
SENATE BILL 6492

State of Washington

54th Legislature

1996 Regular Session

By Senators Kohl, Fraser and Fairley

Read first time 01/16/96. Referred to Committee on Agriculture & Agricultural Trade & Development.

1 AN ACT Relating to transportation of horses to slaughter; amending
2 RCW 16.52.207; adding a new section to chapter 16.52 RCW; creating a
3 new section; and prescribing penalties.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** The legislature finds that there have been
6 cases in Washington state of horses being transported to slaughter in
7 an inhumane manner. It is the intent of the legislature to stop these
8 inhumane practices. It is not the intent of the legislature to pass
9 judgment on human consumption of horsemeat or to change current
10 regulations regarding the transport of horses to locations other than
11 a slaughterhouse.

12 NEW SECTION. **Sec. 2.** A new section is added to chapter 16.52 RCW
13 to read as follows:

14 (1) Any person who as a regular source of income transports horses
15 to slaughter or to an intermediate handler and is transporting a horse
16 for more than thirty miles shall meet the following requirements:

17 (a) The vehicle shall have sufficient clearance to allow the horse
18 to be transported in a standing position with its head in a normal

1 upright position above its withers without coming in contact with the
2 roof or beams or other overhead structures.

3 (b) Any ramps and floors in the vehicle shall be covered with a
4 nonskid nonmetallic surface to prevent the horse from slipping.

5 (c) The vehicle shall be maintained in good, safe working condition
6 and provide adequate ventilation and protection from extremes of
7 weather and temperature for the horse while the horse is being
8 transported.

9 (d) The sides, overhead, and floor of the vehicle shall be
10 constructed to withstand the weight of any horse that may put pressure
11 against the sides or overhead.

12 (e) Any compartments in the interior of the vehicle shall be
13 constructed of smooth materials and shall contain no protrusions, sharp
14 or harmful objects, or openings that a horse could fit a limb through.

15 (f) The doors shall be of sufficient size and location to provide
16 for safe loading and unloading, including unloading in emergencies.

17 (g) The size and design of the vehicle shall be appropriate for the
18 number of horses being transported and the welfare of the horse shall
19 not be jeopardized by crowding. Horses shall be positioned in the
20 vehicle by sizes.

21 (h) Stallions shall be transported within individual compartments
22 with sturdy floor to ceiling partitions.

23 (i) No horse may be transported if it is:

24 (i) Suffering from a broken or dislocated limb;

25 (ii) Unable to bear weight on all four limbs;

26 (iii) Obviously suffering from severe illness, injury, lameness, or
27 physical debilitation that would make the horse unlikely to withstand
28 the stress of transportation;

29 (iv) Six months or younger; or

30 (v) A mare in the last third of pregnancy.

31 (j) The person transporting a horse shall notify a humane officer
32 having jurisdiction seventy-two hours before loading the horse so that
33 the humane officer may perform a thorough inspection of the vehicle and
34 animals to determine if all requirements of this section have been
35 satisfied. A certificate indicating that the horse is free from
36 prohibited conditions as stated in (i) of this subsection, bearing a
37 full description of each horse shall be filled out by the humane
38 officer inspecting the horse. The certificate shall accompany the
39 horse during transport and be turned over to the USDA inspector at the

1 slaughter plant. If there is no humane officer available, the
2 inspection certificate shall be completed by a veterinarian or state or
3 local official trained to perform animal inspections.

4 (k) The driver and owner of any vehicle transporting a horse is
5 responsible for satisfying all requirements of this section. However,
6 if such driver determines that any horse is unfit for travel, he or she
7 shall refuse to load or transport such horse. If a horse suffers a
8 substantial injury or illness while being transported, such driver
9 shall seek prompt assistance from a large animal veterinarian.

10 (l) All horses to be transported to slaughter or to an intermediate
11 handler shall be given wholesome food and potable water no more than
12 four hours before departure.

13 (2) The management of any public auction or sale shall post a sign,
14 measuring a minimum of fifteen inches by ten inches with lettering of
15 a minimum of one and one-quarter by one-half inches in a conspicuous
16 place so that it will be easily observed by a majority of people
17 attending the sale. The notice shall read as follows: "Warning -
18 Horses sold on these premises may be purchased for slaughter. As a
19 possible safeguard, seller may set a minimum bid above current
20 slaughter prices."

21 A violation of this subsection is a class I civil infraction under
22 chapter 7.80 RCW.

23 (3) Whenever a person is taken into custody by an officer for a
24 violation of subsection (1) of this section, the officer shall take
25 charge of the vehicle and its contents and deposit the property in some
26 established and appropriate place of custody.

27 (a) Any necessary expense incurred for taking care of and keeping
28 the property is a lien thereon, to be paid before the property can be
29 lawfully recovered.

30 (b) If the expense, or any part thereof, remains unpaid, it may be
31 recovered by the person incurring the expense from the owner of the
32 horse in an action therefor.

33 (c) Upon conviction of the person, any seized horse shall be
34 remanded to the custody of the enforcement agency or a duly
35 incorporated society for the prevention of cruelty to animals, horse
36 rescue organization, or similar organization for permanent disposition.

37 (4) For the purposes of this section:

38 (a) "Horse" means any member of the equine family including a
39 horse, pony, mule, donkey, or hinny.

1 (b) "Intermediate handler" means any person engaged in the business
2 of receiving custody of horses for slaughter in connection with the
3 transportation of the horses to a slaughter facility. "Intermediate
4 handler" includes stockyards, feedlots, and assembly points.

5 (c) "Mare" means a female horse.

6 (d) "Stallion" means any uncastrated male horse one year or older.

7 (e) "Vehicle" means any machine, tractor, trailer, semi-trailer, or
8 any combination thereof propelled or drawn by mechanical power and used
9 upon the highways in the transportation of property.

10 **Sec. 3.** RCW 16.52.207 and 1994 c 261 s 9 are each amended to read
11 as follows:

12 (1) A person is guilty of animal cruelty in the second degree if,
13 under circumstances not amounting to first degree animal cruelty, the
14 person knowingly, recklessly, or with criminal negligence inflicts
15 unnecessary suffering or pain upon an animal.

16 (2) An owner of an animal is guilty of animal cruelty in the second
17 degree if, under circumstances not amounting to first degree animal
18 cruelty, the owner knowingly, recklessly, or with criminal negligence:

19 (a) Fails to provide the animal with necessary food, water,
20 shelter, rest, sanitation, ventilation, space, or medical attention and
21 the animal suffers unnecessary or unjustifiable physical pain as a
22 result of the failure; or

23 (b) Abandons the animal.

24 (3) A person is guilty of animal cruelty in the second degree if,
25 under circumstances not amounting to first degree animal cruelty, the
26 person violates section 2(1) of this act. In addition to any other
27 penalties, a person convicted of animal cruelty in the second degree
28 under this subsection shall be fined one hundred dollars per horse, per
29 day. Upon a second or subsequent conviction of animal cruelty in the
30 second degree under this subsection, the person convicted shall, in
31 addition to any other penalties, be fined five hundred dollars per
32 horse, per day.

33 (4) Animal cruelty in the second degree is a misdemeanor.

34 (~~(4)~~) (5) In any prosecution of animal cruelty in the second
35 degree, it shall be an affirmative defense, if established by the
36 defendant by a preponderance of the evidence, that the defendant's
37 failure was due to economic distress beyond the defendant's control.

1 NEW SECTION. **Sec. 4.** If any provision of this act or its
2 application to any person or circumstance is held invalid, the
3 remainder of the act or the application of the provision to other
4 persons or circumstances is not affected.

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