

No. 71

AN ACT

Amending the act of May 11, 1921 (P. L. 522), entitled, as amended, "An act relating to dogs, and the protection of live stock, poultry, and game birds raised in captivity from damage by dogs; providing for the licensing of dogs by the Secretary of Agriculture; providing for the enumeration of dogs by assessors; regulating the keeping of dogs, and authorizing their destruction in certain cases; providing for the protection of licensed dogs, and for dogs temporarily imported for trial, show, and breeding purposes; prescribing certain privileges for hunting dogs and dogs owned or used by the Board of Game Commissioners; providing for the assessment of damages done to live stock, poultry, and game birds by dogs, and for live stock killed by, or dying from, rabies, and for the illegal killing of licensed dogs, and the payment of such damages by the Commonwealth; imposing powers and duties on certain State, county, city, borough, town, and township officers and employees, directing the payment of all moneys collected into the State Treasury; and providing penalties," requiring a report from a laboratory approved by the Department of Agriculture when a claim covering death due to rabies is made.

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

Dog Law of 1921.

Section 1. Section 26, act of May 11, 1921 (P. L. 522), known as the "Dog Law of 1921," amended May 22, 1935 (P. L. 219), is amended to read:

Section 26, act of May 11, 1921, P. L. 522, amended May 22, 1935, P. L. 219, further amended.

Section 26. Whenever any person sustains any loss or damage to any live stock or poultry, or to game birds raised in captivity, and while confined within an inclosure, by dogs, or sustains loss of live stock from rabies, or any live stock or poultry or game bird raised in captivity, and while confined within an inclosure, of any person is necessarily destroyed because of having been bitten by a dog, except when such loss, destruction or damage shall have been caused by a dog harbored by the owner of such live stock or poultry or domestic game bird, such person or his agent or attorney may, immediately after the damage was done, complain to a duly authorized agent of the Department of Agriculture. Such complaint shall be in writing, shall be signed by the person making such complaint, and shall state when, where, and how such damage was done, and by whose dog or dogs, if known, or when the animal died from rabies or was killed because of rabies. Claims covering damage due to rabies shall be made immediately following the death of the animal, and shall be supported by a certificate from a licensed and duly qualified veterinarian, [or] and a report from [the laboratory of] any laboratory approved by the Department of Agriculture, to the effect that such animal was affected with rabies.

Damage to live stock by dogs.

Complaint by owner to agent of department.

Damages due to rabies.

Proof.

It shall not be necessary to prove that an animal dying from or killed because of rabies was actually bitten by a dog. The presumption shall exist that such animal was so bitten. Upon receipt of such notice, the agent of the Department of Agriculture shall at once examine the place where the alleged loss or damage was sustained and the live stock or poultry or domestic game bird injured or killed, or in case of rabies where it died or was killed. The agent of the Department of Agriculture shall then fix a time for taking testimony relative to such claim and shall give notice of such time to the claimant and to the dog owner, if known. The agent of the Department of Agriculture shall examine under oath or affirmation, any witness called before him. After making diligent inquiry in relation to such claim, such appraiser shall determine whether any damage has been sustained and the amount thereof, and, if possible, who was the owner of the dog or dogs by which such damage was done. If the owner does not agree as to the amount of damage allowed by the appraiser, the owner and appraiser may appoint a disinterested citizen to assist in determining the amount of damage sustained. For such services, the said disinterested citizen shall receive two dollars and mileage at five cents per mile for the distance traveled, which shall be paid by the owner and considered as part of the costs in such claim.

Examination by agent.**Hearing.****Determination of damages.****Civil liability for damages.**

Any owner or keeper of such dog or dogs shall be liable to the owner of such live stock or poultry or domestic game bird, in a civil action, for all damages and costs, or to the Commonwealth to the extent of the amount of damages and costs paid by the Commonwealth as hereinafter provided.

Petition for quarantine of dogs.

When the inhabitants of any city, borough, or township, or of any part thereof, have suffered an excessive amount of damage by dogs to live stock or poultry or domestic game birds, a petition may be presented to the Secretary of Agriculture, signed by twenty or more of such residents who are owners of live stock or poultry or domestic game birds, alleging such excessive damage and requesting that a quarantine be placed on all dogs within the limits of such city, borough, or township, or such part thereof. Upon receipt of such petition, the Secretary of Agriculture may, through his authorized agents, have an investigation made of the facts alleged therein and, if convinced that conditions in such city, borough, or township, or such designated area, demands such stringent measures, he may establish a dog control quarantine therein.

Quarantine.**Notice of quarantine.**

When such quarantine is established, at least ten notices thereof shall be posted throughout the area affected

thereby, and notice thereof shall also be published in at least one issue of a newspaper of general circulation throughout such city, borough, or township.

It shall be unlawful for any person, residing in the area affected by such quarantine, to permit a dog, owned or harbored by him to run at large in such quarantined area, or to leave the premises where it is kept, unless accompanied by and under the control of himself or a handler.

Violation of
dog law.

Any police officer may kill any dog running at large in a quarantined area, in violation of such quarantine, without any liability for damages for such killing.

Killing of dogs
running at large.

APPROVED—The 28th day of April, A. D. 1961.

DAVID L. LAWRENCE

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No. 72

AN ACT

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

Dog Law
of 1921.

Section 1. Section 9, act of May 11, 1921 (P. L. 522), known as the "Dog Law of 1921," is amended to read:

Section 9, act of
May 11, 1921,
P. L. 522,
amended.

Section 9. [No license or license tag issued for one dog shall be transferable] *It is unlawful to transfer a license or license tag issued for one dog to another dog, except as provided in sections eleven and twelve of this act. Whenever the ownership or possession of any dog is permanently transferred from one person to another within the same county, the license of such dog may be*

Transfer of
licenses.