

# Regulatory Analysis Form

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2007-01-11 9:07

(1) Agency

Pennsylvania Department of Agriculture

(2) I.D. Number (Governor's Office Use)

2-135

IRRC Number: 2241

(3) Short Title

Amendments to dog licensure regulations to comply with changes legislated by Act of 1996, No. 151 the use of microchip as permanent identification for lifetime license.

(4) PA Code Cite

7 Pa. Code §§ 21.1-21.57

(5) Agency Contacts & Telephone Numbers

Primary Contact: Richard F. Hess (717) 787-3062

Secondary Contact: Rick L. Burd (717) 787-3062

(6) Type of Rulemaking (check one)

Proposed Rulemaking

Final Order Adopting Regulation

Final Order, Proposed Rulemaking Omitted

(7) Is a 120-Day Emergency Certification Attached?

No

Yes: By the Attorney General

Yes: By the Governor

(8) Briefly explain the regulation in clear and nontechnical language.

The regulation establishes the definition and procedure for the use of a microchip as permanent identification for a lifetime dog license; establishes a database for lifetime licenses issued. The regulation also amends previous regulations as required to comply with the amended dog law (Act of 1996, No. 151).

(9) State the statutory authority for the regulation and any relevant state or federal court decisions.

Section 201(b) (3 P.S. §§459-201(b)) of the act of December 7, 1982, P.L. 784, No. 225, as amended, December 11, 1996, P.L. 943, No. 151, known as the Dog Law ("Act") (3 P.S. § 459-101 *et seq.*) provides the specific statutory authority for this regulation. There is no state or federal court decision(s) relevant to this proposed regulatory amendment.

**Regulatory Analysis Form**

(10) Is the regulation mandated by any federal or state law or court order, or federal regulation? If yes, cite the specific law, case or regulation, and any deadlines for action.

No. The proposed amendments are not mandated by any federal, or state law or court order or federal regulation. The amendments are necessary to assure the regulations are consistent with the Act as amended, December 11, 1996, P.L. 943, No. 151.

(11) Explain the compelling public interest that justifies the regulation. What is the problem it addresses?

The amended dog law allows a microchip to be used as a permanent means of identification. This method is promoted by many veterinarians and kennel clubs. The regulations at the present time need to be changed to assure consistency with the provisions of the Act as amended December 11, 1996, P.L. 943, No. 151.

(12) State the public health, safety, environmental or general welfare risk associated with nonregulation.

The microchip is widely used as identification in dogs. The general welfare is benefited by the fast and safe return of the dogs to their owners. In addition, lifetime licensure will make it easier for the general public to comply with the licensure provisions of the Act and thereby promote greater compliance with the provisions of the Act.

(13) Describe who will benefit from the regulation. (Quantify the benefits as completely as possible and approximate the number of people who will benefit.)

Pennsylvania's one million licensed dog owners will benefit with a clear concise set of regulations that are consistent with the amended Act and provide for the use of a microchip for a lifetime license.

(14) Describe who will be adversely affected by the regulation. (Quantify the adverse effects as completely as possible and approximate the number of people who will be adversely affected.)

There should be no adverse affect on any dog owner, kennel owner, political subdivision or the general public.

(15) List the persons, groups or entities that will be required to comply with the regulation. (Approximate the number of people who will be required to comply.)

All dog owners that license their dogs with a lifetime license may be affected by the regulations. However, no person, or group or entity is required to comply with this regulation. The regulation merely provides an additional method to license a dog and allows for the lifetime licensure of a dog. In addition, it sets forth penalty provisions already established in the Act.

(16) Describe the communications with and input from the public in the development and drafting of the regulation. List the persons and/or groups who were involved, if applicable.

A public hearing was held December 14, 2000 and the proposed regulations have been discussed at the Dog Law Advisory Board Meetings. The Notice of Proposed Rulemaking was published at 32 *Pennsylvania Bulletin* 66 (January 2, 2002) and provided for a 30-day public comment period. Numerous comments were received from the regulated community, the Independent Regulatory Review Commission and the House and Senate Agriculture and Rural Affairs Committees. As a result of the comments, the Department made extensive revisions to the proposed regulations. Therefore, the Department decided to distribute a draft of the revised regulations to all commentators for their review prior to submitting the regulations into the final rulemaking process. The commentators had another 30-days to review and comment on the revised draft of the regulations. The Department received additional comments. The Department made changes based on those comments. All comments and responses are included in the Department's "Comment and Response Document" which is attached to and made a part of the Final-Form Rulemaking Preamble. Comments were received from the following persons: Independent Regulatory Review Commission; the Honorable Raymond Bunt, Jr., Majority Chairman Agriculture and Rural Affairs Committee; the Honorable Peter J. Daley, Minority Chairman Agriculture and Rural Affairs Committee; Virginia S. Richardson, President, Pennsylvania Association of County Treasurers; Dotsie Keith, Legislative Chariman, Pennsylvania Federation of Dog Clubs, Incorporated; Johnna L. Seeton, Chairperson, Pennsylvania Legislative Animal Network; Anne Irwin, President, Federated Human Societies of Pennsylvania and Executive Director of Bucks County Society for the Prevention of Cruelty to Animals; Jeff Steed, DVM (Dog Law Board Member) Manheim Pike Veterinary Hospital, Incorporated; James R. Rummel, VMD, President, Pennsylvania Veterinary Medical Association; Hannis Stoddard III, DVM, President and Founder, Avid Identification Systems Incorporated.

(17) Provide a specific estimate of the costs and/or savings to the regulated community associated with compliance, including any legal, accounting or consulting procedures, which may be required.

There is no difference in the license fee between the proposed regulations and the current regulations. The lifetime license fee does not change. The veterinary fee may differ between the alternative method of microchipping and the original method of permanent identification, which was tattooing. Some additional cost may be incurred by kennel owners because of a new requirement that only a licensed veterinarian may apply a tattoo to a dog, however, this could be offset by the provision allowing a microchip as an alternative means of permanent identification and requiring such microchips to be implanted by licensed kennel owners or veterinarians. The provision requiring tattoos to be applied by licensed veterinarians resulted from discussions with Department veterinarians about the tattooing process. They suggested, for health, safety and humane reasons, the dog should be anesthetized when a tattoo is being applied. Only a licensed veterinarian can perform such a procedure.

(18) Provide a specific estimate of the costs and/or savings to local governments associated with compliance, including any legal, accounting or consulting procedures which may be required.

There will be no costs or savings to local governments associated with compliance with the proposed regulatory amendment. No additional legal, accounting or consulting procedures are imposed on local governments by this proposed regulatory amendment. The County Treasurers will have to add an additional number – divided by a slash or a dash – delineating the lifetime license number and the corresponding microchip number to their license reports. This should not involve any change to the computer systems or any significant data entry time. The intent of the licensing provisions of the Act is to assure proper identification of dogs and their owners therefore, it is necessary to cross-reference the two numbers in order to assure proper identification.

(19) Provide a specific estimate of the costs and/or savings to state government associated with the implementation of the regulation, including any legal, accounting, or consulting procedures, which may be required.

There will be no costs or savings to state governments associated with compliance with the proposed regulatory amendment. Additional accounting procedures are required by this proposed regulatory amendment. The proposed change will not increase or decrease the Department's regulatory workload. The department will be required to maintain a database at an estimated additional cost of \$30,000 per year and will require revisions to existing licensing forms and the drafting of a verification of tattoo/microchip form. The County Treasurers under current law are required to maintain a record of all lifetime license sales. As set forth above, there is no additional cost to the County Treasurers.

### Regulatory Analysis Form

(20) In the table below, provide an estimate of the fiscal savings and costs associated with implementation and compliance for the regulated community, local government, and state government for the current year and five subsequent years.

	Current FY Year	FY+1 Year	FY+2 Year	FY+3 Year	FY+4 Year	FY+5 Year
<b>SAVINGS:</b>	\$	\$	\$	\$	\$	\$
<b>Regulated</b>	N/A	N/A	N/A	N/A	N/A	N/A
<b>Local Government</b>	N/A	N/A	N/A	N/A	N/A	N/A
<b>State Government</b>	N/A	N/A	N/A	N/A	N/A	N/A
<b>Total Savings</b>						
<b>COSTS:</b>						
<b>Regulated</b>	N/A	N/A	N/A	N/A	N/A	N/A
<b>Local Government</b>	N/A	N/A	N/A	N/A	N/A	N/A
<b>State Government</b>	N/A	N/A	\$30,000.00	\$30,000.00	\$30,000.00	\$30,000.00
<b>Total Costs</b>	N/A	N/A	\$30,000.00	\$30,000.00	\$30,000.00	\$30,000.00
<b>REVENUE LOSSES:</b>						
<b>Regulated</b>	N/A	N/A	N/A	N/A	N/A	N/A
<b>Local Government</b>	N/A	N/A	N/A	N/A	N/A	N/A
<b>State Government</b>	N/A	N/A	N/A	N/A	N/A	N/A
<b>Total Revenue Losses</b>						

(20a) Explain how the cost estimates listed above were derived.

As the database builds a full time clerk may be needed.  
One data entry clerk wages and benefits.

**Regulatory Analysis Form**

(20b) Provide the past three-year expenditure history for programs affected by the regulation.

<b>Program</b>	<b>FY-3</b>	<b>FY-2</b>	<b>FY-1</b>	<b>Current FY</b>
None	None	None	None	None
None	None	None	None	None
None	None	None	None	None
None	None	None	None	None

(21) Using the cost-benefit information provided above, explain how the benefits of the regulation outweigh the adverse effects and costs.

The new law provides for a microchip as a permanent means of identification. There is no prior history of expenditures. Since this is an alternative procedure the dog owner may use a tattoo or a microchip. There is no additional requirement for the public. The additional cost for the state is the maintenance of a database of the licenses issued. The costs associated with this regulation should be minimal.

(22) Describe the nonregulatory alternatives considered and the costs associated with those alternatives. Provide the reasons for their dismissal.

There have been no alternatives considered. To effectuate the changes mandated by the amendments to the Act an amendment to the regulation is necessary.

(23) Describe alternative regulatory schemes considered and the costs associated with those schemes. Provide the reasons for their dismissal.

The proposed regulations were altered in response to the comments the Department received. The final-form regulations take into account various suggestions that clarify the current regulations and effectuate the changes mandated by amendments to the Act. The final-form regulations are a result of input from the regulated community, veterinarians and the industry. The result is that the final-form regulations should present the best, most effective and least intrusive manner in which to regulate and promote lifetime licensing of dogs and protect the health and safety of dogs and promote the humane treatment of dogs.

(24) Are there any provisions that are more stringent than federal standards? If yes, identify the specific provisions and the compelling Pennsylvania interest that demands stronger regulation.

No.

(25) How does this regulation compare with those of other states? Will the regulation put Pennsylvania at a competitive disadvantage with other states?

The proposed amendments to the regulation will bring Pennsylvania's law into line with current practices. Pennsylvania will not be put at a competitive disadvantage with other states. The proposed amendments provide more flexibility than the current regulation. At the same time the proposed amendments to the regulation will help to assure the health, safety and humane treatment of dogs.

(26) Will the regulation affect existing or proposed regulations of the promulgating agency or other state agencies? If yes, explain and provide specific citations.

No.

(27) Will any public hearings or informational meetings be scheduled? Please provide the dates, times, and locations, if available.

A public hearing was held on December 14, 2000. As stated previously, the Department has already met with representatives of the dog owners and various other industry groups and has consulted veterinarians with regard to this proposed regulatory change. The language in the amendment is the result of these meetings and comments received during the proposed stage of rulemaking and the additional comment period given by the Department. The regulations address the concerns expressed by the regulated industry, the general public, the Independent Regulatory Review Commission and the House and Senate Agriculture and Rural Affairs Committees.

(28) Will the regulation change existing reporting, record keeping, or other paperwork requirements? Describe the changes attach copies of forms or reports which will be required as a result of implementation, if available.

Yes, the Department will need to establish and maintain a database of all lifetime license sales. The County Treasurers already have a database, but where a microchip is utilized as the means of permanent identification, will have to delineate both the lifetime license number and the corresponding microchip number in their licensing reports. The Department will have to modify existing lifetime licensing forms and will have to draft a verification of tattoo/microchip form. Such modifications and new drafts are currently being developed.

(29) Please list and special provisions which have been developed to meet the particular needs of affected groups or persons including, but not limited to, minorities, elderly, small businesses, and farmers.

The regulation applies only to dog owners. The proposed amendments are the result of meetings and discussions with affected industry groups and persons.

(30) What is the anticipated effective date of the regulation; the date by which compliance with the regulations will be required; and the date by which any required permits, licenses or other approvals must be obtained?

Because the affected industry groups and persons have been heavily involved in this regulatory change, therefore the final-form regulation should be non-controversial. The Department anticipates the effective date of the regulation to be December of 2002.

Compliance with the regulation, as amended, will be required immediately. Approval of this regulation by December of 2002 would be allow the regulations to be in effect by the time the annual renewal of licenses is required. The regulatory amendment is flexible and allows dog owners the option to comply.

No additional permits, licenses or other approvals are required by the proposed regulatory amendment. The compliance schedule for licensure of dogs is set by the Act.

(31) Provide the schedule for continual review of the regulation.

All dogs licensed by the Commonwealth are required to be licensed one time per calendar year, except lifetime licenses. The impact of this regulation will be reviewed annually as part of the budget process.



# PROPOSED RULEMAKING

## DEPARTMENT OF AGRICULTURE

[7 PA. CODE CH. 21]

### Dog Licensure

The Department of Agriculture (Department), under the specific authority conferred by sections 201 and 903 of the Dog Law (act) (3 P.S. §§ 459-201 and 459-903), hereby proposes to amend §§ 21.1, 21.4, 21.51—21.53, 21.55 and 21.57. Section 101 of the act (3 P.S. § 459-101) states this is an act "... relating to dogs, regulating the keeping of dogs; providing for the licensing of dogs ...; providing for the abandonment of animals" and "providing for ... liability of the owner or keeper of dogs for such damages." The Department has a duty to assure the proper and humane licensure of dogs and a means by which a person may obtain reimbursement for certain dog-caused damages. Section 201 of the act confers upon the Department the power to promulgate regulations regarding the lifetime licensure of dogs. Section 903 of the act provides for penalties when the act has not set forth a specific penalty for a violation of that section of the act.

#### *Background*

The lifetime licensure provisions of the current regulations require that a dog be tattooed with a number assigned by the county treasurer. While these regulations were consistent with the requirements set forth by the General Assembly, those requirements have been changed to ensure more humane treatment of dogs by allowing lifetime licensure of dogs through the implantation of a microchip. The proposed amendments to the lifetime licensure regulations will allow the use of a microchip as an alternative to the tattoo identification. This alternative provides a more humane method of identification.

In the interest of continuing to carry out the policy of the act, which is to assure the health, safety and humane treatment of dogs, and to assure the regulations are consistent with the act, the Department proposes to amend these regulations to effectuate the changes.

The major features of the proposed amendments are summarized as follows:

#### *Summary*

##### *General Provisions*

Section 21.1 (relating to definitions) will add the definitions of "microchip" and "releasing agency" and amend the definition of "Secretary" to provide clarity to the regulations.

Section 21.4 (relating to penalties) will be reserved. The act sets forth the penalties to be imposed for violations of specific sections of the act. There is no need to repeat the penalties in the regulation.

##### *Licensure*

Section 21.51 (relating to lifetime dog license issuance) has been deleted and new language has been added to allow the use of either tattooing or microchipping. The microchip and tattoo numbers are obtained from the county treasurer or agent, who will issue the lifetime license and tag.

