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## **Pennsylvania Law - Dog Licensing Statutes**

### **§ 459-200. Issuance of dog licenses; compensation; proof required; deposit of funds; records; license sales; rules and regulations; failure to comply; unlawful acts; penalty**

#### **(a) Issuance of dog licenses.**

(1) The county treasurer shall be an agent and shall process applications for dog license certificates and issue dog license certificates and tags.

(1.1) The county treasurer shall be permitted and may permit agents to issue vanity or collector tags that are approved by the department, in addition to the license.

(2) The county treasurer may authorize magisterial district judges to be agents and to process applications for dog license certificates and to issue dog license certificates and tags.

(3) The county treasurer may authorize other agents within the county to process dog license certificates and to issue dog license certificates and tags. At least half of the agents appointed in each county shall have hours of operation after 5 p.m. at least one weekday and shall be open at least one day of each weekend. Agents who have been appointed by their respective county treasurers under this paragraph shall meet bonding requirements as their respective county treasurers may require.

(4) The secretary shall have the authority, after a review of the agents appointed by a county treasurer, to appoint agents within each county to process dog license certificates and to issue dog license certificates and tags. Priority shall be given to licensed doctors of veterinary medicine and kennels licensed under this act. At least half of the agents appointed in each county shall have hours of operation after 5 p.m. at least one weekday and shall be open at least one day of each weekend. Agents appointed by the secretary under this paragraph shall be required to post a bond or other security instrument in a form satisfactory to the secretary in an amount he determines. The secretary may recall the appointment of any agent at any time.

(5) Agents who have been appointed by their respective county treasurers prior to the effective date of this section may continue to act as agents for the county treasurers under such bonding requirements as the county treasurer may require.

**(b) Compensation.** For services rendered in collecting and paying over dog license fees, agents, for as long as they continue to act in that capacity, may collect and retain a sum equal to the cost of a postage

stamp plus \$1 for each dog license sold, which amount shall be full compensation for services rendered by them under this act. The compensation shall be retained by the respective agents and shall cover, among other things, the cost of processing and issuing dog licenses, postage, mailing, returns and bonding of the agents. A magisterial district judge authorized by the county treasurer to process applications for dog license certificates and issue dog license certificates is not authorized to collect compensation under this subsection. Agents under subsection (a)(3) and (5) shall collect an additional 50¢ which shall be remitted to the county treasurer, for the use of the county, in the same manner as records are forwarded under subsection (e).

**(b.1) Mailings.** Advertisements, promotions, requests for donations, solicitations and other materials may not add to the cost of postage to be paid by the department and may not be directly attached to a dog license application, dog license renewal notice or other dog law document. Dog license mailings, renewals and other notices related to State dog licenses shall not contain any extraneous advertising, promotions, requests for donations, solicitations or other materials unless the advertisement, promotion, request for donation, solicitations or other materials have met one of the following conditions:

(1) They have been previously approved in writing by the department.

(2) They each contain a disclaimer stating that, "The solicitation or request for a donation herein is not for a program sponsored by, funded by or endorsed by the Pennsylvania Department of Agriculture (the Department). The Department takes no responsibility for this program. Participation in this program is voluntary, is not a condition of receiving a dog license and does not change the cost of obtaining a dog license. Any donation will be deposited into an account separate from the account for dog license revenues. "

**(c) Proof required.** Each agent shall secure positive proof of the owner's identification, age and disability, if any, and the dog's spay/neuter status, as may be appropriate, for each dog license sold.

**(d) Deposit of funds.** All dog license fees paid to an agent under this act, less compensation if collected, shall be paid by those agents into the State Treasury for deposit in the Dog Law Restricted Account at least once a month, and they shall be applied to the purposes provided for in this act. An agent shall make a return to the department upon a form to be supplied by the department.

**(e) Records.** Each agent shall keep on a printed form supplied by the department a correct and complete record of all dog licenses issued, funds that are received and uncollected funds that have been subtracted from the money forwarded to the secretary. The records shall be available at reasonable hours for inspection by any employee of the department charged with the enforcement of this act or any representative of the Department of Auditor General or Office of Attorney General. Within five days following the first day of each month, each agent shall forward to the secretary and to the county treasurer of the county in which the agent is situated, on forms supplied by the department, a complete report of dog licenses issued, in correct numerical sequence. All money collected from the sale of dog licenses, less compensation if collected, and any other information required by the secretary shall be forwarded to the secretary with the report.

**(e.1) Electronic records.** Within the later of 180 days of the effective date of this section or 60 days after the county treasurer has the capability to submit an electronic file of license holders, the county treasurer shall submit to the secretary an electronic data file of license holders. The county treasurer shall monthly update the data file and submit the updated file monthly to reflect all new applicants.

**(f) License sales.** Each agent shall process applications and issue dog license certificates on a year-round basis. Nothing in this act shall permit an agent while acting in that capacity to suspend license sales during any time. If checks are returned for delinquent funds or the proper dog license fee is not collected for any reason and if these funds have been subtracted from the money forwarded to the secretary, the agent shall report the delinquency to the department on a form supplied by the department.

**(g) Rules and regulations.** The department may promulgate such rules and regulations as it deems necessary to control and supervise the issuance of dog licenses by agents.

**(h) Failure to comply.** An agent who fails to comply with this act or regulations adopted under this act relating to the issuance, recording of data or remitting of costs for dog licenses issued shall not be entitled to retain the sum under subsection (b) for his services but shall pay the sum to the State Treasury for deposit into the Dog Law Restricted Account. Delinquent agents are subject to a penalty of 10% per month on any outstanding balance of dog license money due the department, which penalty shall be compounded on a monthly basis. Any money not paid may be recovered by the Commonwealth by suit in the same manner as like amounts are recoverable by law . Delinquent agents shall be recalled after a delinquency period of 60 days.

**(i) Unlawful acts concerning agents.** It is unlawful for an agent or his representative to knowingly:

- (1) Issue a dog license at a fee greater than the fee prescribed in this act.
- (2) Issue a dog license without first securing the proofs required under subsection (c).
- (3) Falsify the date of a license certificate.
- (4) Violate any other provision of this section.

**(j) Penalty.** Any agent who violates this section or the rules or regulations promulgated under it 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.

CREDIT(S)

1996, Dec. 11, P.L. 943, No. 151, § 2, imd. effective. Amended 2008, Oct. 9, P.L. 1450, No. 119, § 2, effective in 60 days [Dec. 8, 2008].

3 P.S. § 459-200, PA ST 3 P.S. § 459-200

Current through Act 2009-52

**Source:** [Westlaw](#) /Thomson Reuters. URDON'S PENNSYLVANIA STATUTES AND CONSOLIDATED STATUTES TITLE 3 P.S. AGRICULTURE CHAPTER 8. DOGS AND CATS DOG LAW ARTICLE II. LICENSES, TAGS AND KENNELS § 459-200. Issuance of dog licenses; compensation; proof required; deposit of funds; records; license sales; rules and regulations; failure to comply; unlawful acts; penalty.