c.1) [~~Nonprofit kennels.--All nonprofit kennels~~] Humane
2 societies or associations for the prevention of cruelty to
3 animals.--A humane society or association for the prevention of
4 cruelty to animals shall be required to keep all records
5 required to be kept under this section, except that, in the case
6 of a dog running at large, it shall not be a violation of
7 subsection (c) (3) or (4) for the [~~nonprofit kennel~~] humane
8 society or association for the prevention of cruelty to animals
9 to list only the location from which a dog was retrieved if the
10 information required to be maintained under subsection (c) (3)
11 and (4) is unknown and not available to the [~~nonprofit kennel~~]
12 humane society or association for the prevention of cruelty to
13 animals.

14 (c.2) Display of information by pet shop kennels and kennels
15 offering dogs directly to the public.--Notwithstanding the
16 provisions of subsection (c), a dog offered for sale or adoption
17 directly to the public shall have the following information
18 posted conspicuously on its primary enclosure, to the extent the
19 information is known:

20 (1) The breed, age and date of birth of the dog.

21 (2) The state in which the breeder of the dog is
22 located.

23 (3) The United States Department of Agriculture license
24 number of the breeder, if applicable.

25 (4) The Department of Agriculture license number of the
26 breeder, if applicable.

27 (5) Documentation of all inoculations, vaccinations,
28 worming treatments and other medical treatments, if any,
29 including the date of the treatment, the diagnosis and the
30 name and title of the treatment provider.

1 (6) Bite attacks on a human being or domestic animal,
2 dog or cat.

3 * * *

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

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

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

11 (ii) The kennel class and type.

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

14 (1.1) An individual required to possess a Federal, State
15 or local license to sell or offer for sale a dog shall
16 prominently include the individual's name and address as
17 registered with the licensing agency and each applicable
18 Federal, State or local license number in the text of an
19 advertisement offer for the sale of a dog by the individual
20 through a newspaper, posting, the mail, an Internet website
21 or another form of media placed by the individual or anyone
22 acting on the individual's behalf. For puppies under four
23 months of age, the kennel license certificate must include
24 the license number of the dam from which the puppy was born,
25 excluding situations involving humane society or association
26 for the prevention of cruelty to animals where the dam
27 information is unknown.

28 (1.2) An individual who violates paragraph (1.1) shall
29 be subject to a civil penalty of \$100 for each advertisement
30 offer.

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

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

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

25 (5) Failure to display a current and valid kennel
26 license certificate or a notice of revocation, suspension or
27 denial as provided in this subsection constitutes a violation
28 of this act.

29 * * *

30 (f.1) Isolation plan for imported dogs.--All kennels shall

1 have and implement a plan for the isolation of dogs imported
2 from another state or country to minimize the possibility of
3 transmission of disease. The plan shall be approved by a
4 licensed doctor of veterinary medicine and must include
5 protocols for diagnosis, testing, treatment, prevention and
6 disinfection for contagious, infectious, communicable and
7 zoonotic diseases. The plan shall be made available for review
8 by dog wardens and employees of the department.

9 (g) Additional requirements for boarding kennels, [nonprofit
10 kennels] humane societies or associations for the prevention of
11 cruelty to animals and Kennel Class I through VI license
12 holders.--The following shall apply to boarding kennels,
13 [nonprofit kennels] humane societies or associations for the
14 prevention of cruelty to animals and Kennel Class I through VI
15 license holders:

16 (1) Kennels under this subsection must develop and
17 follow an appropriate plan to provide dogs with the
18 opportunity for exercise. The plan shall be approved by a
19 veterinarian.

20 (2) All kennels for dogs shall be equipped with smoke
21 alarms or fire extinguishers. Housing facilities shall be
22 equipped with fire extinguishers on the premises. An indoor
23 housing facility may have a sprinkler system.

24 (3) Primary enclosures must be designed and constructed
25 so that they are structurally sound and must be kept in good
26 repair.

27 (4) Primary enclosures may not have gaps or openings on
28 the sides of the enclosure that would allow for a dog's limbs
29 to extend into another primary enclosure.

