

HB 1139 By Representatives LYNCH, STEELMAN, J. BAKER, BARD, BEBKO-JONES, BELARDI, BELFANTI, BROWNE, BUXTON, CALTAGIRONE, CAPPELLI, CASORIO, CIVERA, L. I. COHEN, CORNELL, CORRIGAN, COSTA, CREIGHTON, CRUZ, CURRY, DALEY, DALLY, DeWEESE, J. EVANS, FRANKEL, FREEMAN, GRUITZA, HABAY, HARHAI, HARPER, HENNESSEY, HERMAN, HORSEY, JOSEPHS, KAISER, KIRKLAND, KREBS, MAHER, McCALL, McILHINNEY, MICHLOVIC, MUNDY, NAILOR, NICKOL, READSHAW, ROBERTS, ROONEY, ROSS, RUBLEY, SATHER, SCHRODER, SHANER, SOLOBAY, STABACK, TANGRETTI, E. Z. TAYLOR, TRELLO, WALKO, WANSACZ, WATSON, C. WILLIAMS, WILT, YOUNGBLOOD, ZUG and LAUGHLIN.

Prior Printer's No. 1320.

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An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, providing for the offense of transporting equine animals in a cruel manner.

Referred to JUDICIARY, March 22, 2001

Reported as amended, April 24, 2001

First consideration, April 24, 2001

Laid on the table, April 24, 2001

Removed from table, May 2, 2001

Second consideration, May 2, 2001

Re-referred to APPROPRIATIONS, May 2, 2001

Re-reported as committed, May 7, 2001

Third consideration and final passage, May 8, 2001 (199-0)

In the Senate

Referred to AGRICULTURE AND RURAL AFFAIRS, May 21, 2001

Reported as committed, June 13, 2001

First consideration, June 13, 2001

Second consideration, June 19, 2001

Third consideration and final passage, June 20, 2001 (49-0)

Signed in House, June 21, 2001

Signed in Senate, June 21, 2001

In hands of the Governor, June 22, 2001

Last day for action, July 2, 2001

Approved by the Governor, June 25, 2001

Act No. 64

Source: Lansdale Reporter

Date: 6/25/01

## Horse-trailer-ban bill sent to governor

### Double-decker vehicles would no longer be used for transportation

By DANIEL J. NEPHIN  
Reporter Harrisburg Bureau

HARRISBURG -- It will be illegal to transport horses in double-decked trailers in Pennsylvania under legislation that's on its way to Gov. Tom Ridge's desk.

Ridge intends to sign the bill, which the Senate passed Thursday, said spokesman Kevin Shivers. The House had passed the bill earlier this spring and Ridge now has 10 days to sign it.

Such trailers are designed for cattle and hogs, which can lie down. Horses, whose natural position is standing, are cramped on the trailers and can suffer head injuries. Animal organizations were strong proponents of changing the law.

Rep. James Lynch, R-Warren, had been pushing for the change for several years, after the issue was brought to his attention. New York, which neighbors Warren's district, banned the trailers a number of years ago.

"This measure is certainly a long time coming and will do much to improve the comfort of horses during transport," said Rep. Raymond Bunt, R-Schwenksville, chairman of the House Agriculture and Rural Affairs Committee. "Double-deckers are designed to hold other types of animals. They should never be transported without head room."

In a prepared statement, Johnna Seeton, chairwoman of the Pennsylvania Legislative Animal Network, said: "We have been pleased to work with Representative Lynch, the animal and horse groups, the chairmen of the Agriculture and Rural Affairs Committees, and the Pennsylvania Department of Agriculture, on this important legislation. It's a great day for horses in Pennsylvania."





## BILL SUMMARY

<b><u>COMMITTEE:</u></b>	Judiciary	<b><u>DATE:</u></b>	04/27/01
<b><u>PRIME SPONSOR:</u></b>	Lynch	<b><u>BILL NO.:</u></b>	HB 1139
<b><u>PREPARED BY:</u></b>	Michael S. Schwoyer	<b><u>PRINTER'S NO.:</u></b>	1674
		<b><u>PHONE NO.:</u></b>	2-6946

### A. SUMMARY OF THE BILL:

House Bill 1139 amends 18 Pa.C.S. § 5511, Cruelty to animals, in order to make it unlawful for anyone to carry an equine animal (horse, mule, pony, zebra) in or upon a vehicle or conveyance with two or more levels stacked on top of one another.

A violation is graded as a summary (maximum penalty 90 days in jail/\$300 fine) for each equine carried. A second or subsequent violation is graded as a misdemeanor of the third degree (maximum penalty one year in jail/\$2,500 fine) for each equine carried.

The following terms are used in the bill:

“Conveyance.” A truck, tractor, trailer or semitrailer, or any combination of these, propelled or drawn by mechanical power.

“Equine animal.” Any member of the Equidae family, which includes horses, asses, mules, ponies and zebras.

This act shall take effect in 60 days.

### B. SUMMARY OF RELEVANT EXISTING LAW:

Currently, 18 Pa.C.S. § 5511(e) deals with transporting animals in a cruel manner. That subsection states:

- (e) Transporting animals in cruel manner.—A person commits a summary offense if he carries, or causes, or allows to be carried in or upon any cart, or other vehicle whatsoever, any animal in a cruel or inhumane manner. The person taking him into custody may take charge of the animal and of any such vehicle and its contents, and deposit the same in some safe place of custody, and any necessary expenses which may be incurred for taking charge of and keeping the same, and sustaining any such animal, shall be a lien thereon, to be paid before the same can lawfully be recovered, or the said expenses or any part thereof remaining unpaid may be recovered by the person incurring the same from the owner of said creature in any action therefore.

For the purposes of this section, it shall not be deemed cruel or inhumane to transport live poultry in crates so long as not more than 15 pounds of live poultry are allocated to each cubic foot of space in the crate.

While there is no definition of the phrase “cruel or inhumane manner” provided in the section, the courts have generally held that “cruelty to animals may consist of active cruelty, which is willful or wanton abuse or ill treatment or unnecessary or unreasonable acts or conduct which cause pain and suffering, or in passive cruelty, which may consist of acts of omission, neglect, and the like, whereby the same kind of suffering is caused or permitted.” Commonwealth v. Harris, 36 Pa. D. & C. 122 (1939).

In accordance with 3 Pa.C.S. § 2341 (Agriculture Code), the Department of Agriculture has the authority to regulate the activities, facilities and equipment of domestic animal or dead domestic animal dealers, agents and haulers for the purpose of assuring the sanitary handling of dead domestic animals and the sanitary handling, marketing and exchange of domestic animals. There are currently no regulations to further define this authority.

The only state regulations regarding the movement of equine animals are health/disease related. They can be found at 7 Pa. Code §§ 3.101 and 3.211.

There are federal regulations in the proposed stage that are a result of part of the 1996 Farm Bill. The proposal seeks to regulate the commercial transportation of horses bound for slaughter. They can be found in the Federal Register, May 19, 1999 (Vol. 64, No. 96). They have not yet been published in final form, as was expected in August, and then in October of last year.