

# CHAPTER 21. GENERAL PROVISIONS; KENNELS; LICENSURE; DOG-CAUSED DAMAGES

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### Authority

The provisions of this Chapter 21 issued under the Dog Law (3 P. S. § § 459-101—459-1205), unless otherwise noted.

### Source

The provisions of this Chapter 21 adopted April 1, 1966; amended October 11, 1985, effective October 12, 1985, 15 Pa. 3638, unless otherwise noted. Immediately preceding text appears at serial pages (1442) to (1447) and (38148).

### Cross References

This chapter cited in 7 Pa. Code § 25.5 (relating to facilities and conditions); and 28 Pa. Code § 27.162 (relating to special requirements for animal bites).

## GENERAL PROVISIONS

### § 21.1. Definitions.

The following words and terms, when used in this part, have the following meanings, unless the context clearly indicates otherwise:

*Account*—The Dog Law Restricted Account under section 1001 of the act (3 P. S. § 459-1001).

*Act*—The Dog Law (3 P. S. § § 459-101—459-1205).

*Agent*—A district justice or other person within the county authorized by the county treasurer or the Department to process and issue dog license certificates and tags, as set forth under section 200(a) of the act (3 P. S. § 459-200(a)).

*Attending veterinarian*—A person who has graduated from a veterinary school accredited by the American Veterinary Medical Association's Council on Education or has a Certificate issued by the American Veterinary Medical Association's Education Commission for Foreign Veterinary Graduates, and who is either a licensed doctor of veterinary medicine in accordance with the Veterinary Medicine Practice Act (63 P. S. § § 485.1—485.33) or the holder of a valid temporary permit to practice veterinary medicine issued under authority of that act, and who has received training or experience in the care and management of dogs, and who is familiar with the relevant aspects of the kennel or kennel procedures with respect to which that person renders an opinion.

*Department*—The Department of Agriculture of the Commonwealth.

*Domestic fowl*—Chickens, turkeys, ducks, geese and guinea fowl.

*Employee of the Department*—An employee of the Department who is assigned responsibility in regard to enforcement of the act, including a State dog warden.

*Housing facility*—Any land, premises, shed, barn, building, trailer or other structure or area housing or intended to house dogs.

*Licensed veterinarian*—A licensed doctor of veterinary medicine as defined in section 901-A of the act (3 P. S. § 459-901-A).

*Microchip*—A passive transducer encapsulated in a biocompatible material activated by a 125-kilohertz scanner, or any similar device approved by the Department.

*Primary conveyance*—The main method of transportation used to convey dogs from origin to destination, such as a motor vehicle.

*Primary enclosure*—A structure used to immediately restrict a dog to a limited amount of space, such as a room, pen, run, cage, crate or compartment.

*Rest board*—A waterproof or water resistant platform that dogs may use to recline on, positioned off the floor of the kennel.

*Sanitize*—To make physically clean and to remove and destroy, to a practical minimum, agents injurious to the health of a dog.

*Secretary*—The Secretary of the Department or a person to whom authority has been delegated by the Secretary.

*Veterinary Medicine Practice Act*—63 P. S. § § 485.1—485.35.

#### Authority

The provisions of this § 21.1 amended under sections 101 and 201 of the Dog Law (3 P. S. § § 459-101 and 459-201); and Articles II—IX-A of the Dog Law (3 P. S. § § 459-201—459-219, 459-301—459-305, 459-401, 459-402, 459-501, 459-502, 459-501-A—459-507-A, 459-601—459-603, 459-701—459-706, 459-801, 459-802, 459-901—459-907 and 459-901-A—459-911-A).

#### Source

The provisions of this § 21.1 amended through November 1, 1985, effective November 2, 1985, 15 Pa.B. 3928; amended January 12, 1996, effective April 12, 1996, 26 Pa.B. 161; amended March 14, 2003, effective March 15, 2003, 33 Pa.B. 1329; amended November 5, 2004, effective November 6, 2004, 34 Pa.B. 6031. Immediately preceding text appears at serial pages (296103) to (296104).

#### Cross References

This section cited in 7 Pa. Code § 21.51 (relating to lifetime dog license issuance).

### § 21.2. Scope.

The standards for operation of all classes of kennels in this Commonwealth are detailed in this chapter. These standards are in addition to requirements for kennels detailed in the act. Each type of kennel and the restrictive licensing fee are set forth in section 206 of the act (3 P. S. § 459-206).

#### Source

The provisions of this § 21.2 amended January 12, 1996, effective April 12, 1996, 26 Pa.B. 161. Immediately preceding text appears at serial page (103173).

### § 21.3. Enforcement and compliance.

Unless otherwise stated, only employees of the Department shall be authorized to enforce this chapter. Noncompliance with any section of the act or of this chapter or the conviction for violation of any statute relating to cruelty to animals may result in prosecution, revocation of the kennel license or nonapproval of the kennel license application.

### § 21.4. Penalties.

The act establishes penalties for violations of the various articles of the act and this part. The Department may impose the following penalties individually or in combination. Section 903 of the act (3 P. S. § 459-903) provides the penalty for illegal or unlawful activities enumerated in the act or violations of the act for which specific criminal penalty provisions have not been enumerated. It may be applied in addition to civil penalties provided for in the act.

(1) *Article II penalty provisions.* Article II of the act (3 P. S. § § 459-200—459-219) contains provisions regarding licensure of dogs and kennels and provides the following penalties:

(i) *Agent violation.* Consistent with section 200(j) of the act (3 P. S. § 459-200(j)), an agent who violates section 200 of the act commits a summary offense and upon conviction shall be sentenced to pay a fine of not less than \$300 nor more than \$500 and in addition may have his agency recalled at the discretion of the Secretary. Each day of violation or each illegal act constitutes a separate offense.

(ii) *Failure of an individual to comply with licensure provisions.* Consistent with section 201(c) of the act (3 P. S. § 459-201(c)), an individual who violates section 201 of the act commits a summary offense and, upon conviction, shall be sentenced to pay a fine of not less than \$25 nor more than \$300 for each unlicensed dog.

(iii) *Failure of a kennel to comply with licensure provisions.* Consistent with section 207(a.1) of the act (3 P. S. § 459-207(a.1)), it is unlawful for a kennel to operate without first obtaining a license. The Secretary may file suit in Commonwealth Court to enjoin the operation of a kennel that violates any of the provisions of the act or this part and may seek the imposition of a fine of not less than \$100 nor more than \$500 for every day the kennel has operated in violation of the act or regulations.

(iv) *Revocation, suspension or denial of a kennel license.* Consistent with section 211 of the act (3 P. S. § 459-211), the Secretary may revoke, suspend or refuse to issue a kennel license or an out-of-State dealer license if the person holding or applying for a license has done any of the following:

- (A) Made a material misstatement or misrepresentation in the license application.
- (B) Made a material misstatement or misrepresentation to the Department or its personnel regarding a matter relevant to the license.
- (C) Been convicted of any violation of the act.
- (D) Failed to comply with any regulation promulgated under the act.
- (E) Been convicted of any law relating to cruelty to animals.