30 * * *

1 Section 4. Sections 211(a), 212, 214, 502(a), 502-A, 503-
2 A(b), 505-A, 507-A(f)(1), 603(b), 901(b.5) and 903(b)(1) and (2)
3 of the act are amended to read:

4 Section 211. Revocation or refusal of kennel licenses.

5 (a) General powers of secretary.--The secretary shall revoke
6 a kennel license, dealer license or out-of-state dealer license
7 if a licensee is convicted of a violation of 18 Pa.C.S. [~~§ 5511~~]
8 § 3129 (relating to sexual intercourse with an animal) or Ch. 55
9 Subch. B (relating to cruelty to animals) or of substantially
10 similar conduct pursuant to a cruelty law of another state. The
11 secretary shall not issue a kennel license, dealer license or
12 out-of-state dealer license to a person that has been convicted
13 of a violation of 18 Pa.C.S. [~~§ 5511~~] § 3129 or Ch. 55 Subch. B
14 within the last ten years. The secretary may revoke or refuse to
15 issue a kennel license, dealer license or out-of-state dealer
16 license for any one or more of the following reasons:

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

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

24 (3) the person holding or applying for a license has
25 failed to comply with this act;

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

29 (5) the person holding or applying for a license has
30 been convicted of any law relating to cruelty to animals and

1 the conviction is more than ten years old, if there is
2 evidence the person has not been rehabilitated and granting a
3 license would jeopardize the health, safety and welfare of
4 the dogs;

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

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

8 (i) within the last ten years, been found to have
9 violated section 9.3 of the act of December 17, 1968
10 (P.L.1224, No.387), known as the "Unfair Trade Practices
11 and Consumer Protection Law," or been required to cease
12 and desist from operating a kennel or owning, selling or
13 caring for dogs, or both; or

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

18 (8) the location of the kennel for which the license is
19 sought is subject to a final, binding order, which is not
20 subject to a pending legal challenge, declaring the kennel is
21 not a permitted use under the applicable zoning ordinance;

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

27 (10) the person holding or applying has had a kennel
28 license, dealer license or out-of-state dealer license
29 refused or revoked within the past ten years; [or]

30 (11) the person holding or applying for a license has a

1 person who does or will play a role in the ownership of the
2 kennel or caring for the dogs, and such other person would be
3 refused a license if that person had been the applicant. A
4 role shall include ownership of a financial interest in the
5 kennel operation, caring for the dogs or participation in the
6 management of the kennel[.]; or

7 (12) the person holding or applying for a license has
8 violated section 214.

9 * * *

10 Section 212. Dogs temporarily in the Commonwealth.

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

24 (b) Applicability.--This section shall not apply to a dog
25 coming into a kennel.

26 Section 214. Health certificates for importation.

27 (a) Requirements.--It shall be a violation of this act to
28 transport any dog into this Commonwealth [except under the
29 provisions in section 212 without a certificate of health
30 prepared by a licensed doctor of veterinary medicine] without an

1 interstate certificate of veterinary inspection, which
2 certificate, or copy of such, shall accompany the dog while in
3 this Commonwealth. The certificate shall state that the dog is
4 at least eight weeks of age and shows no signs or symptoms of
5 infectious or communicable disease; did not originate within an
6 area under quarantine for rabies; and, as ascertained by
7 reasonable investigation, has not been exposed to rabies within
8 100 days of importation.

9 (b) Vaccinations.--

10 (1) All dogs transported into this Commonwealth must
11 have been vaccinated for rabies in accordance with the act of
12 December 15, 1986 (P.L.1610, No.181), known as the "Rabies
13 Prevention and Control in Domestic Animals and Wildlife Act."
14 The name of the vaccine manufacturer, the date of
15 administration, and the rabies tag number must appear on
16 [health certificates prepared by a licensed doctor of
17 veterinary medicine.] a certificate of vaccination and an
18 interstate certificate of veterinary inspection.

19 (2) All dogs transported into this Commonwealth and
20 placed in a kennel, except for a boarding kennel, shall have
21 had an initial dose of Distemper, Adeno, Parainfluenza,
22 Parvovirus (DAPP) vaccine as certified by a licensed doctor
23 of veterinary medicine. A dog subject to this paragraph shall
24 be isolated in accordance with an isolation plan under
25 section 207(f.1) and shall not be dispensed, moved, sold,
26 offered for sale, given away or transferred for a period of
27 14 days.

28 (c) Boarding kennels.--The owner or operator of a boarding
29 kennel shall require the owner of each out-of-state dog for
30 which the boarding kennel is taking control to provide a

1 certificate of vaccination and an interstate certificate of
2 veterinary inspection at the time the dog enters the boarding
3 kennel. The certificate of vaccination and the interstate
4 certificate of veterinary inspection shall be kept on file at
5 the boarding kennel for seven days following the dog's departure
6 from the boarding kennel.