Section 21.52 (relating to recordkeeping for lifetime dog licenses) sets forth the requirement that the county treasurer or agent shall maintain a databank of all lifetime licenses. The county treasurer or agent shall maintain a record of lifetime licenses for 20 years.

Section 21.53 (relating to transfer of lifetime dog licenses) requires the county treasurer to transmit any changes in residence to the Department so that the Department's databank remains current.

Section 21.55 (relating to breeding kennel license) will be reserved because, under the act, there is no longer a distinction between a kennel license and a breeding kennel license.

Section 21.57 (relating to kennel tags) will be amended to provide that the Department, rather than the county treasurer, shall issue a maximum of ten kennel tags. The State warden may recommend that more tags are needed.

#### *Fiscal Impact*

##### *Commonwealth*

The proposed amendments will impose minimal costs and have minimal fiscal impact upon the Commonwealth. The proposed amendments will not increase or decrease the regulatory workload. The Department will have to organize a databank to maintain a record of lifetime license holders.

##### *Political Subdivisions*

The proposed amendments will impose minimal costs and have a minimal fiscal impact upon political subdivisions. The county treasurer shall transmit a record of lifetime licenses monthly. The county treasurer currently transmits a monthly record of all dog licenses sold, therefore the requirement to transmit a record of lifetime licenses sold will not impose an additional burden on the county treasurer. The county treasurer already keeps a record of lifetime licenses for 15 years; the proposed amendments extend this requirement to 20 years.

##### *Private Sector*

The proposed amendments will impose no additional costs on private sector organizations or individuals.

##### *General Public*

The proposed amendments will impose no additional costs and have no fiscal impact on the general public. Dog owners that wish to have a lifetime license are already required to have the dog tattooed. The proposed amendments allow the use of a microchip as an alternative form of identification.

##### *Paperwork Requirements*

The proposed amendments will not result in an appreciable increase in paperwork. The Department will be required to maintain a databank of lifetime license holders.

##### *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on December 21, 2001, the Department submitted a copy of this proposed rulemaking to the Independent Regulatory Review Commission (IRRC) and the Chairpersons of the House Agricultural and Rural Affairs Committee and the Senate Agriculture and Rural Affairs Committee. In addition to submitting the proposed rulemaking, the Department has provided IRRC and the

Committees with a copy of a detailed Regulatory Analysis Form prepared by the Department in compliance with Executive Order 1996-1, "Regulatory Review and Promulgation." A copy of this material is available to the public upon request.

Under section 5(g) of the Regulatory Review Act, if IRRC has objections to any portion of the proposed rulemaking, it will notify the Department within 10 days of the close of the Committees' review period. The notification shall specify the regulatory review criteria that have not been met by the portion of the proposed rulemaking to which an objection is made. The Regulatory Review Act specifies detailed procedures for review, prior to final publication of the rulemaking, by the Department, the General Assembly and the Governor of objections raised.

*Comment Period*

The public comment period for the proposed amendments is 30 days from the date of publication in the *Pennsylvania Bulletin*.

*Contact Person*

Further information is available by contacting the Department of Agriculture, Bureau of Dog Law Enforcement, 2301 North Cameron Street, Harrisburg, PA 17110-9408; Attn: Richard Burd (717) 787-4833.

*Effective Date*

These proposed amendments will become effective upon final-form publication in the *Pennsylvania Bulletin*.

SAMUEL E. HAYES, JR.,  
*Secretary*

**Fiscal Note:** 2-135. (1) General Fund; (2) Implementing Year 2001-02 is \$0; (3) 1st Succeeding Year 2002-03 is \$0; 2nd Succeeding Year 2003-04 is \$30,000; 3rd Succeeding Year 2004-05 is \$30,000; 4th Succeeding Year 2005-06 is \$30,000; 5th Succeeding Year 2006-07 is \$30,000; (4) Fiscal Year 2000-01—n/a; Fiscal Year 1999-00—n/a; Fiscal Year 1998-99—n/a; (7) General Government Operations; (8) recommends adoption.

**Annex A**

**TITLE 7. AGRICULTURE**

**PART II. DOG LAW ENFORCEMENT BUREAU**

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

**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:

\* \* \* \* \*

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

\* \* \* \* \*

**Releasing agency**—A public or private pound, animal shelter, humane society, society for prevention of cruelty to animals or other similar entity that releases a dog or cat for adoption.

\* \* \* \* \*

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

**§ 21.4. [ Penalties ] (Reserved).**

[ A person found in violation of any provision of this chapter shall be guilty of one of the following:

(1) A summary offense for the first and second convictions under this chapter or the act within a 1-year period.

(2) A misdemeanor of the third degree for a third or subsequent violation under this chapter or the act within 1 year of conviction for the first and second violations. ]

**LICENSURE**

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

(a) [ The applicant shall complete a lifetime dog license application and present it and the appropriate fee to the County Treasurer or his agent in the applicant's county of residence, either in person or by mailing an application and including a self-addressed, stamped envelope. ] **Application.** The applicant shall complete a lifetime dog license application and present it and the appropriate fee to the county treasurer or an agent in the applicant's county of residence, either in person or by mailing an application.

(b) [ The County Treasurer or his agent shall assign a tattoo-license number and place the number on a tattoo certificate. The number shall be at least six digits, the first two digits designating the county. For example, Adams County numbers shall begin with 01; York County, with 67. The county number shall be followed by at least four digits assigned by the County Treasurer or his agent. For example, the first tattoo number assigned by Lehigh County will be 390001; the tenth number will be 390010; the one hundredth number will be 390100. The dog owner may have the letters "PA" tattooed on the dog immediately preceding the assigned number issued by the County Treasurer or his agent. ] **County treasurer.**

(1) Upon receipt of a lifetime dog license application, the county treasurer shall complete the lifetime license from information on the lifetime dog license application.

(2) The county treasurer or an agent shall assign a tattoo-license number or a microchip-license number and place the number on a tattoo/microchip license certificate.

(3) The tattoo/microchip license certificate shall identify the dog by breed, date of birth, sex, color and markings, shall contain the name, address and phone number of the dog's owner and the year of licensure and shall set forth the tattoo-license or microchip-license number that was issued.

(4) The tattoo-license number or the microchip-license number and all other information except the part to be filled in by the tattooist or the person implanting the microchip shall be completed by the county treasurer or an agent on the tattoo/microchip certificate before the certificate is given to the applicant.

(5) The county treasurer or his agent shall collect the applicable fee for the lifetime license before issuing the tattoo/microchip certificate to the applicant.

(6) The county treasurer or an agent shall hold the lifetime license and the accompanying tag until the applicant returns the completed tattoo/microchip certificate.

(7) The tattoo-license number or microchip-license number issued by the county treasurer shall be at least six digits, the first two digits designating the county. For example, Adams County numbers shall begin with 01; York County, with 67.

(8) The county number shall be followed by at least four digits assigned by the county treasurer or his agent. For example, the first tattoo number or microchip number assigned by Lehigh County will be 390001.

(c) [ The tattoo-license number and all other information except the part to be filled in by the tattooist shall be completed by the County Treasurer or his agent on the tattooing certificate before the certificate is given to the applicant. The lifetime license shall also be completed by the County Treasurer or his agent from information on the lifetime application at that time. The County Treasurer or his agent shall collect the applicable fee for the lifetime license before issuing the tattoo certificate to the applicant. ] *Owner.*

(1) The owner shall arrange to have the dog tattooed or a microchip implanted at the owner's expense with the number assigned by the county treasurer in the manner prescribed in subsection (b). The tattooist or the person implanting the microchip shall complete the tattoo/microchip certificate. The number tattooed on the dog shall be the same number as the assigned tattoo-license number set forth on the tattoo/microchip license certificate.

(2) When the dog owner is seeking a tattoo-license, the dog owner may have the letters "PA" tattooed on the dog immediately preceding the assigned number issued by the county treasurer or his agent. The tattoo shall be on the right hind leg on the inner part of the upper thigh.

(3) When a microchip-license number is issued, the person implanting the microchip shall record the identifying number on the microchip on the tattoo/microchip license certificate.

(4) The microchip implanted shall be of a type consistent with § 21.1 (relating to the definitions) and shall be implanted in accordance with the manufacturer's specifications.

(d) [ The owner shall arrange to have the dog tattooed at the owner's expense with the number assigned by the County Treasurer in the manner prescribed by subsection (b). The dog shall be tattooed on the right hind leg on the inner part of the upper thigh. The tattooist shall complete the tattooing certificate. ] *Issuance of lifetime license.*

(1) Upon receipt of the properly completed tattoo/microchip certificate, the county treasurer shall issue the lifetime license and tag to the dog owner. The number on the tag that is issued shall be the same number as the assigned tattoo-license number

or microchip license number set forth on the tattoo/microchip license certificate.

(2) Upon issuing the lifetime license to the applicant, the county treasurer shall record the microchip-license number and the corresponding microchip identification number.

(3) If the applicant has not returned the completed tattoo/microchip certificate to the county treasurer or an agent within 60 days, the license fee shall be refunded to the applicant by the county treasurer or his agent. The 50¢ issuance fee shall be retained by the county treasurer for his service in forwarding the refund to the applicant. The tattoo-license number or microchip-license number may not be reissued to future applicants other than the original applicant. If the applicant has not reapplied for a lifetime license within 30 days of the date of the refund, the lifetime license shall be voided.

(e) [ The County Treasurer or his agent shall hold the lifetime license and the accompanying tag until the applicant returns the completed tattooing certificate. The County Treasurer then shall issue the license and tag. If the applicant has not returned the completed tattooing certificate to the County Treasurer or his agent within 60 days, the license fee shall be refunded to the applicant by the County Treasurer or his agent. The 50¢ issuance fee shall be retained by the County Treasurer for his service in forwarding the refund to the applicant. The tattoo-license number shall not be reissued to future applicants other than the original applicant. If the applicant has not reapplied for a lifetime license within 30 days of the date of the refund, the lifetime license shall be voided. ] *Record retention.* Copies of the lifetime application shall be distributed as indicated on the application, with the county treasurer's copy behind filed in sequence. A monthly record of lifetime license information shall be mailed or electronically transmitted to the Department.

[ (f) Copies of the lifetime license form and tattooing certificate shall be distributed as indicated on the copies with the County Treasurer's copy being filed in sequence. ]

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

The county treasurer or an agent shall mail or electronically transmit a monthly record of lifetime licenses information to the Department. The [ County Treasurer ] county treasurer or an agent shall keep a record of all lifetime dog licenses issued for [ 15 ] 20 years.

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

The issuance of a new license and tag is not required when transferring a lifetime dog license to a new owner or when the owner changes his residence to another county. However, the transfer or change in residence shall be recorded by the issuing [ County Treasurer ] county treasurer and, when applicable, by the [ County Treasurer ] county treasurer in the county to which the dog has been moved. The county treasurer shall mail or electronically transmit a record of the transfer or change in residence to the Department.

§ 21.55. [ Breeding kennel license ] (Reserved).

[ For the purposes of enforcing the act, when it is not apparent whether a kennel should be licensed as a private kennel or breeding kennel, the kennel shall be licensed as a breeding kennel if the owner or operator keeps, harbors, shelters, sells, gives away or transfers a cumulative total of 101 or more dogs in the preceding calendar year. ]

§ 21.57. Kennel tags.

The [ County Treasurer shall ] Department will issue a maximum of ten kennel tags to [ the ] a kennel owner or operator unless [ authorization is provided by ] the State Dog Warden for the county recommends that a higher quantity is required.

[Pa.B. Doc. No. 02-10. Filed for public inspection January 4, 2002, 9:00 a.m.]

CDL-1

**FACE SHEET  
FOR FILING DOCUMENTS  
WITH THE LEGISLATIVE REFERENCE  
BUREAU**

**(Pursuant to Commonwealth Documents Law)**

#2241

DO NOT WRITE IN THIS SPACE

Copy below is hereby approved as to form and legality.  
Attorney General

By: \_\_\_\_\_  
(Deputy Attorney General)

\_\_\_\_\_  
DATE OF APPROVAL

Check if applicable  
Copy not approved. Objections attached.

Copy below is hereby certified to be true and  
correct copy of a document issued, prescribed or  
promulgated by:

Department of Agriculture

DOCUMENT/FISCAL NOTE NO. 2-135

DATE OF ADOPTION \_\_\_\_\_

Samuel E. Hayes, Jr.  
Samuel E. Hayes, Jr.

TITLE Secretary

EXECUTIVE OFFICER CHAIRMAN OR SECRETARY

Copy below is hereby approved as to form and legality  
Executive of Independent Agencies

BY: Andrew K. Cline  
10/8/02  
DATE OF APPROVAL

(Deputy General Counsel)  
(~~Chief Counsel - Independent Agency~~)  
(~~Strike inapplicable title~~)

Check if applicable. No Attorney General Approval or  
objection within 30 days after submission.

**NOTICE OF FINAL RULEMAKING**

**Department of Agriculture  
Bureau of Dog Law Enforcement  
7 Pa. Code §§ 21.1 - 21.57  
Amendments to Lifetime Licensure Regulations**

**7 Pennsylvania Code**  
**Part II. Dog Law Enforcement Bureau**  
**Chapter 21. General Provisions; Kennels; Licensure;**  
**Dog-Caused Damages**

The Department of Agriculture (“Department”), under the specific authority of the act of December 7, 1982, P.L. 784, No. 225, as amended, December 11, 1996, P.L. 943, No. 151, known as the Dog Law (“Act”) (3 P.S. § 459-101 *et seq.*), hereby amends the regulations at Chapter 21 of Title 7 (7 Pa. Code §§ 21.1, 21.4, 21.51, 21.52, 21.53, 21.55 and 21.57).

***Authority***

The Department has the power and authority to amend and adopt these regulations. This authority includes:

(1) The general duty to implement the policy of the act set forth at Section 101, which states this is an act “...relating to dogs, regulating the keeping of dogs; providing for the licensing of dogs...providing for the abandonment of animals” and “providing for...liability of the owner of keeper of dogs for such damages.” (3 P.S. § 459-101) The Department has a duty to assure the proper and humane licensure of dogs, to allow for the proper identification of dogs and a means by which a person may obtain reimbursement for certain dog-caused damages.

(2) The specific authority conferred by Section 201 of the act which, bestows upon the Department the power to promulgate regulations regarding the lifetime licensure of dogs.

(3) The specific authority to impose and enforce penalty provisions of the act, set forth in articles II through IX of the act (3 P.S. §§ 459-201-459-911-A).

### ***Need for the Regulation***

The current lifetime licensure regulations at Chapter 21 (7 Pa. Code §§ 21.51, 21.52, 21.53, 21.55 and 21.57) became effective October 12, 1985. The act was amended and the amendments became effective December 11, 1996. The amendments to the act included amendments to the “Licenses, Tags And Kennels” provisions (3 P.S. §§ 459-200 - 459-219), which contain the lifetime license provisions at Section 201(b) (3 P.S. § 459-201(b)). The lifetime licensure provisions of the current regulations require that a dog be tattooed with a number assigned by the County Treasurer. While these regulations were consistent with the requirements set forth by the legislature, those requirements were changed by the 1996 amendments to the act. The act now allows for the lifetime licensure of dogs through the implantation of a microchip. The proposed amendments to the lifetime licensure regulations will allow the use of a microchip as an alternative to the tattoo identification. The regulations must be amended to set forth the procedure for obtaining a lifetime license when a microchip is implanted in the dog. The Department also amended the tattoo provisions in order to clarify the lifetime licensure process. The amendments to Section 21.51 (7 Pa.Code § 21.51) required the Department to revise the definitions section of the regulations, at 7 *Pennsylvania Code*, Chapter 21.1 in order to clarify language added by those amendments.