(v) *Seizure of dogs.* Consistent with section 211(c) of the act (3 P. S. § 459-211(c)), the Department may seize and impound, and direct forfeiture of ownership of a dog for the following reasons:

(A) Upon revocation, suspension or denial of a kennel license or an out-of-State dealer license, the Department may seize and impound any dog in the possession, custody or care of the person whose license is revoked, suspended or denied if there are reasonable grounds to believe that the dog's health, safety or welfare is endangered. The person from whom the dog was seized and impounded shall pay for reasonable costs of transportation, care and feeding of the dog.

(B) The Department will not take physical possession or custody of the dog when there are no reasonable grounds to support the belief that the health, safety or welfare of the dog is endangered or when the person whose license is revoked, suspended or denied has provided satisfactory evidence or assurances the dog will receive adequate care.

(C) Upon proper notice and opportunity for an administrative hearing, as set forth in section 211(c)(5) of the act (3 P. S. § 459-211(c)(5)), the Secretary may direct the forfeiture of ownership of a dog which has been seized and impounded.

(2) *Article V and V-A penalty provisions.* Articles V and V-A of the act (3 P. S. §§ 459-501—459-507-A) contains provisions regarding offenses of dogs and provides the following penalties:

(i) *Harboring a dangerous dog.* A person found guilty of harboring a dangerous dog, as set forth in section 502-A of the act (3 P. S. § 459-502-A), shall be guilty of a summary offense.

(ii) *Control of dog during dangerous dog court proceedings.* A person that violates section 502-A(d) of the act, regarding disposition of a dog during court proceedings, shall be guilty of a summary offense and shall pay a fine of at least \$200.

(iii) *Failure to register and restrain a dangerous dog.* Consistent with section 505-A(a) of the act (3 P. S. § 459-505-A(a)), a person that fails to properly register a dangerous dog, secure and maintain the liability insurance coverage required under section 503-A of the act (3 P. S. § 459-503-A), maintain the dog in the proper enclosure or fails to have the dog under proper physical restraint when the dog is outside the enclosure or dwelling of the owner shall be guilty of a misdemeanor of the third degree. In addition, a State dog warden or a police officer shall immediately confiscate a dangerous dog upon the occurrence of any of these violations.

(iv) *Attacks by a dangerous dog.* Consistent with section 505-A(b) of the act, when it is found that a dangerous dog, through the intentional, reckless or negligent conduct of the dog's owner, attacked a human or a domestic animal, the dog's owner shall be guilty of a misdemeanor of the second degree and the dangerous dog shall be immediately confiscated by a State dog warden or police officer, placed in quarantine for the proper length of time and thereafter humanely killed. The costs of quarantine and destruction shall be borne by the dog's owner.

(v) *Attacks by a dangerous dog causing severe injury or death.* Consistent with section 505-A(c) of the act, when it is found that a dangerous dog, through the intentional, reckless or negligent conduct of the dog's owner, aggressively attacked and caused severe injury to or death of a human, the dog's owner shall be guilty of a misdemeanor of the first degree. The dangerous dog shall be immediately confiscated by a State dog warden or a police officer, placed in quarantine for the proper length of time and thereafter humanely killed. The costs of quarantine and destruction shall be borne by the dog's owner.

(3) *Article VI penalty provisions.* Article VI of the act (3 P. S. §§ 459-601—459-603) contains provisions regarding injury to dogs and provides the following penalties:

(i) *Poisoning of a dog.* Consistent with section 601(b) of the act (3 P. S. § 459-601(b)), a person convicted of placing poison or a harmful substance of any description in any place, on his own premises or elsewhere, where it may be easily found and eaten by a dog, shall be guilty of a summary offense.

(ii) *Intentional poisoning of a dog.* Consistent with section 601(b.1) of the act, a person

convicted of placing poison or a harmful substance of any description in any place, on his own premises or elsewhere, with the intent that the poison or substance be eaten by a dog, shall be guilty of a misdemeanor of the second degree and shall be sentenced to pay a fine of not less than \$1,000 nor more than \$2,000 or imprisonment for not more than 2 years, or both. A subsequent conviction under this subsection shall constitute a felony of the third degree.

(iii) *Abandonment of a dog.* Consistent with section 601(c) of the act, a person convicted of abandoning or attempting to abandon a dog within this Commonwealth shall pay a fine of not less than \$300 dollars and not more than \$1,000, plus costs.

(iv) *Taunting law enforcement dogs.* Consistent with section 602(a) of the act (3 P. S. § 459-602(a)), it is unlawful for a person to willfully and maliciously taunt, torment, tease, beat, kick or strike any dog, including a search and rescue or accelerant detection dog, used by any municipal, county or State police or sheriff's department or agency, fire department or agency or handler under the supervision of the department or agency, in the performance of the functions or duties of the department or agency or to commit any of the stated acts in the course of interfering with a dog used by the department or agency or any member or supervised handler thereof in the performance of the functions or duties of the department or agency or the officer or member or supervised handler. A person convicted of violating any of the provisions of this subsection shall be guilty of a felony of the third degree.

(v) *Torturing certain dogs.* Consistent with section 602(b) of the act, it is unlawful for a person to willfully and maliciously torture, mutilate, injure, disable, poison or kill any dog, including a search and rescue or accelerant detection dog used by any municipal, county or State police or sheriff's department or agency, fire department or agency or handler under the supervision of the department or agency, in the performance of the functions or duties of the department or agency or to commit any of the stated acts in the course of interfering with a dog used by the department or agency or any member or supervised handler thereof in the performance of the functions or duties of the department or agency or the officer or member or supervised handler. A person convicted of violating any of the provisions of this subsection shall be guilty of a felony of the third degree.

(vi) *Denial of facilities or service due to police dog use.* Consistent with section 602(c) of the act, it is unlawful for the proprietor, manager or employee of a theatre, hotel, motel, restaurant or other place of entertainment, amusement or accommodation to, either directly or indirectly, refuse, withhold from or deny, any of the accommodations, advantages, facilities or privileges of those places to a person due to the use of a working police dog used by any State or county or municipal police or sheriff's department or agency. A person convicted of violating any of the provisions of this subsection shall be guilty of a misdemeanor of the third degree.

(4) *Article VII penalty provisions.* Article VII of the act (3 P. S. §§ 459-701—459-706) contains provisions regarding dog caused damages. Section 704 of the act (3 P. S. § 459-704) provides that the owner or keeper of a dog found to be causing damages and which is the subject of an order from the Secretary shall have 10 days to comply with the order. Failure of the owner or keeper to comply with the order, upon summary conviction, shall result in a fine of not less than \$100 and not more than \$500.