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

8 (a) Confinement.--

9 (1) Any dog which bites or attacks a human being shall
10 be immediately confined in [quarters] a primary enclosure
11 approved by a designated employee of the Department of
12 Health, a State dog warden or employee of the Department of
13 Agriculture, an animal control officer or a police officer.
14 The dog may be detained and isolated in an approved kennel or
15 in a primary enclosure at the dog owner's property or at
16 another location approved by the investigating officer. Where
17 the dog is detained is at the discretion of the investigating
18 officer.

19 (2) All dogs [so] detained under paragraph (1) must be
20 isolated for a minimum of ten days to determine the medical
21 results of the offending dog's confinement.

22 (3) When a dog detained under this subsection is outside
23 of the primary enclosure for veterinary care or relief, it
24 shall be muzzled, on a leash and under physical restraint by
25 a responsible person.

26 (4) Any costs incurred in the detaining and isolation of
27 the dog shall be paid by the offending dog's owner or keeper
28 or both. If the dog's owner or keeper is not known, the
29 Commonwealth is responsible for all reasonable costs for
30 holding and detaining the dog.

1 * * *

2 Section 502-A. Court proceedings, certificate of registration
3 and disposition.

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

15 (1) The dog has done any of the following:

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

18 (ii) Killed or inflicted severe injury on a domestic
19 animal, dog or cat without provocation while off the
20 owner's property.

21 (iii) Attacked a human being without provocation.

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

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

24 (i) A history of attacking human beings and/or
25 domestic animals, dogs or cats without provocation.

26 (ii) A propensity to attack human beings and/or
27 domestic animals, dogs or cats without provocation. A
28 propensity to attack may be proven by a single incident
29 of the conduct described in paragraph (1) (i), (ii), (iii)
30 or (iv).

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

2 (a.1) Effect of conviction.--A finding by a magisterial
3 district judge that a person is guilty under subsection (a) of
4 harboring a dangerous dog shall constitute a determination that
5 the dog is a dangerous dog for purposes of this act.]

6 (a.2) Summary offense of harboring a dangerous dog.--

7 (1) A State dog warden or a local police officer may
8 file a complaint before a magisterial district judge,
9 charging the owner or keeper of the dog with harboring a
10 dangerous dog on behalf of:

11 (i) A person, including the person's legal guardian
12 or personal representative, who has been attacked by one
13 or more dogs.

14 (ii) A person whose domestic animal, dog or cat has
15 been killed or injured by a dog.

16 (2) The owner or keeper of the dog shall be guilty of
17 the summary offense of harboring a dangerous dog if the
18 magisterial district judge finds beyond a reasonable doubt
19 that the dog has done any of the following:

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

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

25 (iii) Attacked a human being without provocation.

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

27 (v) Has a history of attacking, without provocation,
28 a human being, domestic animal, dog or cat.

29 (3) The provisions of paragraph (2) (i) and (iii) shall
30 not apply if a human being has violated 18 Pa.C.S. § 3503

1 (relating to criminal trespass).

2 (4) For the purposes of this subsection, the term
3 "owner" or "keeper of the dog" shall not include a
4 veterinarian licensed by the Commonwealth or a veterinary
5 technician certified by the Commonwealth while acting in the
6 scope of the duties or employment of the veterinarian or
7 veterinary technician, respectively.

8 (a.3) Effect of conviction.--A finding by a magisterial
9 district judge that a person is guilty under subsection (a.2) of
10 harboring a dangerous dog shall constitute a determination that
11 the dog is a dangerous dog for purposes of this act.

12 (b) Report of conviction.--The magisterial district judge
13 shall make a report of a conviction under subsection [(a)] (a.2)
14 to the Bureau of Dog Law Enforcement, identifying the convicted
15 party, identifying and describing the dog or dogs and providing
16 other information as the bureau might reasonably require.

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

23 (d) Disposition of dog during court proceedings.--An owner
24 or keeper of any dog who has been charged with harboring a
25 dangerous dog shall keep the dog or dogs confined in a proper
26 enclosure or, when off the property of the owner or keeper for
27 purposes of veterinary care, muzzled [and], on a leash and under
28 physical restraint by a responsible person until the time a
29 report is made under subsection (b). If an appeal of a decision
30 under subsection (b) is filed, the dog or dogs shall remain so

1 confined until the proceedings are completed. It shall be
2 unlawful for an owner or keeper of a dog who has been charged
3 with harboring a dangerous dog to dispense, move, sell, offer to
4 sell, give away or transfer the dog in any manner except to have
5 it humanely killed or move the dog to a licensed kennel if
6 approved by the investigating officer. A violation of this
7 subsection shall constitute a summary offense accompanied by a
8 fine of not less than \$500.

