

Pennsylvania Department of Agriculture

Dog Kennel Regulations- Out of State

The Pennsylvania Dog Law, Act 225 (eff. 1/1/83) defines an Out-of-State dealer as follows: A person who does not reside in the Commonwealth of Pennsylvania and who buys, receives, sells, exchanges, negotiates, barter or solicits the sale, resale, exchange or transfer of a dog in this Commonwealth of Pennsylvania for the purpose of transferring ownership or possession to a third party.

EXCERPTS – ACT 225, THE PA STATE DOG LAW

Section 206. KENNELS

Kennel Class I - To keep or operate a private kennel, pet shop kennel, research kennel, dealer kennel or breeding kennel for a cumulative total of 50 dogs or less of any age during a calendar year - \$75 per year.

Kennel Class II - To keep or operate a private kennel, pet shop kennel, research kennel, dealer kennel or breeding kennel for a cumulative total of 51 to 100 dogs of any age during a calendar year - \$200 per year.

Kennel Class III - To keep or operate a private kennel, pet shop kennel, research kennel, dealer kennel or breeding kennel for a cumulative total of 101 to 150 dogs of any age during a calendar year - \$300 per year.

Kennel Class IV - To keep or operate a private kennel, pet shop kennel, research kennel, dealer kennel or breeding kennel for a cumulative total of 151 to 250 dogs of any age during a calendar year - \$400 per year.

Kennel Class V - To keep or operate a private kennel, pet shop kennel, research kennel, dealer kennel or breeding kennel for a cumulative total of 251 or more dogs of any age during a calendar year - \$500 per year.

Section 209. OUT-OF-STATE DEALER LICENSE; APPLICATION FEE; PROHIBITIONS

A. **OUT-OF-STATE-DEALERS** – All out-of-state dealers shall on or before January 1 of each year, apply to the secretary for an out-of-state dealer license. The fee for such license shall be \$300 plus appropriate kennel license fees required under section 206. All fees collected under this section shall be remitted to the State Treasury for credit to the Dog Law Restricted Account. All licenses under this section shall expire upon December 31 of the year for which the license was issued. The forms for the application and license shall be approved by the secretary through regulations.

B. **UNLAWFUL ACTS** – It shall be unlawful for out-of-state dealers to transport dogs into or within the Commonwealth or to operate or maintain a dealer kennel or to deal in any manner with dogs without first obtaining an out-of-state dealer license from the department

Section 210. BILL OF SALE

All owners or operators of kennels describe in section 206, and all out-of-state dealers shall be required to have in their possession a bill of sale for each dog purchased or transported, except for dogs delivered to kennel licensee for purpose of boarding or for dogs whelped at the kennel. Any bill of sale which is fraudulent or indicates the theft of any dog, shall be prima facie evidence for the immediate revocation of license by the secretary. The bill of sale shall contain information required by the secretary through regulations.

Section 211. REVOCATION, SUSPENSION OR REFUSAL OF KENNEL LICENSES

a. **GENERAL POWERS OF SECRETARY** – The secretary may revoke or suspend a kennel license or out-of-state dealer license or refuse to issue a kennel license or out-of-state dealer license, for any one or more of the following reasons:

1. The person holding or applying for a license has made a material misstatement or misrepresentation in the license application;
2. The person holding or applying for a license has made a material misstatement or misrepresentation to the department or its personnel regarding a matter relevant to the license;
3. The person holding or applying for a license had been convicted of any violation on this act;
4. The person holding or applying for a license has failed to comply with any regulation promulgated under this act; or
5. The person holding or applying for a license has been convicted of any law relating to cruelty to animals

b. **NOTICE OF ACTION**

1. The secretary shall provide written notice of a kennel license or an out-of-state dealer revocation, suspension or refusal to the person whose license is revoked, suspended or refused. The notice shall set forth the general factual and legal basis for the action, and shall advise the affected person that within ten days of receipt of the notice, he may file with the secretary a written request for an administrative hearing. The hearing shall be conducted in accordance with 2 pa. C.S. (relating to administrative law and procedure).
2. Written notice of revocation, suspension or refusal shall be served by personal service or by registered or certified mail, return receipt requested, to the person whose license is revoked, suspended or refused. Revocation of suspension shall commence upon service of the written notice.

c. **SEIZURE AND CONSTRUCTIVE SEIZURE**

1. Whenever the secretary revokes, suspends, or refuses 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 refused if there are reasonable grounds to believe that the dog's health, safety or welfare is endangered. Reasonable costs of transportation, care and feeding of a seized and impounded dog shall be paid by the person from whom the dog was seized and impounded.
2.
 - i. If the person whose kennel license or out-of-state-dealer license is revoked, suspended or refused, and whose dog has been seized and impounded, provides the secretary with satisfactory evidence or assurances that the dog will receive adequate care, and has paid all costs of transportation, care and feeding related to the seizure and impoundment of the dog, the person may retrieve the seized and impounded dog.

