

No. 1988-63

AN ACT

HB 1574

Amending the act of December 7, 1982 (P.L.784, No.225), entitled "An act relating to dogs, regulating the keeping of dogs; providing for the licensing of dogs and kennels; providing for the protection of dogs and the detention and destruction of dogs in certain cases; regulating the sale and transportation of dogs; declaring dogs to be personal property and the subject of theft; providing for the assessment of damages done to livestock, poultry and domestic game birds; providing for payment of damages by the Commonwealth in certain cases and the liability of the owner or keeper of dogs for such damages; imposing powers and duties on certain State and local officers and employees; providing penalties; and creating a Dog Law Restricted Account," further providing for service fees and grants for joint municipal dog law enforcement agencies; and providing for damages caused by coyotes.

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

Section 1. Sections 204 and 705 of the act of December 7, 1982 (P.L.784, No.225), known as the Dog Law, are amended to read:

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

The county treasurer may authorize agents to process applications for dog license certificates and to issue license certificates and tags. The county treasurer shall establish the bonding requirements for all agents designated for purposes of this section, except for district justices who when authorized by the county treasurer shall not be required to furnish a bond. All persons designated by the county treasurer under this section shall charge [75¢] \$1 as a service fee for each application processed in addition to the license fees established under section 201. The agent shall retain [25¢] 50¢ of this service fee and the county treasurer shall retain 50¢ of the service fee for the use of the county except when the agent is a district justice, when the entire service fee shall be remitted to the county treasurer for the use of the county. All records of applications by agents designated by the county treasurer under this section shall be forwarded to the county treasurer who shall maintain all dog license application records for the county.

Section 705. Harboring unlicensed dogs; forfeiture of rights of reimbursement.

Any person who owns or harbors an unlicensed dog required to be licensed under this act[,] shall forfeit any right to be reimbursed by the department for any damages to his livestock, poultry or domestic game birds by dogs *or coyotes*.

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

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

(a) General rule.—Whenever any person sustains any loss by coyote to livestock or poultry, or to game birds raised in captivity, and while confined within a field or other enclosure, provided that the enclosure is adequate for

the purpose intended, such person or his agent or attorney may, immediately after the damage was done, complain to a State dog warden or employee of the department and may make application to the department for reimbursement of such loss or damage. The complaint shall be in writing, shall be signed by the person making the complaint and shall state when, where and how the damage was done. Upon receipt of such notice, the State dog warden shall at once examine the place where the alleged loss was sustained and the livestock or poultry or domestic game bird injured or killed. The State dog warden may examine under oath or affirmation any witness called before him. After making diligent inquiry in relation to such claim, the investigating officer shall determine whether any damage has been sustained and the amount of the damage. If the owner of the livestock or poultry or domestic game bird does not agree as to the amount of damage allowed by the appraiser, the owner requesting the appraisal and the appraiser may appoint a disinterested qualified citizen to assist in determining the amount of damage sustained. For such services, the said disinterested citizen shall receive appropriate compensation which shall be paid by the owner requesting the appraisal. There shall be a maximum allowable claim loss on each occurrence of \$10,000 per animal; however, in no instance shall the payment exceed 90% of the appraised value. All claims shall be paid from the Dog Law Restricted Account; however, in no instance shall the sum total of paid claims for the purpose of this section exceed \$20,000 per annum. The secretary shall have the power to promulgate such rules and regulations as may be necessary to implement this section.

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

Section 3. Section 1002(a) of the act is amended to read:
Section 1002. County dog law programs.

(a) Dog control facilities.—*Any county except counties of the first class or any incorporated humane organization may submit requests for funding to establish and maintain dog control facilities or other functions of dog control within the county to complement the Commonwealth dog law enforcement program. If three or more municipalities join to form one dog law enforcement agency, the joint agency shall be eligible for 50% of the total grant moneys that the municipalities would be entitled to if each applied individually, without the current restrictions imposed by the regulations of the department regarding the usage of the moneys. If a joint dog law enforcement agency is created, one of the municipalities shall act as a lead agency for the purposes of meeting the requirements of the program, including, but not limited to, recordkeeping, supervision of employees and other administrative duties as required by this act.*

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Section 4. This act shall take effect in 60 days.

APPROVED—The 13th day of May, A. D. 1988.

ROBERT P. CASEY