Additionally, the Department amended Section 21.4 (related to penalties), section 21.52 (related to recordkeeping for lifetime dog licenses) and section 21.57 (related to kennel tags) in order to make them consistent with the act and the amended regulations (7 Pa.Code §§ 21.4, 21.52 and 21.57). The amendments to Section 21.4 were necessary to make it consistent with the same penalty provision in the act, at Section 903 (3 P.S. § 459-903), which had been amended. The Department originally proposed to repeal the section of the regulations relating to penalties because the penalties were set forth in the act. However, after receiving numerous comments from the regulated community requesting that all the penalty provisions set forth in the act be consolidated in the regulations, the Department decided to reiterate and consolidate the penalty provisions. This will accommodate the regulated community and the courts by providing an easy reference to penalty provisions that apply to specific areas of the act. It will also aid the Department in enforcement of the act and the regulations.

Section 21.53 of the regulations (relating to transfer of lifetime dog licenses) was amended to clarify the process required when the ownership of a dog with a lifetime license is transferred or the dog is moved to a new address.

In the interest of continuing to carry out the policy of the act, which is to assure the health, safety, and humane treatment of dogs, and to assure the regulations are consistent with the provisions of the act, the Department hereby amends the regulations at Title 7, Chapters 21.1, 21.4, 21.51, 21.52, 21.53, 21.55 and 21.57 (7 Pa.Code §§ 21.1, 21.4, 21.51, 21.52, 21.53, 21.55 and 21.57), to effectuate the changes referred to above.



In summary, the Department is satisfied there is a need for the regulations, and that they are otherwise consistent with Executive Order 1996-1, "Regulatory Review and Promulgation."

### *Comments*

Notice of Proposed Rulemaking was published at 32 *Pennsylvania Bulletin* 66 (January 5, 2002) and provided for a 30-day public comment period. In accordance with Section 902 of the act, the Department held a public hearing on December 14, 2000, with regard to the regulation (3 P.S. § 459-902). Notice of the public hearing was published at 30 *Pennsylvania Bulletin* 5543 (October 28, 2000). In addition, members of the Dog Law Advisory Board and other known interested parties, such as those who regularly attend public meetings of the Dog Law Advisory Board, were notified by regular mail. An official record of the public hearing is available for public inspection.

The Department received numerous comments regarding the proposed regulations and made extensive revisions to the proposed regulations based on those comments. Therefore, the Department decided to distribute the revised regulations to all commentators for their review prior to submitting the revised regulations into the final rulemaking process. The Department received additional comments and those comments are included in this section of the Preamble.

Comments were received from the Independent Regulatory Review Commission; the Honorable Raymond Bunt, Jr., Majority Chairman Agriculture and Rural Affairs Committee; the Honorable Peter J. Daley, Minority Chairman Agriculture and Rural Affairs Committee; Virginia S. Richardson, President, Pennsylvania Association of County Treasurers; Dotsie Keith, Legislative Chairperson, Pennsylvania Federation of Dog Clubs, Incorporated; Johnna L. Seeton, Chairperson, Pennsylvania Legislative Animal Network; Anne Irwin, President, Federated Human Societies of Pennsylvania and Executive Director of Bucks County Society for the Prevention of Cruelty to Animals; Jeff Steed, DVM (Dog Law Board Member) Manheim Pike Veterinary Hospital, Incorporated; James R. Rummel, VMD, President, Pennsylvania Veterinary Medical Association; Hannis Stoddard III, DVM, President and Founder, Avid Identification Systems Incorporated. The Department thanks all of those who commented on these regulations. The comments were insightful and helped the Department clarify the regulations and develop regulations that meet the parameters of the act and fit the needs of the regulated community.

## Comments Received

### Category

#### A. Economic and Fiscal Impact

### Commentator

#### Independent Regulatory Review Commission

1. The Independent Regulatory Review Commission (IRRC) commented concerning question #18 on the Regulatory Analysis Form. IRRC commented, the Department states this regulation will not impose any compliance costs on local governments. However, County Treasurers assert they will incur costs for updating computer programs to accommodate both the lifetime license number and the microchip number. **IRRC stated the Department should include an analysis of the costs for counties to update their computer programs when it submits the final-form regulation.**

2. IRRC pointed out that Paragraph (d)(3) of the proposed regulations refers to a 50 cent issuance fee, while Section 200(b) of the Dog Law (3 P.S. S 459-200(b)) authorizes a \$1 fee. IRRC has asked the Department to remedy this inconsistency in the final-form regulations.

#### Pennsylvania Association of County Treasurers

1. The Pennsylvania Association of County Treasurers (PACT) commented that because the microchip number and the lifetime license number will be two different numbers their computer programs would need to be modified. The PACT believes these expenses should be the responsibility of the Department.

2. The PACT commented, Subsection 21.51(d)(3) of the regulation states, "The 50 cent issuance fee shall be retained by the County Treasurer for his service in forwarding the refund." The issuance fee set by the Act is now \$1.00. The PACT asked if the Department intended to decrease the County Treasurer's fee?

### Response

In response to the above comments and concerns regarding the cost associated with recording both the life time license tag number and the microchip number, in the Regulatory Analysis Form submitted with the final-form regulation the Department will include an analysis of the need and cost for counties to upgrade their computer programs in order to comply with the recordkeeping requirements of the proposed regulations. In addition, the Department does not believe any extensive upgrading of County Treasurers'

systems will be necessary. Under Section 200(e) of the Dog Law (3 P.S. § 459-200(e)) the Department is responsible for supplying the forms on which the dog license records are kept. The Department will work with the County Treasurers to devise a form which will not require an extensive upgrade of their computer systems. The format could be as simple as requiring the County Treasurer to differentiate the two numbers by placing a dash or slash between them. With regard to the County Treasurers' assertion that any expenses involved with the upgrade should be the responsibility of the Department, the Dog Law (3 P.S. § 459-101 *et seq.*), specifically at Sections 1001(b) and 1002(b) (3 P.S. §§ 459-1001(b) and 459-1002(b)), sets forth the parameters for expenditure of funds from the Dog Law Restricted Account. Any compensation would have to fit into one of the criteria delineated in those sections of the Dog Law.

With regard to concerns expressed by IRRC and PACT about the level of compensation for County Treasurers and Agents, set forth at Section 21.51(d) of the regulations, this was an oversight on the part of the Department when amending the current regulations. The language set forth in the proposed regulations is the same language that appears in the current regulations. The 1996 amendments to the Dog Law changed the level of compensation for processing of dog licenses to \$1. The Department has added language throughout the final-form regulation referring to the "appropriate fees, as set forth at Sections 201 and 200(b) of the Act". This should address PACT's concern and make the compensation level for County Treasurers and agents processing dog licenses consistent with those set forth at Section 200(b) of the Dog Law (3 P.S. § 459-200(b)).

## **B. Application and Issuance Process – Clarity, Consistency with Statute**

### **Commentator**

### **Independent Regulatory Review Commission**

1. IRRC agreed with several commentators that the procedure set forth in the proposed regulations is too complicated with regard to the issuance of lifetime licenses for microchipped dogs. IRRC further agrees the process should be more streamlined and concurs with other commentators' suggestions that the dog owner should be able to have a microchip implanted in his or her dog prior to obtaining a lifetime license number and tag from the County Treasurer or agent. Commentators suggest the owner could have a microchip implanted in the dog and then take a microchip verification or certificate to the office of the County Treasurer or agent, at which point, the microchip identification number could be recorded and the lifetime license and tag issued.

2. IRRC suggests Paragraphs (b)(2), (b)(7) and (c)(1) of the proposed regulations should be amended to clarify that the lifetime license number will be assigned by the County Treasurer. In instances where a microchip is used as the permanent means of identification, the County Treasurer will record the microchip number, as well as the assigned lifetime license number, on the license certificate.

3. IRRC suggests Subsection (c) of the proposed regulations should be amended to address the process to be followed by: (1) dog owners who had their dog microchipped before the effective date of the regulation; and (2) new dog owners of previously microchipped dogs. The final form regulation should address the process for these parties to obtain lifetime dog licenses.

4. IRRC believes Paragraph (c)(3) of the regulation is confusing. IRRC suggests the sentence; "...person implanting the microchip shall record the identifying number of the microchip on the tattoo/microchip license certificate" should be amended to clarify the intent of this provision.

5. IRRC commented Paragraph (d)(1) contains a requirement that the lifetime license applicant must remit the "appropriate fee", set forth in the Dog Law, to the County Treasurer or agent. IRRC believes this Paragraph should also contain a cross-reference to the fees established in 3 P.S. § 459-201(b) of the Dog Law.

6. IRRC questioned whether the reference to "microchip-license number" in Paragraph (d)(2) of the proposed regulation should be changed to "lifetime license number".

7. IRRC commented that in Subsection (e) of the proposed regulations, the phrase "...with the county treasurer's copy behind filed in sequence", was confusing and requested that the Department clarify this phrase in the final-form regulation.

**Pennsylvania Federation Of  
Dog Clubs, Inc.**

1. The Pennsylvania Federation Of Dog Clubs, Inc. (PFDC) pointed out the Department appears to assume the current method and procedures being utilized for the Lifetime Licensure of dogs concerning tattoos as the means of permanent identification of dogs can be utilized for microchips. The PFDC stated microchips already have a manufacturer's number imbedded in them and therefore it is impossible for a County Treasurer to assign a number for the microchip itself. The PFDC suggests it will be necessary to "...rewrite these rules and regulations to reflect the two different methods, tattooing and micro chipping..."

2. The PFDC suggested – with regard to the process for microchipping – “...the county treasurer would have to have a system whereby the dog would be assigned a state or county number that would appear on both the paper work and the license tag itself and then the microchip number would also appear on the paper work in order to identify the dog by cross referencing the two numbers.”

**Pennsylvania Legislative  
Animal Network (PLAN)**

1. The Pennsylvania Legislative Animal Network (PLAN), commented that microchips are already numbered when they are manufactured and therefore the number assigned by a County Treasurer or an agent for a lifetime license – where a microchip will be used as the permanent means of identification – must be linked to the implanted microchip number to allow the two different numbers to be cross-referenced. PLAN goes on to state, “[T]hus, a dog with a lifetime microchip-license will carry two numbers for identification. The same dog will wear two tags, one with the lifetime license number, and the other with the actual microchip number...”

2. PLAN commented, provisions must be added to the regulations to allow for the processing of dogs that already have microchips implanted. PLAN suggests proof of microchipping should be mandatory **before** an application for a lifetime license can be issued and the process initiated.

3. PLAN requested the addition of the word “altered” to the identifying license certificate so the applicant or County Treasurer can check a box as to whether the dog has been spayed or neutered (second sentence of old Section 21.51(b)). PLAN wants to assure applicants and County Treasurers identify the dog properly as an “intact” male or female or a “spayed, neutered or altered” male or female.

**Bucks County Society for  
the Prevention of Cruelty  
to Animals**

1. The Bucks County Society for the Prevention of Cruelty to Animals (BCSPCA) pointed out that microchips are already numbered when they are manufactured and therefore the number assigned by a County Treasurer or an agent for a lifetime license – where a microchip will be used as the permanent means of identification – must be linked to the implanted microchip number to allow the two different numbers to be cross-referenced. The number on the lifetime tag issued by the County Treasurer will be different from the number on the microchip.

2. The BCSPCA stated, “[B]ecause of how microchips are manufactured and distributed there will need to be some differences between how lifetime licenses are issued for microchips and how they are issued for tattoos.”

3. The BCSPCA commented, provisions must be added to the regulations to allow for the processing of dogs that already have microchips implanted. The BCSPCA suggests that owners of dog, already having microchips implanted, should be able to present proof of microchipping, "...either in the form of the original paperwork from the vet or animal shelter, showing the chip number and manufacturer, or in the form of a verification from a vet or animal shelter that the animal is microchipped..." and identifying the microchip number and manufacturer.

**Manheim Pike Veterinary  
Hospital, Inc.  
Jeff Steed, D.V.M.  
(Dog Law Advisory Board Member)**

1. The Manheim Pike Veterinary Hospital, Inc. (MPVH) commented that the regulations, as written, might accomplish the intended results. However, MPVH agrees with other commentators who stated the proposed regulations are confusing and more complicated than necessary. The MPVH's biggest concern regards the confusion arising over the assignment of a microchip-license number. The microchip number is different from the lifetime license number that will be issued by the County Treasurer. The MPVH feels the two different numbers are easily confused as the regulations currently read and that the Department needs to make it clear they are two different numbers. The MPVH suggests the language of the final-form regulations should be worded more clearly to reflect the fact that a microchip already has a unique encoded I.D. number and therefore the number assigned by a County Treasurer or an agent for a lifetime license – where a microchip will be used as the permanent means of identification – will be different from the microchip number. The number on the lifetime tag issued by the County Treasurer will be different from the number on the microchip. The MPVH suggests the County Treasurer or agent and the Department should keep a record of both numbers and use the lifetime license number to cross reference the microchip number and visa-versa.

2. With regard to the procedure for obtaining a lifetime license when a microchip will be used as the means of permanent identification, the MPVH commented, it believes the procedure can and should be simplified. The MPVH suggests the owner of the dog should be allowed to obtain a certificate or verification that a microchip has been implanted in the dog. The certificate or verification would set forth the unique I.D. number of the microchip. The dog owner could then take the certificate or verification of microchipping to the County Treasurer or agent and apply for a lifetime license. This would also address the problem where dogs were microchipped prior to the regulations being promulgated.

3. The MPVH stated the Commonwealth database must include the unique microchip I.D. number and its associated lifetime license number for the process to work as intended.

**Pennsylvania Veterinary  
Medical Association**

1. The Pennsylvania Veterinary Medical Association (PVMA) commented the regulations as currently written present several points of confusion. The first point of confusion regards the incorrect assumption -- brought about by the current wording of the regulations -- that the "microchip number" must be pre-assigned by the County Treasurer or agent and have the two digit county code placed in front of it. The PVMA points out that each microchip has a unique, unalterable number. The PVMA would like the Department to clarify the language, in the final-form regulation, to reflect the fact that a distinct number, separate from the microchip number, will be issued by the County Treasurer or agent and two separate numbers -- the microchip number and the lifetime license number issued by the County Treasurer or agent will be recorded. These numbers will cross-reference one another. The PVMA suggests a possible language change to address the confusing issue. The PVMA states that using the term "microchip number" instead of the term "microchip identification number" might simplify and clarify the regulations.

2. The PVMA commented the Department should clarify the procedure for issuing a lifetime license where the dog has previously had a microchip implanted. The PVMA believes the Department should clearly state that, in such a case, the dog owner could present verification of microchipping, such as a receipt from the veterinarian that implanted the microchip, to the County Treasurer or agent.

3. The PVMA would like the Department to include a provision that would allow the application for the lifetime license to be completed after the microchip was implanted instead of requiring the dog owner to complete the lifetime license application prior to the implantation of a microchip.

**Honorable Raymond Bunt, Jr.  
Majority Chairman  
Agriculture and Rural Affairs Committee**

1. The Honorable Raymond Bunt, Jr. agrees with other commentators that amendments must be made to the language of the proposed regulation in order to clearly identify the process of assigning a lifetime license number to a dog that has been, or will be permanently identified with a microchip.



## Response

Although the substantive content and intent of the proposed regulation has not changed, the Department, based on the numerous comments regarding clarity of the proposed regulation, has done an extensive revision to the structure of the proposed regulation. The revisions include breaking Section 21.51 of the final-form regulation down into various new subsections to add clarity to the application process and adding language and new subsections to Section 21.53 of the final-form regulation in order to clarify the process to be followed when a dog with a lifetime license is transferred to a new owner or relocated outside the county in which the lifetime license was issued.