(5) *Article IX penalty provisions.* Article IX of the act (3 P. S. §§ 459-901—459-907) contains general enforcement and penalty provisions and provides the following penalties:

(i) *Catch all criminal penalty provision.* Consistent with section 903 of the act (3 P. S. § 459-903), unless specifically provided for, a person found to be in violation of any provision of Article II—Article VIII of the act (3 P. S. § § 459-201—459-802), or this chapter shall be guilty of a summary offense for the first violation and for a second and subsequent violation, of any provision, which occurs within 1 year of sentencing for the first violation shall be guilty of a misdemeanor of the third degree.

(ii) *Alteration of permanent identification.* Consistent with section 904 of the act (3 P. S. § 904), a person convicted of defacing or altering any form of permanent identification of a dog shall be guilty of a summary offense and upon conviction thereof shall be sentenced to pay a fine of \$300 or to imprisonment for not less than 90 days, or both.

(b) *Article IX-A penalty provisions.* Article IX-A of the act (3 P. S. § § 459-901-A—459-911-A) relates to the sterilization of dogs and cats. Failure to comply with Article IX-A or the related regulations shall, consistent with section 911-A of the act (3 P. S. § 459-911-A), constitute a summary offense.

#### Authority

The provisions of this § 21.4 amended under section 201 of the Dog Law (3 P. S. § 459-201); and Articles II—IX-A of the Dog Law (3 P. S. § § 459-201—459-219, 459-301—459-305, 459-401, 459-402, 459-501, 459-502, 459-501-A—459-507-A, 459-601—459-603, 459-701—459-706, 459-801, 459-802, 459-901—459-907 and 459-901-A—459-911-A).

#### Source

The provisions of this § 21.4 amended March 14, 2003, effective March 15, 2003, 33 Pa.B. 1329. Immediately preceding text appears at serial page (209434).

§ 21.5. [Reserved].

§ 21.6. [Reserved].

§ 21.7. [Reserved].

§ 21.8. [Reserved].

§ 21.9. [Reserved].

§ 21.10. [Reserved].

§ 21.11. [Reserved].

§ 21.12. [Reserved].

### KENNELS—PRIMARY ENCLOSURES



**§ 21.21. Dog quarters.**

- (a) Indoor and outdoor housing facilities for dogs shall be maintained in a manner to protect the dogs from injury and to contain the dogs.
- (b) The interior building surfaces of housing facilities shall be constructed and maintained so that they are water resistant and may be readily sanitized.
- (c) Adequate drains shall be provided to rapidly eliminate excess water from housing facilities.

**Source**

The provisions of this § 21.21 amended January 12, 1996, effective April 12, 1996, 26 Pa.B. 161. Immediately preceding text appears at serial page (103174).

**§ 21.22. Housing.**

- (a) Dogs that display ferocious or aggressive behavior shall be kept inaccessible to other dogs.
- (b) Dogs under quarantine shall be maintained separately from susceptible species of animals and humans according to conditions described in the quarantine notice.
- (c) Adult dogs shall be segregated by sex except for health, welfare or breeding reasons.
- (d) Dogs that are not acclimated to the outdoor temperatures prevalent in the area or region where they are maintained, breeds of dogs that cannot tolerate the prevalent outdoor temperatures without stress or discomfort (such as short-haired breeds in cold climates), and sick, infirm, aged or young dogs may not be kept in outdoor facilities unless that practice is specifically approved by the attending veterinarian.

**Source**

The provisions of this § 21.22 amended January 12, 1996, effective April 12, 1996, 26 Pa.B. 161. Immediately preceding text appears at serial page (103174).

**§ 21.23. Space.**

- (a) Primary enclosures shall be constructed and maintained to provide sufficient space to allow each dog to turn about freely and to stand erect, sit and lie down in a comfortable, normal position.
- (b) Each dog housed in a primary enclosure shall be provided with a minimum amount of floor space, which shall be calculated according to the following procedure:
  - (1) Measure the length of the dog, in inches, from the tip of its nose to the base of its tail.
  - (2) Add 6 inches to that number.

(3) Square that sum.

(4) Divide that product by 144.

(5) That quotient equals the minimum required floor space for that dog, in square feet.

*Example:* A dog measures 24 inches from the tip of its nose to the base of its tail (Step 1). Adding 6 inches to that number (Step 2) gives a sum of 30 inches. Squaring that sum (Step 3) gives a product of 900 square inches. Dividing that product by 144 (Step 4) gives a quotient of 6.25. 6.25 square feet is the minimum amount of floor space which must be provided to that particular dog.

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

(d) The interior height of a primary enclosure shall be at least 6 inches higher than the head of the tallest dog in the primary enclosure when it is in normal standing position.

(e) Subsections (b) and (c) do not apply if all of the following conditions are met:

(1) The dog is located in a kennel that is licensed under the act solely as a pet shop-kennel Class I, II, III or IV.

(2) The dog is being offered for sale on a retail basis, or has been sold and is awaiting physical transfer to its new owner.

(3) The dog is maintained in a primary enclosure that keeps the dog on display to patrons of the pet shop-kennel during its normal business hours.

(4) The primary enclosure meets one of the following conditions:

(i) Affords each dog sheltered therein at least 5 square feet for a dog weighing 25 pounds or less, 8 square feet for a dog weighing more than 25 pounds but not more than 45 pounds, and 12 square feet for a dog weighing more than 45 pounds.

(ii) Has been approved by the attending veterinarian, in advance and in writing, as being of adequate size to protect the health and well-being of the particular dog or dogs sheltered therein.

#### Source

The provisions of this § 21.23 amended January 12, 1996, effective April 12, 1996, 26 Pa.B. 161. Immediately preceding text appears at serial page (140185).

#### § 21.24. Shelters.

(a) Dogs shall be provided access to shelter which protects them against inclement

weather, preserves their body heat and keeps them dry. Housing facilities for dogs shall be constructed to provide for the health and comfort of the animals.

(b) Shelter shall be provided for dogs kept outdoors. Sufficient clean bedding material or other means of protection from the weather shall be provided.

(c) If dog houses with tethers are used as primary enclosures for dogs kept outdoors, the tethers used shall be placed or attached so that they cannot become entangled with other objects or come into physical contact with other dogs in the housing facility, and to allow the dog to roam to the full range of the tether. The tether shall be of a type commonly used for the size dog involved and shall be attached to the dog by means of a well-fitted collar that will not cause trauma or injury to the dog. The tether shall be at least three times the length of the dog as measured from the tip of its nose to the base of its tail and allow the dog convenient access to the dog house and food or water container.

(d) A dog may be sheltered in a primary enclosure having metal strand flooring provided the following conditions are met:

(1) The metal strand flooring is coated with a vinyl type coating.

(2) The coated metal strand flooring shall be kept in good repair.

(3) The coated metal strand flooring shall be made of mesh construction that does not allow the dog's feet to pass through any opening in the floor and does not otherwise cause injury to the dog.