9 Section 503-A. Requirements.

10 * * *

11 (b) Registration fee.--The registration fee for a dangerous
12 dog certificate shall be [~~\$500~~] \$1,000 per calendar year for the
13 life of the dog plus an additional amount set by the department
14 as may be necessary to cover the costs of issuing this
15 registration and enforcing this section. This registration fee
16 shall be in addition to any other fees collectable under this
17 act and shall be credited to the Dog Law Restricted Account for
18 the purpose of administering and enforcing this act.

19 * * *

20 Section 505-A. Public safety and penalties.

21 (a) Failure to register and restrain.--The owner or keeper
22 of a dangerous dog who violates any of the following provisions
23 on the first occurrence commits a misdemeanor of the third
24 degree if:

25 (1) The dangerous dog is not validly registered under
26 this act.

27 (2) The owner or keeper of the dangerous dog fails to
28 comply with the provisions of section 503-A or 504-A.

29 (3) The dangerous dog is not maintained in the proper
30 enclosure.

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

4 (5) The dog is outside the dwelling of the owner without
5 a muzzle, regardless of whether the dog is physically
6 restrained by a leash.

7 (6) The dog is outside the dwelling of the owner or a
8 proper enclosure without a muzzle and unsupervised,
9 regardless of whether the dog is physically restrained by a
10 leash.

11 (a.1) Subsequent violations.--The owner or keeper of a
12 dangerous dog who commits a subsequent violation under
13 subsection (a) commits a misdemeanor of the second degree and,
14 upon conviction, shall pay a fine not to exceed \$5,000, plus the
15 costs of quarantine, kennel charges and destruction of the
16 dangerous dog. [The] A seizure and destruction order shall be
17 issued, and the dangerous dog shall be forfeited immediately by
18 the owner or keeper to a dog warden or police officer and shall
19 be placed in a kennel or, if necessary, quarantined for a length
20 of time to be determined by the department. After a period of
21 ten days, if no appeal of the seizure and destruction order has
22 been filed and the necessary quarantine period has elapsed, the
23 dangerous dog shall be destroyed humanely in an expeditious
24 manner. If an appeal of the seizure and destruction order is
25 filed, the dangerous dog shall remain confined at the owner's or
26 keeper's expense until the proceedings are completed.

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

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

6 (b) Attacks by dangerous dog.--If a dangerous dog, through
7 the intentional, reckless or negligent conduct of the dog's
8 owner or keeper, attacks a person or a domestic animal, dog or
9 cat, the dog's owner or keeper shall be guilty of a misdemeanor
10 of the second degree. In addition, a seizure and destruction
11 order shall be issued and the dangerous dog shall be immediately
12 seized by a dog warden or police officer and placed in
13 quarantine for a length of time to be determined by the
14 department. After a period of ten days, if no appeal of the
15 seizure and destruction order has been filed by the owner or
16 keeper of the dangerous dog, and after the quarantine period has
17 expired, the dangerous dog shall be humanely destroyed in an
18 expeditious manner, with costs of kenneling, quarantine and
19 destruction to be borne by the dog's owner or keeper. If an
20 appeal of the seizure and destruction order is filed, the
21 dangerous dog shall remain confined at the owner's or keeper's
22 expense until the proceedings are completed and, if found guilty
23 of the cited offense, the dangerous dog shall thereafter be
24 humanely destroyed in an expeditious manner, with costs of
25 kenneling, quarantine and destruction to be borne by the dog's
26 owner or keeper.

27 (c) Attacks causing severe injury or death.--The owner or
28 keeper of any dog that, through the intentional, reckless or
29 negligent conduct of the dog's owner or keeper, aggressively
30 attacks and causes severe injury or death of any human shall be

1 guilty of a misdemeanor of the first degree. In addition, a
2 seizure and destruction order shall be issued and the dog shall
3 be immediately confiscated by a State dog warden or a police
4 officer and placed in quarantine for a length of time to be
5 determined by the department. After a period of ten days, if no
6 appeal of the seizure and destruction order has been filed by
7 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 of the seizure and destruction
12 order is filed, the dangerous dog shall remain confined at the
13 owner's or keeper's expense until the proceedings are completed
14 and, if found guilty of the cited offense, the dangerous dog
15 shall be humanely destroyed in an expeditious manner, with costs
16 of kenneling, quarantine and destruction to be borne by the
17 dog's owner or keeper.