Section 21.51 of the final-form regulation includes separate subsections setting forth the licensure procedure to be followed when using a tattoo as the means of permanent identification versus the licensure procedure to be followed when using a microchip as the means of permanent identification. In addition, the duties of the license applicant and the County Treasurer or Agent have, for the most part, been set forth in separate subsections. Furthermore, Section 21.51 of the final-form regulation allows an owner to have a microchip implanted in his or her dog prior to obtaining an application for a lifetime license. A dog owner may have a microchip implanted and then take a microchip verification form or certificate to the office of the County Treasurer or agent, at which point, the microchip identification number will be recorded and the lifetime license and tag issued. The final-form regulation makes a clear distinction between the microchip number, which will be recorded by the County Treasurer and the Lifetime License number, which will be assigned by the County Treasurer. The County Treasurer will then record both numbers for their records. The two numbers will act as a cross-reference in order to allow the dog to be identified by either number. The Department also established a separate subsection addressing the procedure to be followed by the owner of a dog which had a microchip implanted prior to these regulations taking effect.

There were other comments submitted regarding Section 21.51 which the Department considered but which did not result in revisions to the final-form regulation. One comment concerned the issuance of two tags for dogs receiving a lifetime license. Contrary to the statement by the commentator that the dog will wear two tags, the dog will only wear one tag – the lifetime license number issued by the County Treasurer or Agent. The microchip number will be recorded by the County Treasurer or Agent and will act as a cross-reference to the Lifetime License number assigned by the County Treasurer. Requiring a second tag would add an additional unnecessary cost and would not give the dog any additional protection. The microchip is implanted in the dog and where necessary to identify the dog – such as where the dog has lost his collar with the lifetime license tag number on it - the microchip number can be ascertained by scanning the dog. Another comment suggested the Department should make verification of implantation of a microchip mandatory prior to the initiation of the application process. The Department will not require that a dog be microchipped **before** an application for a lifetime license can be issued and the process initiated. Most commentators wanted more flexibility in the process. The process set forth in the final-form regulation allows the dog owner to obtain an application prior to or after a microchip is implanted in the dog.

However, the final-form regulation does require proof of microchipping prior to the County Treasurer or Agent actually issuing the lifetime license and tag number. Another commentator suggested the addition of the word “altered” to the identifying license certificate to be issued, so that the applicant or County Treasurer can check a box as to whether the dog has been spayed or neutered. The commentator wanted to assure applicants and County Treasurers identify the dog properly as an “intact” male or female or a “spayed, neutered or altered” male or female. The application for a dog license or lifetime dog license already requires this type of information. The information is necessary to determine the proper cost of the license and becomes part of the records of the County Treasurer or Agent.

**C. Transfer of Lifetime Dog Licenses – further define to add clarity**

**Commentator**

**Independent Regulatory  
Review Commission**

1. The Independent Regulatory Review Commission (IRRC) commented Section 21.53 of the proposed regulations (relating to Transfer of Lifetime Licenses) does not specify a time period within which an owner must notify the county that issued the lifetime license of a change in address or ownership of the dog.

2. IRRC commented the regulation is unclear as to what information is necessary for the owner to provide to the County Treasurer or agent as part of the transfer application.

3. IRRC commented that Section 205(a) of the Dog Law (3 P.S. § 459-205(a)) specifies a \$1 fee for transfer of a license. IRRC suggests the \$1 fee should be cross-referenced or set forth in this section of the regulation.

4. IRRC commented the regulation is silent with regard to the process to be utilized by a dog owner moving to Pennsylvania from another State with a dog that has already been tattooed or implanted with a microchip in the former State of residence.

**Pennsylvania Association of  
County Treasurers**

1. The PACT commented that the Department should add a provision to the regulation, which would delineate the lifetime licensing procedure for a person moving in from another State who already has their dog microchipped. The concern is the Department would require a new microchip to be implanted in the dog.

**Bucks County Society for  
the Prevention of Cruelty  
to Animals**

1. The Bucks County Society for the Prevention of Cruelty to Animals (BCSPCA) commented adding more specific language to Section 21.53 of the proposed regulations (relating to Transfer of Lifetime Licenses) would help to clarify the current regulations. The BCSPCA suggests the Department should address how much time the owner of a dog has to contact the County Treasurer or agent after a change in address or a change in ownership of the dog, what information needs to be provided by the dog owner in each case and the fee for the transfer.

**Honorable Raymond Bunt, Jr.  
Majority Chairman  
Agriculture and Rural Affairs Committee**

1. Representative Bunt commented that he agreed with the comment submitted by the BCSPCA regarding Section 21.53 of the proposed regulation (relating to Transfer of Lifetime Licenses). Representative Bunt stated, "Sections 205 (a) and (b) of the law do establish fees for license transfer. If no fee is proposed for recording a new residence for a lifetime license owner, then perhaps that could be stated in the regulation."

**Response**

In response to comments received concerning the process to be followed when a dog, with a lifetime license, is transferred to another owner or permanently relocated to another county, the Department added language to Section 21.53 (relating to transfer of lifetime dog licenses) of the final-form regulation and broke that section down into separate subsections addressing ownership transfers and residence changes within a county and ownership transfers and residence changes to places outside the county in which the lifetime license was issued. The new language and separate subsections set forth in Section 21.53 of the final-form regulation clarify the process to be followed in each case.

The Department added language to the final-form regulation to address comments concerning the lack of a specific time limit, in the Act or the proposed-regulation, within which the dog owner, transferee or both must notify the County Treasurer or Agent of a transfer of ownership or change of address. The Department believes, in order to assure protection of the dog and the general public, it is reasonable to require a dog owner or transferee or both to notify the County Treasurer or Agent and complete the necessary process either immediately prior to or within 10 days after the actual transfer of ownership or change of address takes place. In addition, the final-form regulation clarifies the type of information the dog owner or transferee or both must submit.

With regard to transfer fees that must be paid, Section 205 of the Act (3 P.S. § 459-205) clearly establishes those fees and the final-form regulation restates the \$1 transfer fee. Section 205(b) of the Act (3 P.S. § 459-205(b)), makes it clear that even where a dog is moved to a new county and a new license and tag must be issued, the fee is still \$1. Therefore, the Department cannot change the fee or require payment of an additional fee through regulation.

The Department received comments regarding clarifying the lifetime license process to be followed by a person moving into the Commonwealth from another State. The commentators were concerned that if such person owned a dog that already had a microchip implanted, the person would have to have another microchip implanted in the dog. The Department believes the changes made to Section 21.51 of the final-form regulation, which address the lifetime license process to be followed when a dog already has a microchip implanted address this issue. With regard to the issue of a dog owner moving into the Commonwealth from another State and obtaining a Pennsylvania lifetime license, that person would merely follow the same process as any Commonwealth resident wishing to purchase a Pennsylvania lifetime license. There are no provisions in the Act that provide for the transfer of an out of state license. A dog license issued in another State is not valid for a dog permanently transferred into this Commonwealth.

#### **D. Penalties – Clarity**

##### **Commentator**

##### **Independent Regulatory Review Commission**

1. The Independent Regulatory Review Commission (IRRC) commented on the Department's proposed deletion of Section 21.4 of the regulations (relating to Penalties) (7 Pa.Code § 21.4). IRRC commented this provision contains the penalties for violations of this chapter. IRRC suggests for clarity, that even though the penalties are set forth in the Dog Law (3 P.S. § 459-101 *et seq.*), the Department should consider replacing the content of the penalty section with a cross-reference to the section relating to penalties contained in the Dog Law at 3 P.S. § 459-201(c).

##### **Pennsylvania Legislative Animal Network**

1. The Pennsylvania Legislative Animal Network (PLAN) commented that it strongly opposes the proposed deletion of Section 21.4 of the regulations (relating to Penalties) (7 Pa.Code § 21.4). PLAN notes the Department originally intended to amend the language of the penalty provision set forth at Section 21.4 so that the language of the regulation mirrored the language set forth at Section 903 of the Dog Law (3 P.S. § 459-903). PLAN believes that having the penalties included in the regulations will clarify the regulations for judges, kennel owners and all those who read them.

**Bucks County Society for  
the Prevention of Cruelty  
to Animals**

1. The Bucks County Society for the Prevention of Cruelty to Animals (BCSPCA) commented that it opposes the proposed deletion of Section 21.4 of the regulations (relating to Penalties) (7 Pa.Code § 21.4). The BCSPCA stated, “[W]e believe raising the level of offense to misdemeanor of the third degree for a third or subsequent violation under this act within 1 year of conviction for the first and second violations is both reasonable and necessary. Summary penalties are clearly not meaningful or effective if they do not deter someone from committing a third or subsequent offense less than a year after being convicted for a similar offense.”

**Response**

In response to the comments submitted regarding the Department’s proposed deletion of the one penalty provision contained in the current regulations, the Department has decided to amend the “Penalty” provisions, set forth at Section 21.4 of the regulations (7 Pa.Code § 21.4), to include ALL penalties set forth in the Act. The current regulations contain only one penalty provision. That penalty provision is a restatement of the penalty set forth at Section 903 of the Act (3 P.S. § 459-903). However, the Act itself contains numerous penalty provisions. Some of the provisions relate to a specific Article of the Act and other penalty provisions apply to the entire Act. In addition, because of amendments to the Act – specifically to Section 903 – the penalty provision set forth in the current regulations was not consistent with the penalty provision set forth at Section 903 of the Act. Therefore, the Department felt the regulations as currently written, were potentially confusing. The Department, in the proposed regulations, was attempting to eliminate the potential problems and confusion arising from providing only one penalty in the regulations when the Act provides for numerous penalties. The Department, wishing to avoid redundancy decided to eliminate any reference to penalties in the regulations and simply allow the Act to control. However, based upon the response of the regulated community and the regulated communities desire to have the penalties actually set forth in the regulations, the Department has included all of the penalty provisions delineated in the Act in the final-form regulation. In addition, to add further clarity, the Department has broken the penalty provisions down by Article and subject matter.

## **E. Recordkeeping for Lifetime Dog Licenses – Need and Clarity**

**Commentator**

**Independent Regulatory  
Review Commission**

1. The Independent Regulatory Review Commission (IRRC) commented that some of the language contained in Section 21.52 of the proposed regulations (relating to Recordkeeping for Lifetime Dog Licenses) was redundant. IRRC stated that this section repeats the language contained in Section 21.51(e) of the proposed regulations. IRRC suggests the Department should eliminate one of the repetitious provisions.

2. IRRC pointed out that while the recordkeeping provisions of the proposed regulations require the County Treasurer or agent to retain records for 20 years, there is no provision regarding how long the Department is going to retain lifetime dog licenses.

### **Response**

In the final-form regulation, the Department has corrected the redundant language contained in 21.51(e) and 21.52 of the proposed regulation.

With regard to IRRC's comment concerning the length of time the Department will retain life time license records, the Department will maintain the records for the same amount of time as the County Treasurer's or Agents (i.e. 20 years). However, because regulations are not intended to regulate the actions of the regulated body, the Department does not believe it is necessary to promulgate a specific provision within the regulation setting forth the time period for retention of such records by the Department.

## **F. Definitions – Need**

**Commentator**

**Independent Regulatory  
Review Commission**

1. The Independent Regulatory Review Commission commented the addition of the term "releasing agency" to the definitions section of the proposed regulations is unnecessary because the term does not appear elsewhere in the proposed regulations. IRRC suggests the term should be deleted from the final-form regulation.

**Pennsylvania Legislative  
Animal Network**

1. The Pennsylvania Legislative Animal Network (PLAN) commented the addition of the term “releasing agency” is not necessary because the term does not appear elsewhere in the proposed regulation.

**Response**

In response to the above comments regarding the definition of “releasing agency”, the Department has removed the definition from the final-form regulation.

**G. Requiring Scanners**

**Commentator**

**Honorable Peter J. Daley  
Minority Chairman  
Agriculture and Rural Affairs Committee**

1. Representative Daley commented the proposed regulation does not require pet shelters that might receive stray animals to have a scanning device to detect microchips. Representative Daley is concerned, unless the Department requires all such shelters to have scanning devices or requires scanning of dogs prior to euthanasia, a dog owner could lose a pet at a shelter that fails to scan the dog prior to euthanasia. Representative Daley states, “...there clearly is an implied promise of security for one’s pet when a microchip license is purchased, and that promise will fail if there is not widespread distribution of the microchip wands.” In addition, Representative Daley realizes such a regulatory requirement could impose a cost on shelters, if the scanning devices were not provided free of charge. Therefore, Representative Daley suggests the final-form regulation should require shelters to have scanning devices so long as they are available at no cost to the shelter.

Representative Daley’s comment received two responses; one from the veterinary industry and one from the microchip industry, which, the Department feels, should be noted.

The first response came from the Pennsylvania Veterinary Medical Association (PVMA). PVMA responded that they share the “...desire to encourage the scanning of all animals prior to admitting them into a shelter, before they are adopted and prior to euthanasia”. However, PVMA stated that while they would strongly support a statute (or statutory provision) requiring the scanning of an animal before it is euthanized, they do not believe the Lifetime Licensure regulation should be delayed in its implementation while awaiting the writing and approval process for a mandatory scanning regulation. In addition, PVMA addressed the issue of the cost of scanning devices for shelters. PVMA

informed the Department that, 5 years ago it entered into a contract with the AVID Microchip Company (AVID). Among other things, the contract allowed PVMA to distribute AVID microchip scanners free of charge to any legitimate animal control facility that made a formal request. PVMA further states, that AVID has assured PVMA it intends to continue to honor the contract with PVMA and will provide scanners free of charge to facilities that do not presently have a scanner. PVMA suggests the Department should contact the Pennsylvania Federation of Humane Societies (PFHS) and ask PFHS to poll its members. PVMA would be willing to provide the necessary information to permit such facilities to qualify for a complimentary reader.

The second response came from Avid Identification Systems, Inc. (AVID). AVID stated it has been its policy to provide scanning devices free of charge to facilities that process stray and lost animals. AVID has a contract with PVMA to provide scanning devices free of charge to animal shelters and humane organizations throughout the Commonwealth of Pennsylvania. AVID has two requirements that must be met in order for it to continue to provide scanning devices free of charge in the Commonwealth. First, because having a scanning device does not assure a shelter or stray animal facility will utilize the device and because Pennsylvania has no law requiring animals to be scanned prior to admission, adoption or euthanasia, the facility receiving the free scanning device must enter into a written agreement with AVID promising they will scan animals prior to admission and prior to adoption or euthanasia. The second requirement is that AVID must be able to continue to generate sales of microchips to Pennsylvania veterinarians and shelters. AVID would support legislation requiring the scanning of all animals prior to admission to shelters or other animal control facilities and prior to adoption or euthanasia.

### **Response**

The Department, after much discussion and consideration of the comment related to **requiring** the use of scanning devices in the final-form regulation, has decided the mandatory use of scanning devices absent an agreement with the industry to provide scanners free of charge to all facilities that accept, hold and euthanize or adopt dogs, has the potential of imposing undue costs and expenses on that industry. While the Department believes the intent of the comment is laudable, we also believe the topic is one that requires additional discussions and assurances before it is implemented. As pointed out by PVMA, many persons in the industry have eagerly anticipated the promulgation of this regulation and there is a need to move it forward as soon as possible. In addition, many facilities accepting, holding, euthanizing and adopting dogs already have such scanners. Furthermore, the mandatory requirement of possessing a scanning device, absent a law requiring the scanning of every dog prior to euthanasia and appropriate recordkeeping requirements, will not assure the intent of the comment is met. The Department and it appears the industry is very willing to endorse and encourage every facility accepting, holding and euthanizing or adopting dogs to possess a scanner and to scan every dog received by that facility prior to it being euthanized or adopted.