(4) The coated metal strand flooring shall be constructed of sufficient diameter (gauge) to provide a completely rigid floor area sufficient to support the weight of dogs housed in the enclosure so that the metal strand floor does not bend or sag from the weight of the dogs.

(5) The dogs shall be provided with a draft free area that protects the dogs from inclement weather and is large enough to hold all the occupants of the primary enclosure at the same time comfortably.

(e) Coated metal strand flooring shall be installed by June 29, 2001. Coated metal strand flooring shall be installed prior to the removal of a solid resting surface. If a solid resting surface is provided, the solid resting surface shall be constructed of material that is impervious to water or moisture and shall be kept in a sanitary condition in accordance with § 21.29 (relating to sanitation).

(f) A dog may not be housed on a temporary or permanent basis in a drum or barrel dog house, regard-less of the material of which the drum or barrel is constructed.

#### Source

The provisions of this § 21.24 amended January 12, 1996, effective April 12, 1996, 26 Pa.B. 161; amended March 30, 2001, effective March 31, 2001, 31 Pa.B. 1682. Immediately preceding text appears at serial page (209437).

#### § 21.25. Temperature control.

(a) The kennel temperature shall be maintained at a level to protect the health and comfort of the type of dogs housed.

(b) Shade shall be provided to protect the dogs from the direct rays of the sun.

**§ 21.26. Ventilation in indoor housing facilities.**

Indoor housing facilities for dogs shall be sufficiently ventilated when dogs are present to minimize drafts, odors, ammonia levels and moisture condensation. Ventilation shall be provided by means of windows, doors, vents or air conditioners. Auxiliary ventilation from fans, blowers or air conditioners shall be provided when the ambient temperature is 85° F (29.5° C) or higher. The relative humidity shall be maintained at a level that ensures the health and well-being of the dog housed therein in accordance with generally accepted husbandry practices.

**Source**

The provisions of this § 21.26 amended January 12, 1996, effective April 12, 1996, 26 Pa.B. 161. Immediately preceding text appears at serial page (140186).

**§ 21.27. Lighting in indoor housing facilities.**

Indoor housing facilities in kennels shall have ample lighting by natural or artificial means. Lighting in indoor housing facilities shall be sufficient to allow observation of the physical condition of the dogs so housed, and to allow observation of the sanitary condition of the indoor housing facility. Dogs housed in these facilities shall be provided a regular diurnal lighting cycle.

**Source**

The provisions of this § 21.27 amended January 12, 1996, effective April 12, 1996, 26 Pa.B. 161. Immediately preceding text appears at serial page (140186).

**§ 21.28. Food, water and bedding.**

(a) Dogs kept in kennels shall be fed at least once each day unless otherwise directed by a veterinarian. The food shall be free from contamination or disease, and shall be of sufficient quantity and nutritive value to maintain the health of the dogs.

(b) If potable water is not accessible to the dogs in their primary enclosures, potable fluids shall be offered to the dogs at least 6 hours daily unless otherwise directed by a veterinarian. The Department may require that a kennel licensee have samples of the water that it provides to dogs analyzed to confirm potability, and may require a licensee to submit the results of the water analysis to the Department. The analysis shall be conducted at the licensee's expense. The Department may also sample and analyze the water.

(c) Food and water receptacles shall be accessible to dogs kept in the kennel and shall be located to avoid contamination by excreta. The receptacles shall be durable and shall be kept clean. Self-feeders and waterers may be used but shall be sanitized regularly to prevent molding, deterioration or caking of feed.

- (d) If bedding is used in primary enclosures, it shall be kept clean.

**Source**

The provisions of this § 21.28 amended January 12, 1996, effective April 12, 1996, 26 Pa.B. 161. Immediately preceding text appears at serial page (140186).

**§ 21.29. Sanitation.**

- (a) Excreta shall be removed from the primary enclosure, including any floor area or ground surface beneath the primary enclosure, on a daily basis.
- (b) Primary enclosures for dogs shall be sanitized a minimum of once daily, and as often as is necessary to prevent an accumulation of debris or excreta or a disease hazard. A dog may not be placed in a primary enclosure previously occupied unless the enclosure has been sanitized.

(c) The buildings and grounds of kennels shall be maintained, kept clean and in good repair to protect the animal from injury and to facilitate practices required by this chapter. Kennels shall have an effective program that controls ingress by insects, ectoparasites and avian and mammalian pests. Evidence of insects, ectoparasites and avian and mammalian pests or conditions that would allow or encourage infestation in a kennel are indicative of an ineffective program and unsanitary environmental sanitation in the kennel.

**Source**

The provisions of this § 21.29 amended January 12, 1996, effective April 12, 1996, 26 Pa.B. 161. Immediately preceding text appears at serial page (140186).

**Cross References**

This section cited in 7 Pa. Code § 21.24 (relating to shelters); 7 Pa. Code § 21.31 (relating to general requirements); and 7 Pa. Code § 28a.8 (relating to flooring).

**§ 21.30. Condition of dog.**

An employee of the Department may visually observe the physical condition of a dog sheltered at a kennel. A dog sheltered at a kennel shall be free of infectious and contagious diseases, and shall be in general good health. If a dog exhibits signs of poor health, the kennel owner shall have proof of adequate veterinary care for the dog.

**Source**

The provisions of this § 21.30 adopted January 12, 1996, effective April 12, 1996, 26 Pa.B. 161.

**KENNELS—PRIMARY CONVEYANCES**

**§ 21.31. General requirements.**

(a) The animal cargo space of primary conveyances used in transporting dogs shall be constructed to ensure the health, safety and comfort of the dogs contained therein and shall be constructed and maintained in a manner to prevent the ingress of engine exhaust fumes and gases from the primary conveyance during the transportation.

(b) The animal cargo space of a primary conveyance shall be large enough to ensure that each dog contained in the primary enclosure has enough space to turn about normally while standing, to stand and sit erect, and to lie in a natural position.

(c) A dog may not be placed in an animal cargo space that does not have adequate ventilation for each dog contained therein, and the primary enclosures shall be positioned in a manner so each dog has access to sufficient air for normal breathing. Unless the primary enclosure is permanently affixed to the conveyance, there shall be ventilation openings on two opposing walls of the primary enclosure. These openings shall be at least 16% of the surface area of each wall, and the total combined surface area of the ventilation openings shall be at least 14% of the total combined surface area of the walls of the primary enclosure. At least 1/3 of the ventilation area shall be located on the upper half of the primary enclosure.

(d) Primary enclosures used to transport dogs shall have a solid bottom to prevent leakage in shipment and shall be cleaned and sanitized in a manner prescribed in § 21.29 (relating to sanitation).

(e) Primary enclosures used to transport dogs shall contain clean, absorbent bedding material, which is safe and nontoxic.

(f) Puppies—dogs 7 weeks of age or under—shall be separated from adult dogs, other than their dams, when being transported.