18 (c.1) Appeal of seizure and destruction order.--

19 (1) The owner or keeper of a dangerous dog may appeal a
20 seizure and destruction order issued under subsections (a.1),
21 (b) or (c) by filing an appeal within ten days of receipt of
22 the seizure and destruction order. The owner or keeper of the
23 dangerous dog shall be responsible for all costs of kenneling
24 and quarantine of the dangerous dog throughout the pendency
25 of the appeal.

26 (2) An appeal may not be granted unless the owner or
27 keeper includes with the request for an appeal a copy of a
28 written agreement with a licensed kennel where the dangerous
29 dog will be kept during the appeal proceedings.

30 (3) If at any time during the appeal proceedings the

1 owner or keeper of the dangerous dog fails to make payments
2 to the kennel where the dangerous dog is kept, or if for any
3 reason the owner or keeper of the dangerous dog is unable to
4 find a licensed kennel to keep the dog, the dangerous dog
5 shall be humanely destroyed in an expeditious manner, with
6 costs of kenneling, quarantine and destruction to be borne by
7 the dog's owner or keeper.

8 (4) The department shall not be liable for any costs of
9 kenneling, quarantine or destruction of the dangerous dog.

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

19 (e) Mandatory reporting.--

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

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

1 The report shall be available for public inspection.

2 Section 507-A. Construction of article.

3 * * *

4 (f) Procedure in certain cities.--In cities of the first
5 class, second class and second class A, the following procedure
6 shall apply:

7 (1) A person who has been attacked by a dog, or anyone
8 on behalf of such person, or a person whose domestic animal,
9 dog or cat has been killed or injured without provocation
10 while the attacking dog was off the owner's property or a
11 police officer or an animal control officer employed by or
12 under contract with the city may make a complaint before a
13 magisterial district judge, charging the owner or keeper of
14 such a dog with harboring a dangerous dog. The magisterial
15 district judge shall make a report of the determination under
16 section [502-A(a)] 502-A(a.2) to the police or an animal
17 control officer employed by or under contract with the city
18 and to the Bureau of Dog Law Enforcement. The Bureau of Dog
19 Law Enforcement shall give notice of this determination to
20 the respective city treasurer.

21 * * *

22 Section 603. Selling, bartering or trading dogs.

23 * * *

24 (b) Illegal to transfer ownership of certain puppies.--It
25 shall be unlawful to barter, trade, raffle, sell, auction or in
26 any way transfer ownership of a dog under eight weeks of age,
27 unless the dog has been orphaned and it becomes necessary to
28 transfer ownership of the orphaned dog to a [nonprofit kennel]
29 humane society or association for the prevention of cruelty to
30 animals, or from a [nonprofit kennel] humane society or

1 association for the prevention of cruelty to animals with
2 approval by a licensed doctor of veterinary medicine.

3 * * *

4 Section 901. Enforcement of this act by the secretary;
5 provisions for inspections.

6 * * *

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

13 (1) Made a false or misleading statement in the
14 application for employment.

15 (2) Carried or possessed a firearm in the performance of
16 his or her duties without certification pursuant to
17 subsection (b.2).

18 (3) Engaged in conduct which constitutes a prima facie
19 violation of 18 Pa.C.S. [§§ 5301 and 5511 (relating to
20 cruelty to animals)] § 5301 or Ch. 55 (relating to riot,
21 disorderly conduct and related offenses).

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

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

25 * * *

26 Section 903. Enforcement and penalties.

27 * * *

28 (b) Criminal penalties.--Unless otherwise provided under
29 this act, a person who violates a provision of Articles II
30 through VII or a rule or regulation adopted or order issued

1 under this act commits the following:

2 (1) For the first offense, a summary offense and shall,
3 upon conviction, be sentenced for each offense to pay a fine
4 of not less than [~~\$100~~] \$500 nor more than [~~\$500~~] \$1,000 or
5 to imprisonment for not more than 90 days, or both.

6 (2) For a subsequent offense that occurs within one year
7 of sentencing for the prior violation, a misdemeanor of the
8 third degree and shall, upon conviction, be sentenced for
9 each offense to pay a fine of not less than [~~\$500~~] \$1,000 nor
10 more than [~~\$1,000~~] \$5,000 plus costs of prosecution or to
11 imprisonment of not more than one year, or both.

12 * * *

13 Section 5. The definition of "releasing agency" in section
14 901-A of the act is amended to read:

15 Section 901-A. Definitions.

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

19 * * *

20 "Releasing agency." A public or private pound, animal
21 shelter, humane society[, ~~society~~] or association for the
22 prevention of cruelty to animals, rescue network kennel or other
23 similar entity that releases a dog or cat for adoption.

24 * * *

25 Section 6. This act shall take effect in 90 days.