## **H. Miscellaneous**

### **Commentator**

**Honorable Raymond Bunt, Jr.  
Majority Chairman  
Agriculture and Rural Affairs Committee**

1. Representative Bunt commented that the “Background” section of the Preamble to the proposed regulations contains two references referring to the implantation of a microchip as a “more humane” method of identification. Representative Bunt opined these references are not accurate and infer that tattooing is inhumane. Representative Bunt strongly encourages the Department to remove these references to the humane treatment of dogs in the final-form preamble.

### **Pennsylvania Association of County Treasurers**

1. The Pennsylvania Association of County Treasurers (PACT) commented the first sentence of Section 21.51(c) states, “[T]he owner shall arrange to have the dog tattooed or a microchip implanted at the owner’s expense with the number assigned by the County Treasurer in the manner prescribed by subsection (b). PACT goes on to comment that they interpret the amendments made by the proposed regulations to delete subsection 21.51(b).

### **Response**

The Department agrees with Representative Bunt’s comment and has removed the language “more humane” from the preamble of the final-form regulation.

The amendments set forth in the proposed regulation do not have the affect of deleting subsection 21.51(b). In addition, the modification of the regulation in its final-form makes any such point of contention mute.

**Additional Comments Received After Department Revisions to the Regulations  
And  
Re-issuance to First Round Commentators**

Because of extensive revisions made to the regulations as a result of the comments received during the proposed stage of rulemaking the Department – after making revisions based on those comments and prior to submitting the revised regulation for final rulemaking - reissued the revised regulation to all persons who commented during the proposed stage of rulemaking for additional comments on the revised draft. The Department received additional comments from the Independent Regulatory Review Commission (IRRC), Pennsylvania Federation of Dog Clubs, Inc. (PFDC), Pennsylvania Legislative Animal Network (PLAN) and Pennsylvania Association of County Treasurers (PACT). The comments received were section specific and therefore are set forth in that manner below.

**Category**

**A. Section 21.14 Penalties.**

**Commentator**

**Independent Regulatory  
Review Commission**

1. The IRRC questioned whether it was necessary to "...reiterate the penalty provisions of the Act in the regulations, rather than just cross-referencing the penalty provisions?"

**Response**

For clarity purposes and based on comments received during the proposed stage of rulemaking and discussions with commentators, the Department feels that consolidating and delineating the actual penalties in the regulations is necessary. Establishing the penalties in the regulations and consolidating the penalties under the various Articles of the Act assists the regulated community, the District Justices and the Bureau and streamlines compliance and adjudicatory matters by not requiring those persons to cross-reference the Act and by clarifying which penalties pertain to violations of the provisions of each Article. The need for this is made even more evident by PLAN's comment regarding this regulation. The PLAN states, "[W]hat a super job the Department has done with the penalty section. That's one of the most comprehensive penalty sections on the books! Thank you for organizing all those references in such a concise manner."

**B. Section 21.51 Lifetime Dog License Issuance.**

**Issue 1: 10 Day Time Limit for Tattooing of a Dog**

**Commentator**

**Independent Regulatory  
Review Commission**

1. The IRRC commented that they believed the 10-day time period requirement set forth in subsections (d)(7), d(9) and (g)(2) was not enough time to allow a dog owner to get a dog tattooed and return the verification form to the county treasurer or agent. They noted the proposed version of the regulations gave a dog owner 60 days, plus an additional 30 days to reapply if the 60-day time frame was not met.

**Commentator**

**Pennsylvania Federation of  
Dog Clubs, Inc.**

2. The PFDC commented that the 10-day time period requirement set forth in the revised regulations is "...much too short a time period, especially if the dog owner is doing it by mail." PFDC suggests that a more reasonable time period would be 30 days and suggested the time period for having a dog either tattooed or microchipped should be the same.

**Commentator**

**Pennsylvania Association of  
County Treasurers**

3. The PACT commented that the 10-day time period requirement set forth in the revised regulations "...should be changed to read 30 to 60 days". They pointed out that the busy schedule of most people today only allow them to carry out such duties on the weekend or their days off.

**Response**

The Department agrees with these comments and has changed the time period in the final-form regulation to 30 days. The Department originally reduced the time period from the 60 days, plus an addition 30 days to reapply, in order to make the record keeping and tracking of the license applications easier for the county treasurers and agents and to assure the process was completed in a timely manner, thereby better protecting the health and safety of the dog. It is imperative that the licensure process be

completed in a timely manner because an unlicensed dog, which has escaped its owner or has been found running at large, has no identification for purposes of contacting the owner and may be euthanized by a shelter within 48 hours of arrival at the shelter. Therefore, after reviewing the comments the Department agrees a 30-day time period is more appropriate and reasonable.

**Issue 2: Violation for Not Tattooing or Microchipping the Dog Within the Time Period Set Forth in the Regulations.**

**Commentator**

**Independent Regulatory  
Review Commission**

1. The IRRC commented on the language in subsection (d)(9) regarding a violation of the Dog Law for not complying with the 10-day tattooing provision. The IRRC questioned what provision of the Dog Law would be violated if a person did not meet the time frame set forth in the regulations regarding the tattooing of a dog. In addition, the IRRC pointed out there was no similar provision contained in the microchip sections of the regulations.

**Response**

The Dog Law, at Section 201 (3 P.S. § 459-201(a)), requires "...the owner of any dog, three months of age or older...shall apply to the county treasurer in his respective county or an agent...for a license for such dog. Thus all dogs three months of age or older must be licensed. Section 200(b) regarding lifetime licenses requires the same licensure, except a lifetime license holder will not be required to renew such license on an annual basis. The regulations provide a timeline for completion of the licensure process (application to permanent identification and actual tag and license issuance). An applicant that violates this requirement does not have his dog properly licensed and therefore violates the licensure provisions of the Dog Law. As set forth above, the Department in response to comments regarding the reasonableness of the timeline has changed the time period to complete the process from 10 days to 30 days. In addition, the Department has set forth the same timeline in the microchip sections of the regulations for completion of the lifetime licensure process regarding the implantation of a microchip.

**Issue 3: Clarification of the reference to implantation of a microchip as opposed to scanning of the microchip.**

**Commentator**

**Independent Regulatory  
Review Commission**

1. The IRRC questioned whether the reference in the last sentence in subsection (f)(3) of the regulations to “the person implanting the microchip number” should be changed to “the person scanning the microchip number”, since that subsection addresses dogs that were previously microchipped.

**Response**

The Department agrees the language of the sentence should be changed. In the final-form rulemaking the Department has replaced all references to implanted or implanting in this subsection with the words scanned or scanning.

**Issue 4: Typo in subsection (g)(2).**

**Commentator**

**Independent Regulatory  
Review Commission**

1. The IRRC pointed out an apparent typo in subsection (g)(2). They stated the word “fees” should be changed to “fee”.

**Response**

The Department corrected this typographical error in the final-form rulemaking.

**Issue 5: Redundancy relating to subsections (f) and (g).**

**Commentator**

**Independent Regulatory  
Review Commission**

1. The IRRC stated that subsections (f) and (g) appear to repeat the same information and inquired as to whether these two subsections could be combined into one subsection.

**Response**

Subsection (f) sets forth the procedures for owners of previously microchipped dogs to follow when applying for a lifetime license. Subsection (g) sets forth the process and procedures the County Treasurers or agents must follow when issuing a lifetime license. Subsection (g) sets forth the procedures the County Treasurers and agents must follow when the means of permanent identification is a tattoo, microchip or previously microchipped dog. While some of the language may appear repetitive the Department feels it is necessary to separate the procedures of the dog owner and the County Treasurers and agents for clarity purposes. In fact, this is a change to the proposed regulations and was implemented because of comments stating the proposed regulations were confusing because there was not a clear distinction between the duties and responsibilities and processes of the dog owner and the County Treasurers and agents. Therefore, the Department believes the two subsections are necessary and should not be combined.

**Issue 6: Limiting the Persons Who May Apply a Permanent Means of Identification.**

**Commentator**

**Pennsylvania Federation of  
Dog Clubs, Inc.**

1. The PFDC stated that the Dog Law contains no reference to who may apply the permanent means of identification. The PFDC objects to the Department limiting the application of a tattoo or microchip to veterinarians or a person approved by the Department. The concern of the PFDC is that this language could impose a severe restriction on breeders with regard to where a breeder could go to have a dog tattooed or microchipped.

**Commentator**

**Pennsylvania Association of  
County Treasurers**

1. The PACT commented with regard to the language in the regulations requiring a tattoo or microchip to be applied by a licensed veterinarian or other person approved by the Department. The PACT commented that in order to properly enforce this requirement the Department would have to provide PACT with both a list of people approved by the Department to tattoo dogs and those approved to implant microchips in dogs.

**Response**

It is not the intent of the Department to limit or restrict the persons available to breeders to either tattoo or implant a microchip in a dog as a means of permanent identification. The Dog Law provides that the Department is responsible for assuring the health and safety of dogs. The provisions requiring the permanent identification to be applied by a veterinarian or other person approved by the Department were intended to protect the dog from injury and unnecessary stress and to provide some veracity and integrity to the process. The Department has made two changes to the wording of the final-form regulations in response to the above comments. First, the Department after consulting with veterinarians at the Department determined that the application of a tattoo should be limited to a licensed veterinarian. The tattoo must be applied to the right inner thigh of the hind leg of the dog. In order to effectuate this the dog must be laid on its side, the thigh held in the air and the tattoo applied. Dogs often object to such a procedure while awake and could be harmed in the process. Therefore, it was the opinion of the veterinarians that dogs should, in most situations where a tattoo is being applied, be anesthetized or at the very least be in a controlled atmosphere where anesthesia is an available option and the proper techniques and controls can and will be used during the tattooing process. Second, the Department changed the wording of the microchip sections to read a licensed veterinarian or a licensed kennel owner. The fact that the person applying the microchip must be licensed adds veracity and integrity to the process and addresses the PACT concern regarding knowledge of who is approved by the Department to apply a tattoo or microchip. Persons holding a license have an incentive to perform in a manner that will not jeopardize the license and the Department can provide a list of licensed kennels to PACT. In addition, the wording is less restrictive on breeders, because it clarifies who is approved to perform such applications and most breeders are licensed kennels and therefore could apply microchips to their own dogs and others. Also, breeders most assuredly have a veterinarian or veterinarians they rely on for the health care needs of their dogs, therefore, a breeder that prefers to have their dogs tattooed as the permanent means of identification can utilize the services of their veterinarian.

**Issue 7: Addition of the Word “Altered” to the Identifying License Certificates, Forms and Anywhere the Regulations Require Information About the Breed, Date of Birth, Sex, Color and Markings of the Dog.**

**Commentator**

**Pennsylvania Legislative  
Animal Network**

1. The PLAN commented the word “altered” should be added to the identifying license certificates, forms and anywhere the regulations require information about the breed, date of birth, sex, color and markings of the dog. The PLAN states this will “...facilitate information concerning dogs, especially females, who are not returned to their owners and are offered for adoption. We are aware of many female dogs who have had needless surgery because their guardians did not know they had been spayed.”

**Response**

The Department has added the phrase “and whether the dog has been spayed or neutered” to all of the provisions of Section 21.51 that referred to information about the breed, date of birth, sex, color and markings of the dog. The Department will make the necessary changes to the appropriate forms.

**Issue 8: Allowing Agents to Sell Lifetime Licenses.**

**Commentator**

**Pennsylvania Association of  
County Treasurers**

1. The PACT commented the regulations mention “appropriate agent” in many different places. The PACT does not agree with their “sub agents” selling Lifetime Dog Licenses. The PACT suggests the agents may hand out the application for a Lifetime License, but the County Treasurer must issue the number and keep all the Lifetime records.

**Response**

The Dog Law does not distinguish, with regard to the role of agents, between the sale of Annual Dog Licenses and the sale of Lifetime Dog Licenses. Section 201(b) relating to the sale of Lifetime Licenses states, “[T]he owner of a dog three months of age or older which has been permanently identified may apply to the county treasurer of his respective county or an agent under Section 200(a), on a form prescribed by the department for a lifetime license for a dog (3 P.S. §§ 459-200(a) and 459-201(b)).” The role of the agent would remain the same as that set forth in Article II of the Dog Law



(3 P.S. §§ 459-200 – 459-219). Nothing in the regulation can or does alter or change that authority or role of the agent. These amended regulations do not alter the meaning of language already set forth in the lifetime licensure regulations currently in place. The lifetime licensure regulations currently in place at 7 Pennsylvania Code, Chapter 21.51, allow the County Treasurer or his agent to accept lifetime dog license applications, assign tattoo numbers, complete the tattoo certificate and collect the appropriate fees. The County Treasurer still keeps the records and makes the appropriate reports to the Department, just as under the current regulations.

**Issue 9: Allowing Dog Owners to Obtain and Complete a Lifetime License Application by Mail.**

**Commentator**

**Pennsylvania Association of  
County Treasurers**

1. The PACT commented they are not in favor of allowing the Dog Owner to apply by mail. The PACT questioned “[W]ho is going to pay the postage on the mail?”

**Response**

The Dog Law, at Section 200(b), addresses compensation to County Treasurers (3 P.S. § 459-200(b)). Section 200(b) states in part, “[F]or services rendered in collecting and paying over dog license fees, agents...may collect and retain a sum of \$1 for each dog license sold, which amount shall be full compensation for services rendered by them under this act. The compensation shall...cover, among other things, the cost of processing and issuing dog licenses, postage, mailing...”(3 P.S. § 459-200(b)). Therefore, any postage fee should be covered by the \$1 compensation allowed by the Dog Law. However, it should be noted that the Department, at its discretion, has in the past helped the County Treasurers “promote” license sales by supplying the County Treasurers with postage paid return envelopes to mail the license and tag back to the dog owner. The Department will continue to assist the County Treasurers in any manner allowed by the Dog Law and within its budgetary limits, however, the compensation and postage issue is already addressed by the Dog Law and cannot be changed by regulation.

**Issue 10: Requirement That the Verification of Tattoo Form Set Forth Certain Information.**

**Commentator**

**Pennsylvania Association of  
County Treasurers**

1. The PACT commented the requirement that the verification of tattoo form set forth the exact number tattooed on the dog, identify the dog by breed and delineate the dog's date of birth, sex, color and markings may be too onerous and confusing for dog owners. The PACT stated, "[S]ome people cannot remember the age of their dog, unless the dog is registered people probably will not know the dog's date of birth. They might know the age."

**Response**

The purpose of this information is to allow for better identification of the dog. The Dog Law does not allow for the transfer of tags or licenses between dogs. The date of birth helps the Department to determine the age of the dog. The Department needs to have this information, including the date of birth, to assure the dog wearing the tag is the actual dog licensed. The Department will however, agree to only requiring the age, as that is what is required by Section 201(b) of the Dog Law (3 P.S. 459-201(b)). Changes have been made to all sections of the regulations, which used to require the "date of birth" of the dog.

**Issue 11: Holding of Issuance Fee By County Treasurer Where Dog Owner Fails to Comply With the Provisions of the Regulations.**

**Commentator**

**Pennsylvania Association of  
County Treasurers**

1. The PACT commented with regard to subsection 21.51(d)(9) of the regulations. That section states, in part, that a dog owner who fails to have the dog tattooed and return the completed verification of tattoo form within 30 days shall be in violation of the licensure provisions of the act and the regulations and the lifetime license shall be void. It instructs the County Treasurer or agent to return the lifetime license fee to the dog owner and record and report the noncompliance to the Department. The PACT believes the County Treasurer should retain the issuance fee for the services rendered the same as in subsections 21.51(g)(2) and (g)(3).