(g) The number of dogs in a primary enclosure shall be limited to assure each dog sufficient space to turn about freely, to stand erect and to lie down in a natural position.

**Source**

The provisions of this § 21.31 amended January 12, 1996, effective April 12, 1996, 26 Pa.B. 161. Immediately preceding text appears at serial page (103177).

**§ 21.32. Food and water.**

(a) Dogs being transported shall be fed at least once in every 24-hour period. Dogs under 6 months of age shall be fed at least once every 12 hours.

(b) Dogs being transported shall be offered fresh water for at least 10-consecutive minutes at intervals of no more than 6 hours. Dogs under 6 months of age shall be offered fresh water for at least 10 consecutive minutes at intervals of no more than 4 hours.

**Source**

The provisions of this § 21.32 amended January 12, 1996, effective April 12, 1996, 26 Pa.B. 161. Immediately preceding text appears at serial page (103177).

**§ 21.33. Care in transit.**

(a) The driver or other employe shall visually observe dogs being transported as often as circumstances dictate, but not less than once every 4 hours, to assure that they are receiving sufficient air for normal breathing, and if any of the dogs are in obvious physical distress, to provide needed veterinary care as soon as possible.

(b) Dogs may not be transported in a manner which may cause contact with a material, substance or device which may be injurious to the health and well-being of the dogs.

**KENNELS—RECORDS**

**§ 21.41. General requirements.**

(a) Complete records shall be kept on dogs within a kennel or being transported in a primary conveyance as prescribed by section 207 of the act (3 P. S. § 459-207), and the records shall be kept at the kennel location or, when applicable, shall accompany dogs being transported.

(b) Kennels shall maintain records as required by section 207 of the act. Records shall be maintained on forms issued or approved by the Department.

**Source**

The provisions of this § 21.41 amended January 12, 1996, effective April 12, 1996, 26 Pa.B. 161. Immediately preceding text appears at serial page (103178).

**§ 21.42. Bills of sale.**

Bills of sale required in section 210 of the act (3 P. S. § 459-210) shall accompany dogs at the kennel location and when the dogs are being transported. It is the intent of this section that the bill of sale can be immediately produced when requested by an employe of the Department or police officer as defined by the act. Bills of sale shall contain the following information:

- (1) Previous owner of the dog.
- (2) Address of previous owner of the dog.
- (3) Date of sale or transferral.
- (4) Name and address of the purchaser of the dog.
- (5) Description of the dog (sex, age, breed, and identifying marks).

**§ 21.43. Research facilities reporting.**

Under section 218 of the act (3 P. S. § 459-218), research facilities in this Commonwealth that are currently under Federal Government inspection shall be exempt from State inspection if they have undergone at least one Federal Government inspection within the past 12 months and have submitted to the Bureau of Dog Law Enforcement Central Office the federal inspection reports within 30 days of receipt.

**LICENSURE****§ 21.51. Lifetime dog license issuance.**

(a) *Eligibility.* The owner of a dog 3 months of age or older may apply to the county treasurer or agent, on a form prescribed by the Department for a lifetime license.

(b) *Lifetime license requirement.* A lifetime license shall consist of the following:

(1) A lifetime license number issued by the county treasurer or agent and a tag bearing that lifetime license number.

(2) A tattoo or microchip permanently identifying the dog.

(c) *Permanent identification requirement.* A person applying for a lifetime license shall choose either a tattoo or the implantation of a microchip as the means of permanent identification for the dog. The person applying for a lifetime license is responsible for having the dog tattooed or a microchip implanted to permanently identify the dog. Application of a tattoo or implantation of a microchip must be done in a manner consistent with the Veterinary Medicine Practice Act and 49 Pa. Code Chapter 31 (relating to State Board of Veterinary Medicine).

(d) *Tattoo as permanent identification.* If the applicant chooses to have the dog tattooed as a means of permanent identification, the following rules and procedures apply:

(1) Prior to having the dog tattooed, the dog owner shall obtain and complete a lifetime license application from the county treasurer or agent of his respective county. The dog owner shall obtain and complete the lifetime license application in person or by mail and shall return the completed lifetime license application to the county treasurer or agent. The dog owner shall include the appropriate fees, set forth on the lifetime license application and in sections 200(b) and 201(b) of the act (3 P. S. § § 459-200(b) and 459-201(b)), with the completed lifetime license application.

(2) Upon receipt of a completed lifetime license application the county treasurer or agent shall follow the procedures in subsection (g). If the lifetime license application is determined to be complete, the county treasurer or agent shall issue a lifetime license number as set forth in subsection (g) and issue a verification of permanent identification form, prescribed by the Department.

(3) Upon receiving the lifetime license number and verification of permanent identification form issued by the county treasurer or agent, the dog owner shall have the dog



tattooed in accordance with this chapter.

(4) The tattoo number applied to the dog must be the same number as the lifetime license number issued by the county treasurer or agent.

(5) The tattoo must be applied on the right hind leg on the inner part of the upper thigh of the dog. The dog owner may have the letters "PA" tattooed on the dog immediately preceding the tattoo number:

(6) The dog owner and the person applying the tattoo shall complete, date and sign the verification of permanent identification form for the dog receiving the tattoo and return it to the county treasurer or agent that issued the lifetime license number and tag. The verification of permanent identification form must set forth the exact number tattooed on the dog, identify the dog by breed and delineate the dog's age, sex, color and markings and whether the dog has been spayed or neutered. In addition, it must contain the name, address and phone number of the dog's owner and the name, address and phone number of the person applying the tattoo.

(7) The dog owner shall have 30 days from receipt of a lifetime license number and verification of permanent identification form to have the dog tattooed and return the verification of permanent identification form to the county treasurer or agent that issued the lifetime license number.

(8) Upon receiving the completed verification of permanent identification form, the county treasurer or agent shall issue the lifetime license and tag to the dog owner.

(9) A dog owner who fails to have the dog tattooed and return the completed verification of permanent identification form to the issuing county treasurer or agent within 30 days after receiving a lifetime license number and verification of permanent identification form shall be in violation of the licensure provisions of the act and this chapter and subject to the penalties prescribed therein. In addition, the lifetime license number and tag shall be void. The issuing county treasurer or agent shall return the lifetime license fee to the dog owner and record and report the noncompliance to the Department as set forth in § 21.52 (relating to recordkeeping for lifetime dog licenses). The issuing county treasurer and, if applicable, the agent shall retain the applicable issuance fees, set forth in section 200(b) of the act.

(e) *Microchip as permanent identification.* If the applicant chooses to have a microchip implanted in the dog as a means of permanent identification, the following rules and procedures apply:

(1) The dog owner shall have a microchip implanted in the dog in a manner consistent with the Veterinary Medicine Practice Act and 49 Pa. Code Chapter 31. The microchip implanted shall be of a type consistent with the definition of "microchip" in § 21.1 (relating to definitions) and shall be implanted in accordance with the manufacturer's specifications.

