
SENATE BILL 6204

State of Washington

55th Legislature

1998 Regular Session

By Senator Morton

Read first time 01/13/98. Referred to Committee on Agriculture & Environment.

1 AN ACT Relating to livestock identification; amending RCW
2 16.57.010, 16.57.020, 16.57.080, 16.57.290, 16.57.300, 16.57.310,
3 16.57.320, 16.57.330, 16.57.340, 16.57.407, and 16.57.410; adding new
4 sections to chapter 16.57 RCW; and repealing RCW 16.57.015, 16.57.160,
5 16.57.165, 16.57.170, 16.57.180, 16.57.200, 16.57.210, 16.57.220,
6 16.57.230, 16.57.240, 16.57.260, 16.57.360, 16.57.380, and 16.57.400.

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

8 NEW SECTION. **Sec. 1.** A new section is added to chapter 16.57 RCW
9 to read as follows:

10 The director shall establish with the state veterinarian a
11 procedure for brand inspection that relies upon the state's accredited
12 veterinarians as livestock identification agents. The director shall
13 develop criteria to determine eligibility of veterinarians to serve as
14 livestock identification agents. The livestock identification agent is
15 responsible for verifying ownership of livestock through the use of
16 brand inspection or other approved methods of identification.

17 **Sec. 2.** RCW 16.57.010 and 1996 c 105 s 1 are each amended to read
18 as follows:

1 (~~For the purpose of~~) The definitions in this section apply
2 throughout this chapter(~~(+)~~) unless the context clearly requires
3 otherwise.

4 (1) "Department" means the department of agriculture of the state
5 of Washington.

6 (2) "Director" means the director of the department or a duly
7 appointed representative.

8 (3) "Person" means a natural person, individual, firm, partnership,
9 corporation, company, society, and association, and every officer,
10 agent or employee thereof. This term shall import either the singular
11 or the plural as the case may be.

12 (4) "Livestock" includes, but is not limited to, horses, mules,
13 cattle, sheep, swine, goats, poultry and rabbits.

14 (5) "Brand" means a permanent fire brand or any artificial mark,
15 other than an individual identification symbol, approved by the
16 director to be used in conjunction with a brand or by itself.

17 (6) "Production record brand" means a number brand which shall be
18 used for production identification purposes only.

19 (7) "Brand inspection" means the examination of livestock or
20 livestock hides for brands or any means of identifying livestock or
21 livestock hides and/or the application of any artificial identification
22 such as back tags (~~(or)~~), ear clips, tattoos, or microchips as
23 necessary to preserve the identity of the livestock or livestock hides
24 examined.

25 (8) "Individual identification symbol" means a permanent mark
26 placed on a horse for the purpose of individually identifying and
27 registering the horse and which has been approved for use as such by
28 the director.

29 (9) "Registering agency" means any person issuing an individual
30 identification symbol for the purpose of individually identifying and
31 registering a horse.

32 (10) "Poultry" means chickens, turkeys, ratites, and other
33 domesticated fowl.

34 (11) "Ratite" means, but is not limited to, ostrich, emu, rhea, or
35 other flightless bird used for human consumption, whether live or
36 slaughtered.

37 (12) "Ratite farming" means breeding, raising, and rearing of an
38 ostrich, emu, or rhea in captivity or an enclosure.

1 (13) "Microchipping" means the implantation of an identification
2 microchip or similar electronic identification device to establish the
3 identity of an individual animal:

4 (a) In the pipping muscle of a chick ratite or the implantation of
5 a microchip in the tail muscle of an otherwise unidentified adult
6 ratite;

7 (b) In the nuchal ligament of a horse unless otherwise specified by
8 rule of the director; and

9 (c) In locations of other livestock species as specified by rule of
10 the director when requested by an association of producers of that
11 species of livestock.

12 (14) "Livestock identification agent" means an accredited
13 veterinarian licensed in the state of Washington who is designated by
14 the state veterinarian to verify ownership of livestock through brand
15 inspection or other approved identification methods.

16 **Sec. 3.** RCW 16.57.020 and 1994 c 46 s 7 are each amended to read
17 as follows:

18 The director shall be the recorder of livestock brands and such
19 brands shall not be recorded elsewhere in this state. Any person
20 desiring to register a livestock brand shall apply on a form prescribed
21 by the director. Such application shall be accompanied by a facsimile
22 of the brand applied for and a ~~((thirty-five))~~ seventy dollar recording
23 fee. The director shall, upon his or her satisfaction that the
24 application and brand facsimile meet the requirements of this chapter
25 and/or rules adopted hereunder, record such brand. The brand is valid
26 for five years.