## **Response**

The Department believes the provisions set forth in subsections 21.51(g)(2) and (g)(3) are adequate and do not need to be repeated in subsection 21.51(d)(9). However, this is a small change and would add some clarity for the PACT. Therefore, the Department has added the language regarding retention of the issuance fee to subsection 21.51(d)(9).

### **Issue 12: Allowing the Lifetime License Application to be Obtained and Completed Either Prior to or After Implantation of a Microchip.**

#### **Commentator**

#### **Pennsylvania Association of County Treasurers**

1. The PACT commented that allowing the dog owner to obtain a lifetime license application **AFTER** implantation of a microchip in the dog might lead dog owners to believe the mere implantation of the microchip is the license and meets the licensure requirements of the Dog Law. They believe more discussion is necessary on this issue.

#### **Response**

The Department amended the proposed regulations to allow dog owners to obtain a lifetime license application after the implantation of a microchip because of comments and concerns expressed by the general public and the Independent Regulatory Review Commission during the proposed stage of rulemaking. The regulations now address the process to be utilized when the dog has already been microchipped prior to the dog owner obtaining an application for a lifetime license and prior to the effective date of these regulations. While the Department agrees that some dog owners may become confused, the Department believes most dog owners realize the microchip is not the actual license. In addition, a dog owner must have his or her dog microchipped by a licensed veterinarian or a licensed kennel owner and they must fill out a verification of microchip form. The form will include further instructions and a disclaimer that it does not constitute a lifetime license. Furthermore, the veterinarians and the kennel owners are knowledgeable with regard to the provisions of the Dog Law and the regulations and will be able to inform the dog owner that the verification form must be taken to the County Treasurer or agent in order to receive a lifetime license. Therefore, the Department believes dog owners should be allowed to have the dog microchipped prior to obtaining a lifetime license. This process provides the most flexibility and thereby encourages license sales.

**Issue 13: Recording and Transmittal of Voided Lifetime License Numbers.**

**Commentator**

**Pennsylvania Association of  
County Treasurers**

1. The PACT commented that it believes it should be allowed to inform the Department of any voided lifetime license numbers at the same time it files its monthly reports.

**Response**

The Department agrees the County Treasurers may transmit any lifetime licenses they voided during the previous month at the same time they file their monthly reports. The regulations allow for this by stating in subsections 21.51(d)(9) and (e)(9) that, “[T]he 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 at Section 21.52 of this chapter.” Section 21.52 of the regulations relates to recordkeeping and states, “[T]he 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 Department felt the best way to further clarify this would be to add language to subsections 21.51(g)(2) and (g)(3) that is identical to subsections 21.51(d)(9) and (e)(9). The Department has done this in the final-form regulation.

**Issue 14: Tracking and Recording Microchip Numbers.**

**Commentator**

**Pennsylvania Association of  
County Treasurers**

1. The PACT questioned, “Who is going to track and keep the records of the Microchip numbers?”

**Response**

As set forth in the regulations the County Treasurers and Agents are responsible for cross-referencing the microchip number that corresponds with the lifetime license number issued for that dog. The microchip number and the lifetime license number are recorded and cross-referenced at the time the lifetime license is given to the dog owner. That information must then be transmitted to the Department. Therefore, the County Treasurers and the Department will have a database that delineates the lifetime license number issued to a particular dog and the corresponding microchip number. If a microchipped dog is found running at large and without a tag the dog and the dog’s

owner could still be identified through the microchip number. The cross-reference should not require any additional paperwork or computer problems for the Department or the County Treasurers because cross-referencing the numbers can be as simple as placing the two numbers side by side with a dash or slash between them.

**C. Section 21.53 Transfers of Lifetime Dog Licenses.**

**Issue 1: Change of Address or Ownership or Change of Ownership or Possession. Repetition of Information in Subsections (a) and (b).**

**Commentator**

**Independent Regulatory  
Review Commission**

1. The IRRC commented the subsection 21.53(a)(1) addresses change of address or ownership and subsection 21.53(b)(1) addresses change of ownership or possession. IRRC questioned if there was a difference.
2. The IRRC commented subsections 21.53(a) and 21.53(b) appear to repeat the same information and questioned whether the two could be combined into one subsection.

**Response**

In response to the IRRC's first comment, the Department intended to address only the transfer of ownership in subsection 21.53(b)(1) and the Department has changed the language of subsection 21.53(b)(1) to reflect that intent.

With regard to the IRRC's second comment concerning combining the two sections, the Department was seeking to clarify the issues surrounding the duties and requirements of dog owners and the process dog owners and County Treasurers and Agents must follow when a dog owner changes his or her address or transfers ownership of the dog to another person. The process is generally outlined in the Dog Law at Section 205 (3 P.S. § 459-205). Subsection 21.53(a) of the regulations sets forth the general duties of the dog owner and the County Treasurer or Agent in specific situations. Subsection 21.53(b) details the transfer process that must be followed in order to comply with the transfer requirements of the Dog Law and the regulations. The Department believes this provides the clarity the general public and the IRRC were seeking in their comments during the proposed stage of rulemaking. Therefore, the Department disagrees with combining these two sections.

**Issue 2: Time Period For a Dog Owner to Notify the County Treasurer of a Change of Address or Ownership.**

**Commentator**

**Independent Regulatory  
Review Commission**

1. The IRRC commented that subsections 21.53(a)(1) and (a)(2) give the dog owner 10 days to notify the County Treasurer of a change of address or ownership. The IRRC questions how the Department determined 10 days was the appropriate time period and stated, "it seems too short?"

**Response**

In arriving at the 10 day time period for notification the Department considered the health and safety of the dogs, as well as, the onerous nature of the notification process detailed in the regulations. The health and safety issue for the dog, where there is a transfer of address or ownership, is that the records of the current or new county will not reflect the proper address or owner of the dog if that dog becomes lost or is found running at large after the transfer of address or ownership has occurred. This could result in the dog not being returned to its proper owner and in some cases in the eventual euthanising of the dog. On the other hand, the notification process is simple and straightforward with regard to the dog owner. In addition, there is nothing that prevents the dog owner from notifying the County Treasurer(s) in advance of a transfer of address or ownership. Therefore, the Department believes the 10-day notification time period is appropriate and essential to the health and safety of the dog.

**Issue 3: Process for Transferring a Lifetime License Number Where the Dog Being Transferred Has a Tattoo as a Permanent Means of Identification.**

**Commentator**

**Independent Regulatory  
Review Commission**

1. The IRRC commented that subsection 21.53(b)(2) states that when ownership is transferred to a person outside the issuing county, a new lifetime licensed number will be issued and the original license number will be voided. The IRRC questioned how this process will work when the dog in question has a tattoo as the permanent means of identification and therefore, the tattoo number is the same as the original lifetime license number as required under subsection 21.51(d)(4). The same question applied to subsection 21.53(b)(4) relating to change of residence to another county.

## **Response**

In response to this comment and in an effort to solve the dilemma presented by this comment, the Department amended the language of the regulation at 21.53(b)(2) and (b)(4) as well as the language of 21.53(c) (related to recordkeeping and reporting). The Department felt the only plausible solution to the problem was to amend the language of the above references subsections to require the county to which the dog was transferred to record and cross-reference the old tattoo number to the new lifetime license number issued by that county, just as the county would cross-reference an existing microchip number and a new lifetime license number. The language of subsections 21.53(b)(2), (b)(4) and (c) has been changed to effectuate this process.

### **Issue 4: Typographical Error.**

#### **Commentator**

#### **Independent Regulatory Review Commission**

1. The IRRC commented that subsection 21.53(b)(2) contains a typographical error. It questioned whether the word “on” in a certain sentence was intended to be “one”.

#### **Response**

The word “on” was intended to be “one”. The Department made the correction to the final-form rulemaking.

### **D. Section 21.57. Kennel Tags.**

#### **Issue 1: Typographical Error.**

#### **Commentator**

#### **Independent Regulatory Review Commission**

1. The IRRC commented the word “dog” should appear between the words “state” and “warden”.

#### **Response**

The Department made this change to the final-form rulemaking.

## **FISCAL IMPACT**

### **Commonwealth**

The proposed amendments to the regulations will impose minimal costs and have minimal fiscal impact upon the Commonwealth. The proposed changes will not increase or decrease the regulatory workload. The Department will have to organize a databank to maintain a record of lifetime license holders.

### **Political Subdivisions**

The proposed amendments to the regulations will impose minimal costs and have a minimal fiscal impact upon political subdivisions. The recording of both the lifetime license number and the microchip number is necessary to carry out the intent of the act and should not require the County Treasurers to change their computer programs. Additionally, the County Treasurers currently must transmit a monthly record of all dog licenses sold, including lifetime licenses sold, therefore the requirement to transmit a record of lifetime licenses sold or voided will not impose an additional burden on the County Treasurers. The County Treasurers already keep a record of lifetime licenses for 15 years; the proposed amendments extend this requirement to 20 years. The expanded provisions of Section 21.53 of the regulations (relating to transfer of lifetime dog licenses) simply clarify language and duties already set forth at Section 205 of the act (3 P.S. § 459-205).

### **Private Sector**

The proposed amendments to the regulations will impose no additional costs on private sector organizations or individuals. Purchasing a lifetime license is voluntary and the regulations endeavor to streamline and provide as much flexibility to the process as is possible.



## **General Public**

The proposed amendments to the regulations will impose no additional costs and have no fiscal impact on the general public. Dog owners that wish to have a lifetime license are already required to have the dog tattooed. The proposed amendment allows the use of a microchip as an alternative form of identification.

### **PAPERWORK REQUIREMENTS**

The proposed amendments to the regulations will not result in an appreciable increase in paperwork. The Department will be required to maintain a databank of lifetime license holders, will have to amend some of its current forms and will have to design an additional verification of tattoo and microchip form.

### **CONTACT PERSON**

Further information is available by contacting the Department of Agriculture, Bureau of Dog Law Enforcement, 2301 North Cameron Street, Harrisburg, Pennsylvania 17110-9408; Attn: Rick Burd (717) 787-4833.

### **REGULATORY REVIEW**

Under Section 5(a) of the Regulatory Review Act, the Act of June 30, 1989 (P.L. 73, No. 19), (71 P.S. §§ 745.1-745.15), as amended by Act 24 of 1997 (P.L. 252, No. 24), the Department submitted a copy of the Notice of Proposed Rulemaking published at 32 *Pennsylvania Bulletin* 66 (January 5, 2002), to the Independent Regulatory Review Commission and to the Chairpersons of the House Agricultural and Rural Affairs Committee and the Senate Agriculture and Rural Affairs Committee for review and comment. In compliance with § 5(c) (71 P.S. 745.5(c)), the Department also provided the

Commission and the Committees with copies of all comments received, as well as other documentation.

In preparing these final-form regulations, the Department has considered all comments received from the Commission, the Committees and the public.

These final-form regulations were (deemed) approved by the House Agriculture and Rural Affairs Committee on \_\_\_\_\_, were (deemed) approved by the Senate Agriculture and Rural Affairs Committee on \_\_\_\_\_ and were (deemed) approved by the Commission on \_\_\_\_\_.

## **FINDINGS**

The Department of Agriculture finds the following:

- (1) Public notice of its intention to adopt the regulations encompassed by this Order has been given under Sections 201 and 202 of the act of July 31, 1968 (P.L. 769, No. 240)(45 P.S. §§ 1201 and 1202) and their attendant regulations at 1 Pa.Code, Sections 7.1 and 7.2.
- (2) A public comment period was provided as required by law and all comments received were considered.
- (3) The modifications that were made to these regulations in response to comments received do not enlarge the purpose of the proposed regulations published at 32 *Pennsylvania Bulletin* 66 (January 5, 2002).
- (4) A public hearing was held as required by Section 902 of the Dog Law (3 P.S. § 459-902). Notice of the public hearing was published at 30 *Pennsylvania Bulletin* 5543 (October 28, 2000).

(5) The modifications that were made to these regulations in response to testimony presented at the public hearing do not enlarge the purpose of the proposed regulations published at 32 *Pennsylvania Bulletin* 66 (January 5, 2002).

(6) The adoption of the regulations in the manner provided in this Order is necessary and appropriate for the administration of the authorizing statute.

**ORDER**

The Department of Agriculture, acting under authority of the authorizing statute, orders the following:

(1) The new regulations of the Department of Agriculture at 7 Pa. Code Chapter 21, Sections 21.1, 21.4, 21.51, 21.52, 21.53, 21.55 and 21.57 (relating to Definitions, Penalties and Lifetime dog license issuance) are adopted as set forth in Annex "A" attached hereto.

(2) The Secretary of Agriculture shall submit this Order and Annex "A" to the Office of General Counsel and to the Office of Attorney General for review and approval as to legality and form, as required by law.

(3) The Secretary of Agriculture shall certify this Order and Annex "A" and deposit them with the Legislative Reference Bureau, as required by law.

(4) This Order shall take effect upon publication in the *Pennsylvania Bulletin*.

BY THE DEPARTMENT OF AGRICULTURE

SAMUEL E. HAYES, JR., SECRETARY

Annex "A"

7 Pennsylvania Code  
Part II. Dog Law Enforcement Bureau  
Chapter 21. General Provisions; Kennels; Licensure;  
Dog-Caused Damages

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

\* \* \*

GENERAL PROVISIONS

§ 21.1. Definitions.

\* \* \*

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)).

\* \* \*

*LICENSED VETERINARIAN* - A LICENSED DOCTOR OF VETERINARY MEDICINE AS DEFINED AT 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.

\* \* \*

Releasing agency - A public or private pound, animal shelter, humane society, society for prevention of cruelty to animals or other similar entity that releases a dog or cat for adoption.

\* \* \*

Secretary- The Secretary of [the Department] Agriculture or any person to whom authority has been delegated by the Secretary of Agriculture.

\* \* \*

{§ 21.4. Penalties.

~~A person found in violation of any provision of this chapter shall be guilty of one of the following:~~

~~(1) A summary offense for the first and second convictions under this chapter or the act within a 1-year period.~~

~~(2) A misdemeanor of the third degree for a third or subsequent violation under this chapter or the act within 1 year of conviction for the first and second violations.] Reserved~~

THE ACT ESTABLISHES PENALTIES FOR VIOLATIONS OF THE VARIOUS ARTICLES OF THE DOG LAW AND ANY RULES AND REGULATIONS PROMULGATED THEREUNDER. 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.

(A) 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:

(1) AGENT VIOLATION. CONSISTENT WITH SECTION 200(j) OF THE ACT (3 P.S. § 459-200(j)), AN AGENT WHO VIOLATES THE PROVISIONS OF SECTION 200 OF THE ACT (3 P.S. § 459-200) 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.

(2) 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 (3 P.S. § 459-201) 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.

(3) 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 THE REGULATIONS PROMULGATED THEREUNDER 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.

(4) 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:

(i) MADE A MATERIAL MISSTATEMENT OR MISREPRESENTATION IN THE LICENSE APPLICATION.

(ii) MADE A MATERIAL MISSTATEMENT OR MISREPRESENTATION TO THE DEPARTMENT OR ITS PERSONNEL REGARDING A MATTER RELEVANT TO THE LICENSE.

(iii) HAS BEEN CONVICTED OF ANY VIOLATION OF THE ACT.

(iv) FAILED TO COMPLY WITH ANY REGULATION PROMULGATED UNDER THE ACT.

(v) HAS BEEN CONVICTED OF ANY LAW RELATING TO CRUELTY TO ANIMALS.

(5) 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:

(i) 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.