(2) The dog owner shall obtain and complete both a lifetime license application and a verification of permanent identification form prescribed by the Department.

(3) The dog owner shall obtain a lifetime license application from the county treasurer or

agent of his respective county. The dog owner may obtain the lifetime license application in person or by mail.

(4) The lifetime license application may be obtained and completed either prior to or after implantation of a microchip in the dog. The application and a verification of permanent identification form must be completed and signed prior to the issuance of a lifetime license and tag. The final packet submitted by the dog owner to the county treasurer or agent must contain the properly completed lifetime license application and verification of permanent identification form and the appropriate fees, set forth on the lifetime license application and in sections 200(b) and 201(b) of the act.

(5) If the dog owner obtains a lifetime license application prior to having a microchip implanted in the dog, the dog owner may request and the county treasurer or agent shall issue a verification of permanent identification form along with the lifetime license application. If the dog owner has not yet applied for a lifetime license prior to implantation of the microchip, the licensed veterinarian implanting the microchip shall supply the verification of permanent identification form. A licensed veterinarian shall obtain the verification form from the Department. When the dog owner, consistent with the provisions of the Veterinary Medicine Practice Act and 49 Pa. Code Chapter 31, personally implants the microchip in his own dog the dog owner may obtain the verification of permanent identification form from the county treasurer or agent and shall fill out the required information.

(6) The dog owner and when the dog owner does not implant the microchip himself but, instead has a licensed veterinarian or person authorized to implant a microchip consistent with the Veterinary Medicine Practice Act and 49 Pa. Code Chapter 31 implant the microchip, the licensed veterinarian shall complete, date and sign the verification of permanent identification form for the dog in which the microchip is implanted. The completed verification of permanent identification form must set forth the identifying number of the microchip implanted, identify the dog by breed and delineate the dog's age, sex, color and markings and whether the dog has been spayed or neutered. In addition, it shall contain the name, address and phone number of the dog's owner and when a licensed veterinarian or person authorized to implant a microchip consistent with the Veterinary Medicine Practice Act and 49 Pa. Code Chapter 31 has implanted the microchip, the name, business address and phone number of the licensed veterinarian. If a licensed veterinarian or person authorized to implant a microchip consistent with the Veterinary Medicine Practice Act and 49 Pa. Code Chapter 31 implants the microchip, the licensed veterinarian shall set forth his veterinary practice license number on the verification of permanent identification form.

(7) The dog owner shall complete the lifetime license application and take or mail the completed lifetime license application and verification of permanent identification form to the county treasurer or agent of his respective county.

(8) Upon receiving a properly completed lifetime license application and verification of permanent identification form, as well as the appropriate fees, as set forth on the lifetime license application and in sections 200(b) and 201(b) of the act, the county treasurer or agent shall issue a lifetime license number and tag as set forth in subsection (g).

(9) A dog owner who fails to have the dog microchipped and return the completed verification of permanent identification form to the issuing county treasurer or agent within

30 days after receiving a lifetime license number and verification of permanent identification form shall be in violation of the licensure provisions of the act and this chapter and subject to the penalties prescribed therein. In addition, the lifetime license number and tag shall be void. The issuing county treasurer or agent shall return the lifetime license fee to the dog owner and record and report the noncompliance to the Department as set forth in § 21.52. The issuing county treasurer and, if applicable, the agent shall retain the applicable issuance fees, set forth in section 200(b) of the act.

(f) *Dog previously microchipped.* If a person has already had a microchip implanted in his dog and seeks to obtain a lifetime license for the dog, the applicant is not required to have a new microchip implanted in the dog as a means of permanent identification. Instead the applicant shall:

(1) Obtain and complete both a lifetime license application and a verification of permanent identification form prescribed by the Department. The lifetime license application may be obtained and completed either prior or subsequent to having the dog scanned for a microchip as set forth in this subsection. The verification of permanent identification form must be filled out at the same time the dog is scanned.

(2) Have a licensed veterinarian or kennel owner scan the dog to assure the microchip has been properly implanted and to obtain the identifying number of the microchip.

(3) The dog owner and the licensed veterinarian or kennel owner shall complete, date and sign the verification of permanent identification form for the dog in which the microchip was scanned. The verification of permanent identification form must set forth the identifying number of the microchip scanned, identify the dog by breed and delineate the dog's age, sex, color and markings and whether the dog has been spayed or neutered. In addition, it must contain the name, address and phone number of the dog's owner and the name, business address and phone number of the person scanning the microchip number. If a veterinarian is involved, the veterinarian shall set forth his veterinary practice license number on the verification of permanent identification form.

(4) The dog owner or licensed veterinarian may obtain a verification of permanent identification form.

(i) The dog owner may obtain a verification of permanent identification form, along with a lifetime license application, from the county treasurer or agent in his respective county of residence prior to scanning of the dog for an existing microchip. If the dog owner takes his dog to a licensed veterinarian for implantation of the microchip and has not yet applied for a lifetime license, the licensed veterinarian shall supply the verification of permanent identification form.

(ii) A licensed veterinarian shall obtain verification of permanent identification forms from the Department.

(5) The dog owner shall deliver to the county treasurer or agent, in person or by mail, the properly completed lifetime license application and verification of permanent identification form and the appropriate fees, as set forth on the lifetime license application and in sections 200(b) and 201(b) of the act.

(6) Upon receiving a properly completed lifetime license application and verification of permanent identification form, as well as the appropriate fees, as set forth on the lifetime license application and in sections 200(b) and 201(b) of the act, the county treasurer or agent shall issue a lifetime license number and tag as set forth in subsection (g).

(g) *County treasurer or agent procedure for issuance of lifetime license.*

(1) *General.*

(i) *One lifetime license per lifetime license application.* A lifetime license application must be completed for each dog for which a lifetime license is requested. The county treasurer or agent shall issue only one lifetime license and tag for each properly completed lifetime license application. The county treasurer or agent shall collect the applicable fees, as set forth on the lifetime license application and in sections 200(b) and 201(b) of the act, for the lifetime license before issuing the lifetime license and tag.

(ii) *Assignment of lifetime license number.* The lifetime license must list a number. The county treasurer or agent shall assign a lifetime license number for each dog for which a properly completed lifetime license application has been submitted and approved. The county treasurer or agent shall issue the lifetime license number on the lifetime license certificate and tag. The number shall be at least six digits with the first two digits designating the county. For example, Adams County number must begin with 01; York County, with 67. The county number must be followed by at least four digits assigned by the county treasurer or his agent. For example, the lifetime license number assigned by York County for the first dog licensed would be 670001.