27 **Sec. 4.** RCW 16.57.080 and 1994 c 46 s 16 are each amended to read
28 as follows:

29 The director shall establish by rule a schedule for the renewal of
30 registered brands. The initial issuance of a recorded brand shall be
31 accompanied by a notice indicating the term of the brand registration.
32 Beginning with the registration of brands in 1998, the department may
33 register a brand for less than five years in order to stagger the
34 number of renewals in any one year to provide for an orderly and
35 manageable workload for the department. The fee for a brand
36 registration issued for a term of less than five years shall be
37 prorated accordingly. The fee for renewal of the brands ~~((shall be no~~

1 ~~less than twenty five dollars for each two year period of brand~~
2 ~~ownership, except that the director may, in adopting a renewal~~
3 ~~schedule, provide for the collection of renewal fees on a prorated~~
4 ~~basis and may by rule increase the registration and renewal fee for~~
5 ~~brands by no more than fifty percent subsequent to a hearing under~~
6 ~~chapter 34.05 RCW and in conformance with RCW 16.57.015)) is seventy~~
7 dollars. At least sixty days before the expiration of a registered
8 brand, the director shall notify by letter the owner of record of the
9 brand that on the payment of the requisite application fee and
10 application of renewal the director shall issue the proof of payment
11 allowing the brand owner exclusive ownership and use of the brand for
12 the subsequent registration period. The failure of the registered
13 owner to pay the renewal fee by the date required by rule shall cause
14 such owner's brand to revert to the department. The director may for
15 a period of one year following such reversion, reissue such brand only
16 to the prior registered owner upon payment of the registration fee and
17 a late filing fee to be prescribed by the director by rule subsequent
18 to a hearing under chapter 34.05 RCW and in conformance with RCW
19 16.57.015, for renewal subsequent to the regular renewal period. The
20 director may at the director's discretion, if such brand is not
21 reissued within one year to the prior registered owner, issue such
22 brand to any other applicant.

23 NEW SECTION. **Sec. 5.** A new section is added to chapter 16.57 RCW
24 to read as follows:

25 (1) The owner of livestock offered for sale in this state or to be
26 transported out of state may have the livestock inspected for ownership
27 verification prior to leaving this state for another state or country.
28 The inspection shall be performed by a livestock identification agent.
29 The livestock identification agent shall conduct the inspection at the
30 farm or residence of the livestock owner or at a public livestock
31 market. Upon completion of the inspection, the livestock
32 identification agent shall issue a certificate of ownership stating the
33 time, date, and results of the inspection. The certificate shall be on
34 a form developed by the department.

35 (2) The livestock identification agent may charge up to twenty
36 dollars for each horse, and up to seventy-five cents for each head of
37 cattle or other livestock.

1 NEW SECTION. **Sec. 6.** A new section is added to chapter 16.57 RCW
2 to read as follows:

3 It is the duty of the state patrol to inspect all livestock at
4 established border crossings between this state and any other state or
5 country. The state patrol shall check for a valid certificate of
6 ownership of all nonresident livestock prior to the movement of
7 livestock into the state.

8 The sheriff of each county of this state shall also make the
9 investigation and enforcement of livestock theft a high priority and
10 investigate all complaints of these crimes as soon as practicable.

11 **Sec. 7.** RCW 16.57.290 and 1995 c 374 s 53 are each amended to read
12 as follows:

13 All unbranded cattle and horses and those bearing brands not
14 recorded, in the current edition of this state's brand book, which are
15 not accompanied by a certificate of permit, and those bearing brands
16 recorded, in the current edition of this state's brand book, which are
17 not accompanied by a certificate of permit signed by the owner of the
18 brand when presented for inspection by the ((~~director~~)) livestock
19 identification agent, shall be sold by the ((~~director or the director's~~
20 ~~representative~~)) sheriff, unless other satisfactory proof of ownership
21 is presented showing the person presenting them to be lawfully in
22 possession. Upon the sale of such cattle or horses, the ((~~director or~~
23 ~~the director's representative~~)) sheriff shall give the purchasers a
24 bill of sale therefor, or, if theft is suspected, the cattle or horses
25 may be impounded by the ((~~director or the director's representative~~))
26 sheriff.

27 **Sec. 8.** RCW 16.57.300 and 1989 c 286 s 24 are each amended to read
28 as follows:

29 The proceeds from the sale of cattle and horses as provided for
30 under RCW 16.57.290, after paying the cost thereof, shall be paid to
31 the ((~~director~~)) sheriff of the county of jurisdiction, who shall make
32 a record showing the brand or marks or other method of identification
33 of the animals and the amount realized from the sale thereof. However,
34 the proceeds from a sale of such cattle or horses at a licensed public
35 livestock market shall be held by the licensee for a reasonable period
36 not to exceed thirty days to permit the consignor to establish
37 ownership or the right to sell such cattle or horses. If such

1 consignor fails to establish legal ownership or the right to sell such
2 cattle or horses, such proceeds shall be paid to the (~~director to be~~
3 ~~disposed of as any other stray proceeds~~) sheriff.

4 **Sec. 9.** RCW 16.57.310 and 1959 c 54 s 31 are each amended to read
5 as follows:

6 When a person has been notified by registered mail that animals
7 bearing his or her recorded brand have been sold by the (~~director~~)
8 sheriff of the county of jurisdiction, he or she shall present to the
9 (~~director~~) sheriff a claim on the proceeds within ten days from the
10 receipt of the notice or the (~~director~~) sheriff may decide that no
11 claim exists.