(ii) THE DEPARTMENT SHALL NOT TAKE PHYSICAL POSSESSION OR CUSTODY OF THE DOG WHERE THERE ARE NO REASONABLE GROUNDS TO SUPPORT THE BELIEF THAT THE HEALTH, SAFETY OR WELFARE OF THE DOG IS ENDANGERED OR WHERE THE PERSON WHOSE LICENSE IS REVOKED, SUSPENDED OR DENIED HAS PROVIDED SATISFACTORY EVIDENCE OR ASSURANCES THE DOG WILL RECEIVE ADEQUATE CARE.

(iii) 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.

(B) ARTICLE V PENALTY PROVISIONS. ARTICLE V OF THE ACT (3 P.S. §§ 459-501 – 459-507-A) CONTAINS PROVISIONS REGARDING OFFENSES OF DOGS AND PROVIDES THE FOLLOWING PENALTIES:

(1) HARBORING A DANGEROUS DOG. A PERSON FOUND GUILTY OF HARBORING A DANGEROUS DOG, AS SET FORTH AT SECTION 502-A OF THE ACT (3 P.S. § 459-502-A), SHALL BE GUILTY OF A SUMMARY OFFENSE.

(2) CONTROL OF DOG DURING DANGEROUS DOG COURT PROCEEDINGS. A PERSON THAT VIOLATES THE PROVISIONS OF

SECTION 502-A(d) OF THE ACT (RELATING TO DISPOSITION OF A DOG DURING COURT PROCEEDINGS) (3 P.S. § 459-502-A(d)), SHALL BE GUILTY OF A SUMMARY OFFENSE AND SHALL PAY A FINE OF NOT LESS THAN \$200.

(3) 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, THE STATE DOG WARDEN OR A POLICE OFFICER SHALL IMMEDIATELY CONFISCATE A DANGEROUS DOG UPON THE OCCURRENCE OF ANY OF THESE VIOLATIONS.

(4) ATTACKS BY A DANGEROUS DOG. CONSISTENT WITH SECTION 505-A(b) OF THE ACT (3 P.S. § 459-505-A(b)), WHERE 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.

(5) ATTACKS BY A DANGEROUS DOG CAUSING SEVERE INJURY OR DEATH. CONSISTENT WITH SECTION 505-A(c) OF THE ACT (3 P.S. § 459-505-A(c)), WHERE 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.

(C) 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:

(1) POISONING OF A DOG. CONSISTENT WITH SECTION 601(b) OF THE ACT (3 P.S. § 459-601(b)), ANY 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.

(2) INTENTIONAL POISONING OF A DOG. CONSISTENT WITH SECTION 601(b.1) OF THE ACT (3 P.S. § 459-601(b.1)), ANY 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 \$1000 NOR MORE THAN \$2000 OR IMPRISONMENT FOR NOT MORE THAN TWO YEARS, OR BOTH. A SUBSEQUENT CONVICTION UNDER THIS SUBSECTION SHALL CONSTITUTE A FELONY OF THE THIRD DEGREE.

(3) ABANDONMENT OF A DOG. CONSISTENT WITH SECTION 601(c) OF THE ACT (3 P.S. § 459-601(c)), ANY PERSON CONVICTED OF ABANDONING OR ATTEMPTING TO ABANDON A DOG WITHIN THE COMMONWEALTH SHALL PAY A FINE OF NOT LESS THAN \$300 DOLLARS AND NOT MORE THAN \$1000, PLUS COSTS.

(4) TAUNTING LAW ENFORCEMENT DOGS. CONSISTENT WITH SECTION 602(a) OF THE ACT (3 P.S. § 459-602(a)), IT SHALL BE UNLAWFUL FOR ANY PERSON TO WILLFULLY AND MALICIOUSLY TAUNT, TORMENT, TEASE, BEAT, KICK OR STRIKE ANY DOG, INCLUDING ANY 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 SUCH DEPARTMENT OR AGENCY, IN THE PERFORMANCE OF THE FUNCTIONS OR DUTIES OF SUCH DEPARTMENT OR AGENCY OR TO COMMIT ANY OF THE STATED ACTS IN THE COURSE OF INTERFERING WITH ANY SUCH 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 SUCH 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.

(5) TORTURING CERTAIN DOGS. CONSISTENT WITH SECTION 602(b) OF THE ACT (3 P.S. § 459-602(b)), IT SHALL BE UNLAWFUL FOR ANY PERSON TO WILLFULLY AND MALICIOUSLY TORTURE, MUTILATE, INJURE, DISABLE, POISON OR KILL ANY DOG, INCLUDING ANY 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 SUCH DEPARTMENT OR AGENCY, IN THE PERFORMANCE OF THE FUNCTIONS OR DUTIES OF SUCH DEPARTMENT OR AGENCY OR TO COMMIT ANY OF THE



STATED ACTS IN THE COURSE OF INTERFERING WITH ANY SUCH 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 SUCH 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.

(6) DENIAL OF FACILITIES OR SERVICE DUE TO POLICE DOG USE. CONSISTENT WITH SECTION 602(c) OF THE ACT (3 P.S. § 459-602(c)), IT SHALL BE 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 SUCH PLACES TO ANY 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.

(D) 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 TEN DAYS TO COMPLY WITH SUCH ORDER. FAILURE OF SUCH 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.

(E) ARTICLE IX PENALTY PROVISIONS. ARTICLE IX OF THE AC (3 P.S. §§ 459-901 – 459-907) CONTAINS GENERAL ENFORCEMENT AND PENALTY PROVISIONS AND PROVIDES THE FOLLOWING PENALTIES:

(1) CATCH ALL CRIMINAL PENALTY PROVISION. CONSISTENT WITH SECTION 903 OF THE ACT (3 P.S. § 459-903), UNLESS HERETOFORE SPECIFICALLY PROVIDED FOR, ANY PERSON FOUND TO BE IN VIOLATION OF ANY PROVISION OF ARTICLE II THROUGH ARTICLE VIII OF THE ACT (3 P.S. §§ 459-201-459-802), OR THESE REGULATIONS SHALL BE GUILTY OF A SUMMARY OFFENSE FOR THE FIRST VIOLATION AND FOR A SECOND AND SUBSEQUENT VIOLATION, OF ANY PROVISION, WHICH OCCURS WITHIN ONE YEAR OF SENTENCING FOR THE FIRST VIOLATION SHALL BE GUILTY OF A MISDEMEANOR OF THE THIRD DEGREE.

(2) ALTERATION OF PERMANENT IDENTIFICATION. CONSISTENT WITH SECTION 904 OF THE ACT (3 P.S. § 904), ANY 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.

(F) 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 THE PROVISIONS OF 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.

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#### **KENNELS-PRIMARY ENCLOSURES**

\* \* \*

#### **KENNELS-PRIMARY CONVEYANCES**

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#### **KENNELS-RECORDS**

\* \* \*

#### **LICENSURE**

§ 21.51. Lifetime dog license issuance.

[(a) The applicant shall complete a lifetime dog license application and present it and the appropriate fee to the County Treasurer or his agent in the applicant's county of residence, either in person or by mailing an application and including a self-addressed stamped envelope.

(b) The County Treasurer or his agent shall assign a tattoo-license number and place the number on a tattoo certificate. The number shall be at least six digits, the first two digits designating the county. For example, Adams County numbers shall begin with 01; York County, with 67. The county number shall be followed by at least four digits assigned by the County Treasurer or his agent. For example, the first tattoo number assigned by Lehigh County will be 390001. The dog owner may have the letters "PA" tattooed on the dog immediately preceding the assigned number issued by the County Treasurer or his agent.

(c) The tattoo-license number and all other information except the part to be filled in by the tattooist shall be completed by the County Treasurer or his agent on the tattooing certificate before the certificate is given to the applicant. The lifetime license shall also be completed by the County Treasurer or his agent from information on the lifetime application at that time. The County Treasurer or his agent shall collect the applicable fee for the lifetime license before issuing the tattoo certificate to the applicant.

(d) The owner shall arrange to have the dog tattooed at the owner's expense with the number assigned by the County Treasurer in the manner prescribed by subsection (b). The dog shall be tattooed on the right hind leg on the inner part of the upper thigh. The tattooist shall complete the tattooing certificate.

(e) The County Treasurer or his agent shall hold the lifetime license and the accompanying tag until the applicant returns the completed tattooing certificate. The County Treasurer then shall issue the license and tag. If the applicant has not returned the completed tattooing certificate to the County Treasurer or his agent within 60 days, the license fee shall be refunded to the applicant by the County Treasurer or his agent. The 50¢ issuance fee shall be retained by the County Treasurer for his service in forwarding the refund to the applicant. The tattoo-license number shall not be reissued to future applicants other than the original applicant. If the applicant has not reapplied for a lifetime license within 30 days of the date of the refund, the lifetime license shall be voided.

(f) Copies of the lifetime license form and tattooing certificate shall be distributed as indicated on the copies with the County Treasurer's copy being filed in sequence.]

~~(a) The applicant shall complete a lifetime dog license application and present it and the appropriate fee to the County Treasurer or his agent in the applicant's county of residence, either in person or by mailing an application.~~

~~(b) Upon receipt of a lifetime dog license application, the County Treasurer shall complete the lifetime license from information on the lifetime dog license application. The County Treasurer or his agent shall assign a tattoo license number or a microchip license number and place the number on a tattoo/microchip license certificate. The tattoo/microchip license certificate shall identify the dog by breed, date of birth, sex, color and markings, shall contain the name, address and phone number of the dog's owner and the year of licensure and shall set forth the tattoo license or microchip license number that was issued. The tattoo license number or the microchip license number and all other information except the part to be filled in by the tattooist or the person implanting the microchip shall be completed by the County Treasurer or his agent on the tattoo/microchip certificate before the certificate is given to the applicant. The County Treasurer or his agent shall collect the applicable fee for the lifetime license before issuing the tattoo/microchip certificate to the applicant. The County Treasurer or his agent shall hold the lifetime license and the accompanying tag until the applicant returns the completed tattoo/microchip certificate. The tattoo license number or microchip license number issued by the County Treasurer shall be at least six digits, the first two digits designating the county. For example, Adams County numbers shall begin with 01; York County, with 67. The county number shall be followed by at least four digits assigned by the County Treasurer or his agent. For example, the first tattoo number or microchip number assigned by Lehigh County will be 390001.~~

~~(c) The owner shall arrange to have the dog tattooed or a microchip implanted at the owner's expense with the number assigned by the County Treasurer in the manner prescribed by subsection (b). The tattooist or the person implanting the microchip shall complete the tattoo/microchip certificate. The number tattooed on the dog shall be the same number as the assigned tattoo license number set forth on the tattoo/microchip license certificate. Where the dog owner is seeking a tattoo license, the dog owner may~~

have the letters "PA" tattooed on the dog immediately preceding the assigned number issued by the County Treasurer or his agent. The tattoo shall be on the right hind leg on the inner part of the upper thigh. When a microchip license number is issued the person implanting the microchip shall record the identifying number on the microchip on the tattoo/microchip license certificate. The microchip implanted shall be of a type consistent with section 21.1 of this chapter (relating to the definition of "microchip") and shall be implanted in accordance with the manufacturer's specifications.

(d) Upon receipt of the properly completed tattoo/microchip certificate, the County Treasurer shall issue the lifetime license and tag to the dog owner. The number on the tag that is issued shall be the same number as the assigned tattoo license number or microchip license number set forth on the tattoo/microchip license certificate. Upon issuing the lifetime license to the applicant the County Treasurer shall record the microchip license number and the corresponding microchip identification number. If the applicant has not returned the completed tattoo/microchip certificate to the County Treasurer or his agent within 60 days, the license fee shall be refunded to the applicant by the County Treasurer or his agent. The 50¢ issuance fee shall be retained by the County Treasurer for his service in forwarding the refund to the applicant. The tattoo license number or microchip license number shall not be reissued to future applicants other than the original applicant. If the applicant has not reapplied for a lifetime license within 30 days of the date of the refund, the lifetime license shall be voided.

(e) Copies of the lifetime application shall be distributed as indicated on the application, with the County Treasurer's copy behind filed in sequence. A monthly record of lifetime license information shall be mailed or electronically transmitted to the Department.

(A) ELIGIBILITY. - THE OWNER OF ANY DOG THREE 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; AND

(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 IN ORDER TO PERMANENTLY IDENTIFY THE DOG.

(D) TATTOO AS PERMANENT IDENTIFICATION. - WHERE THE APPLICANT CHOOSES TO HAVE THE DOG TATTOOED AS A MEANS OF

PERMANENT IDENTIFICATION, THE FOLLOWING RULES AND PROCEDURES SHALL 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 MAY 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 MUST INCLUDE THE APPROPRIATE FEES, SET FORTH ON THE LIFETIME LICENSE APPLICATION AND AT 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 SET FORTH IN SUBSECTION 21.51(g) OF THIS CHAPTER. WHERE 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 21.51(g) OF THIS CHAPTER AND ISSUE A VERIFICATION OF TATTOO FORM, PRESCRIBED BY THE DEPARTMENT.

(3) UPON RECEIVING THE LIFETIME LICENSE NUMBER AND VERIFICATION OF TATTOO 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 SHALL BE THE SAME NUMBER AS THE LIFETIME LICENSE NUMBER ISSUED BY THE COUNTY TREASURER OR AGENT.

(5) THE TATTOO SHALL BE APPLIED BY A LICENSED VETERINARIAN AND SHALL BE 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 VETERINARIAN APPLYING THE TATTOO SHALL COMPLETE, DATE AND SIGN THE VERIFICATION OF TATTOO 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 TATTOO FORM SHALL 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 SHALL CONTAIN THE NAME, ADDRESS AND PHONE NUMBER OF THE DOG'S OWNER AND THE NAME, BUSINESS ADDRESS AND PHONE NUMBER OF THE VETERINARIAN APPLYING THE TATTOO. THE

VETERINARIAN SHALL SET FORTH HIS VETERINARY PRACTICE LICENSE NUMBER ON THE FORM.

(7) THE DOG OWNER SHALL HAVE 30 DAYS FROM RECEIPT OF A LIFETIME LICENSE NUMBER AND VERIFICATION OF TATTOO FORM TO HAVE THE DOG TATTOOED AND RETURN THE VERIFICATION OF TATTOO FORM TO THE COUNTY TREASURER OR AGENT THAT ISSUED THE LIFETIME LICENSE NUMBER.

(8) UPON RECEIVING THE COMPLETED VERIFICATION OF TATTOO 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 TATTOO FORM TO THE ISSUING COUNTY TREASURER OR AGENT WITHIN 30 DAYS AFTER RECEIVING A LIFETIME LICENSE NUMBER AND VERIFICATION OF TATTOO FORM SHALL BE IN VIOLATION OF THE LICENSURE PROVISIONS OF THE ACT AND THESE REGULATIONS 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 AT SECTION 21.52 OF THIS CHAPTER. THE ISSUING COUNTY TREASURER AND, WHERE APPLICABLE, THE AGENT SHALL RETAIN THE APPLICABLE ISSUANCE FEES, SET FORTH AT SECTION 200(b) OF THE ACT (3 P.S. §§ 459-200(b)).

(E) MICROCHIP AS PERMANENT IDENTIFICATION. - WHERE THE APPLICANT CHOOSES TO HAVE A MICROCHIP IMPLANTED IN THE DOG AS A MEANS OF PERMANENT IDENTIFICATION, THE FOLLOWING RULES AND PROCEDURES SHALL APPLY:

(1) THE DOG OWNER SHALL HAVE A MICROCHIP IMPLANTED IN THE DOG BY A LICENSED VETERINARIAN OR A LICENSED KENNEL OWNER. THE MICROCHIP IMPLANTED SHALL BE OF A TYPE CONSISTENT WITH SECTION 21.1 OF THIS CHAPTER (RELATING TO THE DEFINITION OF "MICROCHIP" 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 MICROCHIP 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 MICROCHIP FORM, HOWEVER, 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 SHALL CONTAIN THE PROPERLY COMPLETED LIFETIME LICENSE APPLICATION AND VERIFICATION OF MICROCHIP FORM AND THE APPROPRIATE FEES, SET FORTH ON THE LIFETIME LICENSE APPLICATION AND AT SECTIONS 200(b) AND 201(b) OF THE ACT (3 P.S. §§ 459-200(b) and 459-201(b)).

