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**SENATE BILL 6186**

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**State of Washington****55th Legislature****1998 Regular Session**

**By** Senators Swecker and Rasmussen; by request of Department of Agriculture

Read first time 01/12/98. Referred to Committee on Agriculture & Environment.

1       AN ACT Relating to livestock identification; amending RCW  
2 16.57.010, 16.57.015, 16.57.020, 16.57.030, 16.57.040, 16.57.050,  
3 16.57.080, 16.57.090, 16.57.100, 16.57.120, 16.57.130, 16.57.140,  
4 16.57.150, 16.57.160, 16.57.165, 16.57.170, 16.57.180, 16.57.200,  
5 16.57.210, 16.57.220, 16.57.230, 16.57.240, 16.57.260, 16.57.270,  
6 16.57.275, 16.57.280, 16.57.290, 16.57.300, 16.57.310, 16.57.320,  
7 16.57.330, 16.57.340, 16.57.360, 16.57.370, 16.57.400, 16.57.410,  
8 16.58.020, 16.58.030, 16.58.040, 16.58.050, 16.58.060, 16.58.070,  
9 16.58.080, 16.58.095, 16.58.100, 16.58.110, 16.58.130, 16.58.140,  
10 16.58.150, 16.58.170, 16.65.010, 16.65.015, 16.65.020, 16.65.030,  
11 16.65.037, 16.65.040, 16.65.042, 16.65.080, 16.65.090, 16.65.100,  
12 16.65.140, 16.65.170, 16.65.190, 16.65.200, 16.65.235, 16.65.260,  
13 16.65.280, 16.65.340, 16.65.350, 16.65.380, 16.65.390, 16.65.420, and  
14 16.65.422; amending 1997 c 356 s 12 (uncodified); adding new sections  
15 to chapter 16.57 RCW; adding a new section to chapter 42.17 RCW;  
16 creating a new section; repealing RCW 16.65.110 and 16.57.380;  
17 repealing 1997 c 356 s 3; repealing 1997 c 356 s 5; repealing 1997 c  
18 356 s 7; repealing 1997 c 356 s 9; repealing 1997 c 356 s 11;  
19 prescribing penalties; and providing effective dates.

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

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

3       For the purpose of this chapter:

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)) his or  
7 her duly ((appointed)) authorized 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, and 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)) Livestock inspection" or "inspection" means the  
20 examination of livestock or livestock hides for brands or any means of  
21 identifying livestock or livestock hides ((~~and/or the application of~~  
~~any artificial identification such as back tags or ear clips necessary~~  
~~to preserve the identity of the livestock or livestock hides examined~~)  
including the examination of documents providing evidence of ownership.

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        (13) "Certificate of permit" means a form prescribed by and  
13 obtained from the director that is completed by the owner or a person  
14 authorized to act on behalf of the owner to show the ownership of  
15 livestock. It does not evidence inspection of livestock.

16        (14) "Inspection certificate" means a certificate issued by the  
17 director documenting the ownership of an animal based on an inspection  
18 of the animal by the director. It includes an individual  
19 identification certificate issued by the director.

20        (15) "Self-inspection certificate" means a form prescribed by and  
21 obtained from the director that is used for self-inspection of cattle  
22 or horses and is signed by the buyer and seller of the cattle or  
23 horses.

24        **Sec. 2.** RCW 16.57.015 and 1993 c 354 s 10 are each amended to read  
25 as follows:

26        (1) The director shall establish a livestock identification  
27 advisory board. The board shall be composed of six members appointed  
28 by the director. One member shall represent each of the following  
29 groups: Beef producers, public livestock market operators, horse  
30 owners, dairy farmers, cattle feeders, and meat processors. In making  
31 appointments, the director shall solicit nominations from organizations  
32 representing these groups state-wide.