12 **Sec. 10.** RCW 16.57.320 and 1991 c 110 s 6 are each amended to read
13 as follows:

14 If, after the expiration of one year from the date of sale, the
15 person presenting the animals for inspection has not provided the
16 (~~director~~) sheriff of the county of jurisdiction with satisfactory
17 proof of ownership, the proceeds from the sale shall be paid on the
18 claim of the owner of the recorded brand. However, it shall be a gross
19 misdemeanor for the owner of the recorded brand to knowingly accept
20 such funds after he or she has sold, bartered, or traded such animals
21 to the claimant or any other person. A gross misdemeanor under this
22 section is punishable to the same extent as a gross misdemeanor that is
23 punishable under RCW 9A.20.021.

24 **Sec. 11.** RCW 16.57.330 and 1959 c 54 s 33 are each amended to read
25 as follows:

26 If, after the expiration of one year from the date of sale, no
27 claim is made, the money shall be credited to the (~~department of~~
28 ~~agriculture~~) sheriff of the county of jurisdiction to be expended in
29 carrying out the provisions of (~~this chapter~~) RCW 16.57.290 through
30 16.57.340.

31 **Sec. 12.** RCW 16.57.340 and 1959 c 54 s 34 are each amended to read
32 as follows:

33 The (~~director~~) sheriff of the county of jurisdiction shall have
34 the authority to enter into reciprocal agreements with any or all
35 states to prevent the theft, misappropriation, or loss of

1 identification of livestock. The ((~~director~~)) sheriff may declare any
2 livestock which is shipped or moved into this state from such states
3 estrays if such livestock is not accompanied by the proper official
4 brand certificate or other such certificates required by the law of the
5 state of origin of such livestock. The ((~~director~~)) sheriff may hold
6 such livestock subject to all costs of holding or sell such livestock
7 and send the funds, after the deduction of the cost of such sale, to
8 the proper authority in the state of origin of such livestock.

9 **Sec. 13.** RCW 16.57.407 and 1996 c 105 s 3 are each amended to read
10 as follows:

11 The ((~~department~~)) sheriff of the county of jurisdiction has the
12 authority to conduct an investigation of an incident where scars or
13 other marks indicate that a microchip has been removed from a horse.

14 **Sec. 14.** RCW 16.57.410 and 1993 c 354 s 11 are each amended to
15 read as follows:

16 (1) No person may act as a registering agency without a permit
17 issued by the department. The director may issue a permit to any
18 person or organization to act as a registering agency for the purpose
19 of issuing permanent identification symbols for horses in a manner
20 prescribed by the director. Application for such permit, or the
21 renewal thereof by January 1st of each year, shall be on a form
22 prescribed by the director, and accompanied by the proof of
23 registration to be issued, any other documents required by the
24 director, and a fee of one hundred dollars.

25 (2) Each registering agency shall maintain a permanent record for
26 each individual identification symbol. The record shall include, but
27 need not be limited to, the name, address, and phone number of the
28 horse owner and a general description of the horse. A copy of each
29 permanent record shall be forwarded to the director, if requested by
30 the director.

31 (3) Individual identification symbols shall be inspected as
32 required for brands under ((~~RCW 16.57.220 and 16.57.380~~)) this chapter.
33 Any horse presented for inspection and bearing such a symbol, but not
34 accompanied by proof of registration and certificate of permit, shall
35 be sold as provided under RCW 16.57.290 through 16.57.330.

36 (4) The director shall adopt such rules as are necessary for the
37 effective administration of this section pursuant to chapter 34.05 RCW.

1 NEW SECTION. **Sec. 15.** The following acts or parts of acts are
2 each repealed:

3 (1) RCW 16.57.015 and 1993 c 354 s 10;

4 (2) RCW 16.57.160 and 1991 c 110 s 3, 1981 c 296 s 16, 1971 ex.s.
5 c 135 s 4, & 1959 c 54 s 16;

6 (3) RCW 16.57.165 and 1971 ex.s. c 135 s 6;

7 (4) RCW 16.57.170 and 1959 c 54 s 17;

8 (5) RCW 16.57.180 and 1959 c 54 s 18;

9 (6) RCW 16.57.200 and 1959 c 54 s 20;

10 (7) RCW 16.57.210 and 1959 c 54 s 21;

11 (8) RCW 16.57.220 and 1997 c 356 s 3, 1997 c 356 s 2, & 1995 c 374
12 s 49;

13 (9) RCW 16.57.230 and 1995 c 374 s 50 & 1959 c 54 s 23;

14 (10) RCW 16.57.240 and 1995 c 374 s 51, 1991 c 110 s 4, 1985 c 415
15 s 8, 1981 c 296 s 18, & 1959 c 54 s 24;

16 (11) RCW 16.57.260 and 1981 c 296 s 19 & 1959 c 54 s 26;

17 (12) RCW 16.57.360 and 1991 c 110 s 7 & 1959 c 54 s 36;

18 (13) RCW 16.57.380 and 1991 c 110 s 8, 1981 c 296 s 22, & 1974
19 ex.s. c 38 s 1; and

20 (14) RCW 16.57.400 and 1994 c 46 s 20, 1993 c 354 s 9, 1981 c 296
21 s 23, & 1974 ex.s. c 38 s 3.

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