(5) WHERE 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 MICROCHIP FORM ALONG WITH THE LIFETIME LICENSE APPLICATION; OR WHERE THE DOG OWNER HAS NOT YET APPLIED FOR A LIFETIME LICENSE PRIOR TO IMPLANTATION OF THE MICROCHIP, THE LICENSED VETERINARIAN OR KENNEL OWNER IMPLANTING THE MICROCHIP SHALL SUPPLY THE VERIFICATION OF MICROCHIP FORM. A LICENSED VETERINARIAN OR KENNEL OWNER SHALL OBTAIN THE VERIFICATION FORM FROM THE DEPARTMENT.

(6) THE DOG OWNER AND THE PERSON IMPLANTING THE MICROCHIP SHALL COMPLETE, DATE AND SIGN THE VERIFICATION OF MICROCHIP FORM FOR THE DOG IN WHICH THE MICROCHIP IS IMPLANTED. THE COMPLETED VERIFICATION OF MICROCHIP FORM SHALL 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 THE NAME, BUSINESS ADDRESS AND PHONE NUMBER OF THE PERSON IMPLANTING THE MICROCHIP. WHERE A VETERINARIAN IMPLANTS THE MICROCHIP, THE VETERINARIAN SHALL SET FORTH HIS VETERINARY PRACTICE LICENSE NUMBER.

(7) THE DOG OWNER SHALL COMPLETE THE LIFETIME LICENSE APPLICATION AND TAKE OR MAIL THE COMPLETED LIFETIME LICENSE APPLICATION AND VERIFICATION OF MICROCHIP FORM TO THE COUNTY TREASURER OR AGENT OF HIS RESPECTIVE COUNTY.

(8) UPON RECEIVING A PROPERLY COMPLETED LIFETIME LICENSE APPLICATION AND VERIFICATION OF MICROCHIP FORM, AS WELL AS THE APPROPRIATE FEES, AS SET FORTH ON THE LIFETIME LICENSE APPLICATION AND AT SECTIONS 200(b) AND 201(b) OF THE ACT (3 P.S. §§ 459-200(b) and 459-201(b)), THE COUNTY TREASURER OR AGENT SHALL ISSUE A LIFETIME LICENSE NUMBER AND TAG AS SET FORTH AT SUBSECTION 21.51(g) OF THIS CHAPTER.

(9) A DOG OWNER WHO FAILS TO HAVE THE DOG MICROCHIPPED AND RETURN THE COMPLETED VERIFICATION OF MICROCHIP FORM TO THE ISSUING COUNTY TREASURER OR

AGENT WITHIN 30 DAYS AFTER RECEIVING A LIFETIME LICENSE NUMBER AND VERIFICATION OF MICROCHIP FORM SHALL BE IN VIOLATION OF THE LICENSURE PROVISIONS OF THE ACT AND THESE REGULATIONS 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 AT SECTION 21.52 OF THIS CHAPTER. THE ISSUING COUNTY TREASURER AND, WHERE APPLICABLE, THE AGENT SHALL RETAIN THE APPLICABLE ISSUANCE FEES, SET FORTH AT SECTION 200(b) OF THE ACT (3 P.S. §§ 459-200(b)).

(F) DOG PREVIOUSLY MICROCHIPPED. - WHERE A PERSON HAS ALREADY HAD A MICROCHIP IMPLANTED IN THEIR 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 PERSON SHALL:

(1) OBTAIN AND COMPLETE BOTH A LIFETIME LICENSE APPLICATION AND A VERIFICATION OF MICROCHIP 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 BELOW. THE VERIFICATION OF MICROCHIP FORM SHALL 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 MICROCHIP FORM FOR THE DOG IN WHICH THE MICROCHIP WAS SCANNED. THE VERIFICATION OF MICROCHIP FORM SHALL 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 SHALL 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. WHERE A VETERINARIAN IS INVOLVED, THE VETERINARIAN SHALL SET FORTH HIS VETERINARY PRACTICE LICENSE NUMBER ON THE VERIFICATION OF MICROCHIP FORM.

(4) THE DOG OWNER OR LICENSED VETERINARIAN OR KENNEL OWNER MAY OBTAIN A VERIFICATION OF MICROCHIP FORM.

(i) THE DOG OWNER MAY OBTAIN A VERIFICATION OF MICROCHIP 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; OR WHERE THE DOG OWNER HAS NOT YET APPLIED FOR A LIFETIME LICENSE, THE LICENSED VETERINARIAN OR KENNEL OWNER SHALL SUPPLY THE VERIFICATION OF MICROCHIP FORM.

(ii) A LICENSED VETERINARIAN OR KENNEL OWNER SHALL OBTAIN VERIFICATION OF MICROCHIP 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 MICROCHIP FORM AND THE APPROPRIATE FEES, AS SET FORTH ON THE LIFETIME LICENSE APPLICATION AND AT SECTIONS 200(b) AND 201(b) OF THE ACT (3 P.S. §§ 459-200(b) and 459-201(b)).

(6) UPON RECEIVING A PROPERLY COMPLETED LIFETIME LICENSE APPLICATION AND VERIFICATION OF MICROCHIP FORM, AS WELL AS THE APPROPRIATE FEES, AS SET FORTH ON THE LIFETIME LICENSE APPLICATION AND AT SECTIONS 200(b) AND 201(b) OF THE ACT (3 P.S. §§ 459-200(b) and 459-201(b)), THE COUNTY TREASURER OR AGENT SHALL ISSUE A LIFETIME LICENSE NUMBER AND TAG AS SET FORTH AT SUBSECTION 21.51(g) OF THIS CHAPTER.

(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 AT SECTIONS 200(b) AND 201(b) OF THE ACT (3 P.S. §§ 459-200(b) and 459-201(b)), FOR THE LIFETIME LICENSE BEFORE ISSUING THE LIFETIME LICENSE AND TAG.

(ii) ASSIGNATION OF LIFETIME LICENSE NUMBER. - THE LIFETIME LICENSE SHALL 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 LIFETIME LICENSE NUMBER SHALL BE ON THE LIFETIME LICENSE CERTIFICATE AND TAG ISSUED BY THE COUNTY TREASURER OR AGENT. THE NUMBER SHALL BE AT LEAST SIX DIGITS WITH THE FIRST TWO DIGITS DESIGNATING THE COUNTY. FOR EXAMPLE,

ADAMS COUNTY NUMBER SHALL BEGIN WITH 01; YORK COUNTY, WITH 67. THE COUNTY NUMBER SHALL 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. - WHERE 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 AT SECTIONS 200(b) AND 201(b) OF THE ACT (3 P.S. §§ 459-200(b) and 459-201(b)), 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 SUBSECTION 21.51(g)(1)(ii) OF THIS CHAPTER AND SHALL ISSUE A VERIFICATION OF TATTOO 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 TATTOO FORM TO HAVE THE DOG TATTOOED AND RETURN A COMPLETED VERIFICATION OF TATTOO FORM TO THE ISSUING COUNTY TREASURER OR AGENT. WHERE THE DOG OWNER FAILS TO RETURN THE VERIFICATION OF TATTOO 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 AT SECTION 21.52 OF THIS CHAPTER. THE ISSUING COUNTY TREASURER AND, WHERE APPLICABLE, THE AGENT SHALL RETAIN THE APPLICABLE ISSUANCE FEES, SET FORTH AT SECTION 200(b) OF THE ACT (3 P.S. §§ 459-200(b)). THE LIFETIME LICENSE NUMBER SHALL NOT BE REISSUED TO FUTURE APPLICANTS OTHER THAN THE ORIGINAL APPLICANT.

(3) MICROCHIP PROCEDURE. - WHERE 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 MUST COMPLETE A LIFETIME LICENSE APPLICATION AND VERIFICATION OF MICROCHIP FORM AND PAY THE APPLICABLE FEES, SET FORTH ON THE LIFETIME LICENSE APPLICATION AND AT SECTIONS 200(b) AND 201(b) OF THE ACT (3 P.S. §§ 459-200(b) and 459-201(b)), 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 MICROCHIP FORM. UPON RECEIVING A COMPLETED LIFETIME LICENSE APPLICATION, VERIFICATION OF MICROCHIP 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 MICROCHIP FORM, ASSIGN A LIFETIME LICENSE NUMBER AS SET FORTH IN SUBSECTION 21.51(g)(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 MICROCHIP FORM. THE COUNTY TREASURER OR AGENT SHALL RECORD BOTH THE LIFETIME LICENSE NUMBER ISSUED AND THE MICROCHIP NUMBER SET FORTH ON THE VERIFICATION OF MICROCHIP FORM. THE DOG OWNER SHALL HAVE 30 DAYS FROM RECEIPT OF A VERIFICATION OF MICROCHIP FORM TO HAVE A MICROCHIP IMPLANTED IN THE DOG OR HAVE A CURRENTLY MICROCHIPPED DOG SCANNED AND RETURN A COMPLETED VERIFICATION OF MICROCHIP FORM TO THE ISSUING COUNTY TREASURER OR AGENT. WHERE THE DOG OWNER FAILS TO RETURN THE VERIFICATION OF MICROCHIP 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 AT SECTION 21.52 OF THIS CHAPTER. THE ISSUING COUNTY TREASURER AND, WHERE APPLICABLE, THE AGENT SHALL RETAIN THE APPLICABLE ISSUANCE FEES, SET FORTH AT SECTION 200(b) OF THE ACT (3 P.S. §§ 459-200(b)). THE LIFETIME LICENSE NUMBER SHALL NOT BE REISSUED TO FUTURE APPLICANTS OTHER THAN THE ORIGINAL APPLICANT.

§ 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 [15] 20 years.

§ 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 to another WITHIN THE SAME county. WHERE 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. SUCH 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 SECTION 21.52 OF THIS CHAPTER, THE CHANGE OF ADDRESS OR TRANSFER OF OWNERSHIP OR BOTH. THE ISSUING COUNTY TREASURER OR AGENT MAY CHARGE AND RETAIN \$1 FOR RECORDING SUCH CHANGE OF ADDRESS OR TRANSFER.

(2) CHANGE OF ADDRESS OR OWNERSHIP OUTSIDE THE ISSUING COUNTY. WHERE 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, when applicable by the County Treasurer OR AGENT in the county to which the dog has been IS BEING moved OR TRANSFERRED. SUCH 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 SUCH 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 SECTION 21.52 OF THIS CHAPTER.

(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 SUCH DOG SHALL BE TRANSFERRED. THE DOG OWNER SHALL MAKE APPLICATION TO THE ISSUING COUNTY TREASURER OR AGENT. SUCH 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 SUCH 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 MAKE APPLICATION 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 SUCH APPLICATION THE ISSUING COUNTY TREASURER OR AGENT SHALL CERTIFY SUCH 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 SHALL 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 SUBSECTION 21.51(g) OF THIS CHAPTER EXCEPT THAT WHERE 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 MAKE APPLICATION TO THE ISSUING COUNTY TREASURER OR AGENT. SUCH 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 MAKE APPLICATION 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 SUCH APPLICATION THE ISSUING COUNTY TREASURER OR AGENT SHALL CERTIFY SUCH 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 SHALL 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 SUBSECTION 21.51(g) OF THIS CHAPTER EXCEPT THAT WHERE 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 SECTION 21.52 OF THIS CHAPTER. THE COUNTY TREASURER OR AGENT IN BOTH COUNTIES shall mail or electronically transmit a record of the transfer or change in residence, AND WHERE 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 SUCH TRANSFER OR CHANGE IN RESIDENCE FOR 20 YEARS.

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[§ 21.55. Breeding kennel license.

For the purposes of enforcing the act, when it is not apparent whether a kennel should be licensed as a private kennel or breeding kennel, the kennel shall be licensed as a breeding kennel if the owner or operator keeps, harbors, shelters, sells, gives away or transfers a cumulative total of 101 or more dogs in the preceding calendar year.]

Reserved

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§ 21.57. Kennel tags.

The [County Treasurer] Department shall issue a maximum of ten kennel tags to [the] a kennel owner or operator unless [authorization is provided by] the State Dog Warden for the county recommends that a higher quantity is required.

#### **DOG-CAUSED DAMAGES**

\* \* \*

COMMONWEALTH OF PENNSYLVANIA



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Independent Regulatory Review Commission  
333 Market Street, 14<sup>th</sup> Floor  
Harrisburg, PA 17120

**RE: FINAL-FORM REGULATION**  
**Department of Agriculture - Bureau of Dog Law Enforcement**  
**7 Pa. Code §§ 21.1 – 21.57**  
**I.D. No. 2-135**  
**Proposed Rulemaking: 32 Pennsylvania Bulletin**  
**66 (January 5, 2002)**  
**Final-Form Regulation Approved by**  
**Office of General Counsel: October 8, 2002**

Dear Sir or Madam:


Please find enclosed a copy of the above-referenced final-form regulation. This material includes copies of the Preamble and Annex "A". Copies of the Notice of Proposed Rulemaking and Regulatory Analysis Form are also enclosed.

I respectfully request the Independent Regulatory Review Commission review and approve the above-referenced final-form regulation in accordance with the requirements and procedures of the Regulatory Review Act.

This Department's responses to the comments received from the public, the Legislature and the Independent Regulatory Review Commission with respect to the proposed regulation are set forth in the Preamble to the final-form regulation. Copies of this final-form regulation have been delivered to the appropriate Legislative Committees (the House and Senate Committees for Agriculture and Rural Affairs), and have been mailed or delivered to each commentator on this date. In response to the requirement (at 71 P.S. § 745.5a(b) and 1 Pa. Code § 307.2(c)(7)) that this Department provide the names and addresses of commentators who requested additional information on the final-form regulation, the Department relates that no commentators have made this request. However, the Department has sent a copy of the final-form regulation to all commentators.

The Department will provide you with any assistance you may require to facilitate a thorough review of this final-form regulation. Thank you for your attention to this matter.

Sincerely,

  
David C. Kennedy  
Assistant Counsel



**TRANSMITTAL SHEET FOR REGULATIONS SUBJECT TO THE  
REGULATORY REVIEW ACT**

I.D. NUMBER: 2-135  
 SUBJECT: Lifetime Licensure  
 AGENCY: DEPARTMENT OF AGRICULTURE

**TYPE OF REGULATION**

- Proposed Regulation
- X Final Regulation
- Final Regulation with Notice of Proposed Rulemaking Omitted
- 120-day Emergency Certification of the Attorney General
- 120-day Emergency Certification of the Governor
- Delivery of Tolled Regulation
  - a. With Revisions
  - b. Without Revisions

**FILING OF REGULATION**

DATE	SIGNATURE		DESIGNATION
10/1/02	<i>A. Bassart</i>	Bunt	HOUSE COMMITTEE ON AGRICULTURE & RURAL AFFAIRS
10/21/02	<i>R. Spangler</i>	Daley	
	<i>Cecilia Boyer</i> 10-21-02	Waugh	SENATE COMMITTEE ON AGRICULTURE & RURAL AFFAIRS
		O'Pake	
10/21/02	<i>E. Pagan</i>		INDEPENDENT REGULATORY REVIEW COMMISSION
			ATTORNEY GENERAL
			LEGISLATIVE REFERENCE BUREAU

October 8, 2002