- ii. If the owner of a seized and impounded dog is someone other than the person from whom the dog was seized and impounded, the dog owner may retrieve his dog from impoundment upon payment of all transportation, care and feeding costs applicable to the dog. The person from whom the dog was seized and impounded shall be responsible to reimburse the dog owner for the transportation, care and feeding costs.
3. The secretary shall allow a dog to remain in the physical possession, custody or care of the person whose kennel license or out-of-state dealer license is revoked, suspended or refused upon any one or more of the following findings:

The secretary has no reasonable grounds to believe that the health, safety or welfare of the dog is endangered; or

- i. The person whose license is revoked, suspended or refused had provided satisfactory evidence or assurances that the dog will receive adequate care.
4. Ownership of a dog which has been seized and impounded, or which is under constructive seizure, may be forfeited upon the written request of its owner.
5. The secretary may direct that ownership of a particular dog which is seized and impounded pursuant to paragraph (1) is to be forfeited. The department shall serve the owner of the affected dog with written notice of forfeiture. The notice shall indicate that ownership of the dog in question may be forfeited to some entity other than the department. Notice of forfeiture shall be served by personal service, or by registered or certified mail, return receipt requested, to the owner of the affected dog or a responsible person at the kennel from which the dog was seized and impounded. The notice shall specify an effective date of forfeiture, which shall be not less than ten days from service of the notice. The notice shall further inform the dog owner of his right to request an administrative hearing on the issue of forfeiture by delivering a written request to the department prior to the date of forfeiture. A written hearing request shall act as a supersedeas of the forfeiture action. At the administrative hearing, the department shall have the burden of proving that the affected dog owner did not adequately care for the subject dog, or that no satisfactory evidence or assurances have been given to the department that the subject dog will be adequately cared for if it is returned to the owner, or that the owner has abandoned the subject dog. Abandonment shall be presumed if an owner fails to make timely payment of reasonable costs of transportation, care and feeding of the seized and impounded dog after two written requests to do so have been served by personal service or registered or certified mail, return receipt requested, upon a responsible person at the kennel in question or the dog owner.

REIMBURSEMENT OF TRANSPORTATION, CARE AND FEEDING COSTS – A person described in subsection (c)(1) and (2) who has paid transportation, care and feeding costs with respect to a dog seized under this section may make application to the department for reimbursement of the costs if all persons cited or charged with violations of this act as the result of the conditions at the kennel at issue are acquitted of all charges or violations.

- e. **DEPARTMENT AS GUARANTOR OF PAYMENT OF CERTAIN COSTS** – A kennel at which a dog is impounded by the department under the authority of this section shall be compensated from the Dog Law Restricted Account in the amount of \$5 per dog for each day, or portion thereof, that the dog is held at the kennel if :
 1. The kennel has attempted, without success, to obtain payment for transportation, care and feeding costs from which the dog was seized and impounded; and

2. The kennel makes written application too the department, setting forth the amount sought, details of a good faith attempt at obtaining payment of the costs from the dog owner and the kennel owner, and the dates and number of dogs justifying the amount sought.

PROHIBITION – No dog seized under this section shall be sold or given freely for the purpose of vivisection or research of be conveyed in any manner for these purposes or be conveyed to a dealer.

Section 212. DOGS TEMPORARILY IN THE COMMONWEALTH

Any person may bring, or cause to be brought into the State, for a period of 30 days, one or more dogs for show, trial, or breeding purposes or as a household pet without securing a Pennsylvania license, and any person holding a Pennsylvania nonresident hunting license may, without securing a license or licenses therefor, bring or cause to be brought into the State one or more dogs is permitted by law, if a similar exemption from the necessity of securing dog licenses is affordable for hunting purposes to residents of Pennsylvania by the state of such person’s residence; but each dog shall be equipped with a collar bearing a name plate giving the name and address of the owner.

Section 213. TRANSPORTATION OF DOGS

It shall be unlawful for any dog required to be licensed as hereinbefore provided, to be transported for any purpose without a current license tag firmly attached to a collar or harness securely fastened to the dog except when a dog is being transported for law enforcement or humane purposes. All vehicles being used to transport dogs are subject to inspection and must meet requirement for such transportation through regulations as promulgated by the secretary.

Section 214. HEALTH CERTIFICATES FOR IMPORTATION

It shall be unlawful to transport any dog into this Commonwealth except under the provisions in section 212 without a certificate of health prepared by a licensed doctor of veterinary medicine, which certificate, or copy of such, shall accompany such dog while in this Commonwealth. Such certificate shall state that the dog is a least seven weeks of age and shows no signs or symptoms of infectious of communicable disease; did not originate within an area under quarantine for rabies, within 100 days of importation. All dogs must have been vaccinated for rabies in accordance with the act of December 15, 1986 (P.L. 1610, No. 181), known as the “Rabies Prevention and Control in Domestic Animals and Wildlife Act.” The name of the vaccine manufacturer, the date of administration, and the rabies tag number must appear on health certificates prepared by a licenses doctor or veterinary medicine.