(2) *Tattoo procedure.* If the dog owner intends to tattoo the dog as the means of permanent identification the dog owner shall complete a lifetime license application and pay the applicable fees, as set forth on the lifetime license application and in sections 200(b) and 201(b) of the act, prior to the county treasurer or agent issuing a lifetime license and tag. The county treasurer or agent, upon receipt of a properly completed lifetime license application and the applicable fees, shall complete the lifetime license from information on the lifetime license application. The county treasurer or agent shall assign a lifetime license number as set forth in paragraph (1)(ii) and issue a verification of permanent identification form, prescribed by the Department, to the dog owner. The dog owner shall have 30 days from receipt of a lifetime license number and verification of permanent identification form to have the dog tattooed and return a completed verification of permanent identification form to the issuing county treasurer or agent. If the dog owner fails to return the verification of permanent identification form within the 30-day time period, the issuing county treasurer or agent shall void the lifetime license, refund the lifetime license fee, record and designate the lifetime license number as void and report the noncompliance to the Department as set forth in § 21.52. The issuing county treasurer and, if applicable, the agent shall retain the applicable issuance fees, set forth in section 200(b) of the act. The lifetime license number may not be reissued to future applicants other than the original applicant.

(3) *Microchip procedure.* If the dog owner intends to use a microchip as the means of permanent identification, the dog owner may have a microchip implanted in the dog prior to completing an application for a lifetime license. The dog owner shall complete a lifetime license application and verification of permanent identification form and pay the applicable fees, set forth on the lifetime license application and in sections 200(b) and 201(b) of the act, prior to the county treasurer or agent issuing the lifetime license and tag. The county

treasurer or agent shall, upon request of the dog owner, issue a lifetime license application and a verification of permanent identification form. Upon receiving a completed lifetime license application, verification of permanent identification form and the applicable fees, the county treasurer or agent shall complete the lifetime license from information on the lifetime license application and verification of permanent identification form, assign a lifetime license number as set forth in paragraph (1)(ii) and issue the lifetime license and tag. The county treasurer or agent may not issue a lifetime license and tag until the dog owner has properly completed both the lifetime license application and the verification of permanent identification form. The county treasurer or agent shall record both the lifetime license number issued and the microchip number set forth on the verification of permanent identification form. The dog owner shall have 30 days from receipt of a verification of permanent identification form to have a microchip implanted in the dog or have a currently microchipped dog scanned and return a completed verification of permanent identification form to the issuing county treasurer or agent. If the dog owner fails to return the verification of permanent identification form within the 30 day time period, the issuing county treasurer or agent shall void the lifetime license, refund the lifetime license fee, record and designate the lifetime license number as void and report the noncompliance to the Department as set forth in § 21.52. The issuing county treasurer and, if applicable, the agent shall retain the applicable issuance fees, set forth in section 200(b) of the act. The lifetime license number may not be reissued to future applicants other than the original applicant.

#### Authority

The provisions of this § 21.51 amended under sections 101 and 201 of the Dog Law (3 P. S. § § 459-101 and 459-201); and Articles II—IX-A of the Dog Law (3 P. S. § § 459-201—459-219, 459-301—459-305, 459-401, 459-402, 459-501, 459-502, 459-501-A—459-507-A, 459-601—459-603, 459-701—459-706, 459-801, 459-802, 459-901—459-907 and 459-901-A—459-911-A).

#### Source

The provisions of this § 21.51 amended March 14, 2003, effective March 15, 2003, 33 Pa.B. 1329; amended November 5, 2004, effective November 6, 2004, 34 Pa.B. 6019. Immediately preceding text appears at serial pages (296112) to (297117).

### § 21.52. Recordkeeping for lifetime dog licenses.

The county treasurer or agent shall record each lifetime license issued or voided. The county treasurer or agent shall mail or electronically transmit a monthly record of lifetime licenses information to the Department. The county treasurer or agent shall keep a record of all lifetime dog licenses issued or voided for 20 years.

#### Authority

The provisions of this § 21.52 amended under section 201 of the Dog Law (3 P. S. § 459-201); and Articles II—IX-A of the Dog Law (3 P. S. § § 459-201—459-219, 459-301—459-305, 459-401, 459-402, 459-501, 459-502, 459-501-A—459-507-A, 459-601—459-603, 459-701—459-706, 459-801, 459-802, 459-901—459-907 and 459-901-A—459-911-A).

### Source

The provisions of this § 21.52 amended March 14, 2003, effective March 15, 2003, 33 Pa.B. 1329. Immediately preceding text appears at serial pages (276688) to (276689).

### Cross References

This section cited in 7 Pa. Code § 21.51 (relating to lifetime dog license issuance); and 7 Pa. Code § 21.53 (relating to transfer of lifetime dog licenses).

### § 21.53. Transfer of lifetime dog licenses.

#### (a) *General.*

(1) *Change of address or ownership within the issuing county.* The issuance of a new lifetime license and tag is not required when transferring a lifetime dog license to a new owner within the same county or when the owner changes his residence within the same county. If the change of address or transfer of possession or ownership of the dog is within the county where the lifetime license was issued and is permanent, the dog owner shall notify the county treasurer or agent of the change of address or ownership. The notice shall be given either prior to or within 10 days of the actual change of address or transfer of ownership of the dog. The county treasurer or agent shall record, in accordance with § 21.52 (relating to recordkeeping for lifetime dog licenses), the change of address or transfer of ownership or both. The issuing county treasurer or agent may charge and retain \$1 for recording the change of address or transfer.

(2) *Change of address or ownership outside the issuing county.* If the change of residence or transfer of ownership or possession of the dog is permanent and outside the county in which the lifetime license was issued the transfer or change in residence shall be recorded by the dog owner with the issuing county treasurer or agent and by the county treasurer or agent in the county to which the dog is being moved or transferred. The notice shall be given by the dog owner either prior to or within 10 days of the actual change of address or transfer of ownership of the dog. The county treasurer or agent that issued the original lifetime license may charge and retain \$1 for the transfer. The county treasurer or agent issuing the new lifetime license in the county to which the dog is moved shall, upon payment of a \$1 fee by the dog owner, issue a new lifetime license number and tag for that county and record the lifetime license number and cross-reference it to the existing tattoo or microchip number in accordance with this section and § 21.52.

(3) *Temporary change of address or possession.* When the possession of a dog is temporarily transferred for the purpose of hunting game, or for breeding, boarding and training, trial or show in this Commonwealth, neither notice nor a new lifetime license, or the transfer of a lifetime license already secured, is required.

#### (b) *Transfer process and information required.*

(1) *Transfer of ownership within the issuing county.* Whenever the ownership of a dog is permanently transferred from one person to another within the same county, the lifetime license of the dog shall be transferred. The dog owner shall apply to the issuing county treasurer or agent. The application shall be accompanied by a bill of sale or affidavit from

the dog owner stating that ownership of the dog is to be transferred. The bill of sale or affidavit shall set forth the breed, sex, age, color and markings of the dog being transferred, the lifetime license number and microchip or tattoo number of the dog, year of issuance of the lifetime license, and the name, address and telephone number of the person transferring ownership of the dog and the person to which ownership of the dog is being transferred.

(2) *Transfer of ownership outside the issuing county.* Whenever the ownership of a dog is permanently transferred from one person to another outside the issuing county, the lifetime license number of the dog shall be voided in the issuing county and a new lifetime license number and tag issued by the county treasurer or agent in the county to which the dog is moved. The dog owner shall apply to the issuing county treasurer or agent. The application shall be accompanied by a bill of sale or affidavit from the dog owner stating that ownership of the dog is to be transferred. The bill of sale or affidavit shall set forth the breed, sex, age, color and markings of the dog being transferred, the lifetime license number and microchip or tattoo number of the dog, the year of issuance of the lifetime license, and the name, address and telephone number of the person transferring ownership of the dog and the person to which ownership of the dog is being transferred. Upon receiving the application the issuing county treasurer or agent shall certify the lifetime license to the county treasurer or agent in the county to which the dog is being moved and shall void the lifetime license number originally issued. The original lifetime license number may not be reissued to future applicants. The county treasurer or agent in the county to which the dog is being moved, upon receiving certification from the county treasurer or agent of the issuing county and payment of a fee of \$1 from the owner of the dog, shall issue a new lifetime license number and tag, for that county. The new lifetime license number and tag shall be issued in the manner set forth in § 21.51(g) (relating to lifetime dog license issuance) except that if the dog has been permanently identified by means of a tattoo, the existing tattoo number of the dog shall be cross referenced to the new lifetime license number issued.

(3) *Change of residence within the same county.* Whenever, the owner of a dog with a lifetime license changes residence within the county which issued the lifetime license, the dog owner shall apply to the issuing county treasurer or agent. The application shall be accompanied by an affidavit from the dog owner stating the dog will be moved to a new residence and setting forth the address of the new residence. The affidavit shall identify the breed, sex, age, color and markings of the dog and the lifetime license number and microchip or tattoo number.

(4) *Change of residence to another county.* Whenever a dog licensed in one county is permanently moved to another county, the dog owner shall apply to the county treasurer or agent where the dog license was issued. The application shall set forth the name and address of the dog owner and the address of the residence to which the dog will be moved. Upon receiving the application the issuing county treasurer or agent shall certify the lifetime license to the county treasurer or agent in the county to which the dog is being moved and shall void the lifetime license number originally issued. The original lifetime license number may not be reissued to future applicants. The county treasurer or agent in the county to which the dog is being moved, upon receiving certification from the county treasurer or agent of the issuing county and payment of a \$1 fee from the owner of the dog, shall issue a new lifetime license number and tag, for that county. The new lifetime license number and tag shall be issued in the manner set forth in § 21.51(g) except that if the dog has been permanently identified by means of a tattoo, the existing tattoo number of the dog shall be cross referenced to the new lifetime license number issued.

(c) *Recordkeeping and reporting.* The issuing county treasurer or agent shall record the transfer of ownership or change in residence and where applicable the voiding of the lifetime license number. The county treasurer or agent in the county to which a dog is being transferred shall, upon receipt of the proper certification of transfer from the county treasurer or agent of the issuing county and payment of a \$1 fee from the owner of the dog, issue a new lifetime license number and tag, for that county and record the new lifetime license number issued and the cross-referenced tattoo or microchip number of the dog, in the manner set forth in this section and § 21.52. The county treasurer or agent in both counties shall mail or electronically transmit a record of the transfer or change in residence, and if applicable, the new lifetime license number issued and cross-referenced tattoo or microchip number of the dog to the Department. Both county treasurers and agents shall keep a record of the transfer or change in residence for 20 years.

#### Authority

The provisions of this § 21.53 amended under section 201 of the Dog Law (3 P. S. § 459-201); and Articles II—IX-A of the Dog Law (3 P. S. § § 459-201—459-219, 459-301—459-305, 459-401, 459-402, 459-501, 459-502, 459-501-A—459-507-A, 459-601—459-603, 459-701—459-706, 459-901—459-907 and 459-901-A—459-911-A).

#### Source

The provisions of this § 21.53 amended March 14, 2003, effective March 15, 2003, 33 Pa.B. 1329. Immediately preceding text appears at serial page (276689).

#### § 21.54. Dog and kennel license issuance date.

All classes of individual dog licenses and kennel licenses shall be issued by the County Treasurer beginning December 1 for the following calendar year.

#### § 21.55. [Reserved].

#### Source

The provisions of this § 21.55 reserved March 14, 2003, effective March 15, 2003, 33 Pa.B. 1329. Immediately preceding text appears at serial page (276689).

#### § 21.56. Profit oriented dog control agencies.

For the purposes of enforcing the act, an animal control agency under contract to political subdivisions for animal control work, that does not fall into the nonprofit kennel classification, shall apply for and, if approved, be licensed as a boarding kennel. If the animal control agency buys, sells or breeds dogs, it shall also obtain an additional appropriate license.

#### § 21.57. Kennel tags.

The Department will issue a maximum of ten kennel tags to a kennel owner or operator unless the State dog warden for the county recommends that a higher quantity is required.



### Authority

The provisions of this § 21.57 amended under section 201 of the Dog Law (3 P. S. § 459-201); and Articles II—IX-A of the Dog Law (3 P. S. § § 459-201—459-219, 459-301—459-305, 459-401, 459-402, 459-501, 459-502, 459-501-A—459-507-A, 459-601—459-603, 459-701—459-706, 459-901—459-907 and 459-901-A—459-911-A).

### Source

The provisions of this § 21.57 amended March 14, 2003, effective March 15, 2003, 33 Pa.B. 1329. Immediately preceding text appears at serial page (276689).

## DOG-CAUSED DAMAGES

### § 21.61. Conditions and limitations for payments.

- (a) For the purposes of administering Article VII of the act (3 P. S. § § 459-701—459-705), no claim for dog-caused damages will be investigated, nor will an application for reimbursement be approved by the Department unless the claimant reports the loss to an employee of the Department within 5 days of the occurrence of the damage or loss.
- (b) No payment will be made for a loss under this chapter unless the injured, killed livestock or poultry or game birds raised in captivity are available to be inspected and appraised by the Department.
- (c) No payment will be made by the Department for claims for livestock, poultry or domestic game birds raised in captivity if the claimant was found negligent in not confining the animals or birds within a proper enclosure.

### § 21.62. Appointment of disinterested citizen.

- (a) Under section 701 of the act (3 P. S. § 459-701), if either the owner of the dog or owner of the livestock or poultry do not accept the determination of the appraiser, the owner may request the appointment of a disinterested, qualified citizen to determine the amount of damage sustained. The citizen shall be agreeable to the owner of the dog, if known, owner of the livestock or poultry, and the Department.
- (b) A disinterested, qualified citizen shall be knowledgeable as to the value of the type of animal killed or injured.

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