33        (2) The purpose of the board is to provide advice to the director  
34 regarding livestock identification programs administered under this  
35 chapter and regarding ((brand)) inspection fees and related licensing  
36 fees. The director shall consult the board before adopting, amending,  
37 or repealing a rule under this chapter or altering a fee under RCW  
38 16.58.050, 16.58.130, 16.65.030, 16.65.037, or 16.65.090. If the

1 director publishes in the state register a proposed rule to be adopted  
2 under the authority of this chapter ((or a proposed rule setting a fee  
3 under RCW 16.58.050, 16.58.130, 16.65.030, or 16.65.090)) and the rule  
4 has not received the approval of the advisory board, the director shall  
5 file with the board a written statement setting forth the director's  
6 reasons for proposing the rule without the board's approval.

7       (3) The members of the advisory board serve three-year terms.  
8 However, the director shall by rule provide shorter initial terms for  
9 some of the members of the board to stagger the expiration of the  
10 initial terms. The members serve without compensation. The director  
11 may authorize the expenses of a member to be reimbursed if the member  
12 is selected to attend a regional or national conference or meeting  
13 regarding livestock identification. Any such reimbursement shall be in  
14 accordance with RCW 43.03.050 and 43.03.060.

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

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

26       **Sec. 4.** RCW 16.57.030 and 1959 c 54 s 3 are each amended to read  
27 as follows:

28       The director shall not record tattoo brands or marks for any  
29 purpose ((subsequent to the enactment of this chapter. However, all  
30 tattoo brands and marks of record on the date of the enactment of this  
31 chapter shall be recognized as legal ownership brands or marks)).

32       **Sec. 5.** RCW 16.57.040 and 1974 ex.s. c 64 s 1 are each amended to  
33 read as follows:

34       The director may provide for the use of production record brands.  
35 Numbers for such brands shall be issued at the discretion of the  
36 director and shall be placed on livestock immediately below the

1 ((registered)) recorded ownership brand or any other location  
2 prescribed by the director.

3       **Sec. 6.** RCW 16.57.050 and 1959 c 54 s 5 are each amended to read  
4 as follows:

5       No person shall place a brand on livestock for any purpose unless  
6 ((such)) the brand is recorded in his or her name.

7       **Sec. 7.** RCW 16.57.080 and 1994 c 46 s 16 are each amended to read  
8 as follows:

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

35       **Sec. 8.** RCW 16.57.090 and 1994 c 46 s 17 are each amended to read  
36 as follows:

1       A brand is the personal property of the owner of record. Any  
2 instrument affecting the title of ((such)) the brand shall be  
3 acknowledged in the presence of the recorded owner and a notary public.  
4 The director shall record ((such)) the instrument upon presentation and  
5 payment of a recording fee ((not to exceed)) of fifteen dollars ((to be  
6 prescribed by the director by rule subsequent to a hearing under  
7 chapter 34.05 RCW and in conformance with RCW 16.57.015. Such)). The  
8 recording shall be constructive notice to all the world of the  
9 existence and conditions affecting the title to ((such)) the brand. A  
10 copy of all records concerning the brand, certified by the director,  
11 shall be received in evidence to all intent and purposes as the  
12 original instrument. The director shall not be personally liable for  
13 failure of the director's agents to properly record ((such)) the  
14 instrument.

15       **Sec. 9.** RCW 16.57.100 and 1971 ex.s. c 135 s 3 are each amended to  
16 read as follows:

17       The right to use a brand shall be evidenced by the original  
18 certificate issued by the director showing that the brand is of present  
19 record or a certified copy of the record of ((such)) the brand showing  
20 that it is of present record. A healed brand of record on livestock  
21 shall be prima facie evidence that the recorded owner of ((such)) the  
22 brand has legal title to ((such)) the livestock and is entitled to its  
23 possession((~~provided, That~~)). The director may require additional  
24 proof of ownership ((of)) for any animal showing more than one healed  
25 brand.

26       **Sec. 10.** RCW 16.57.120 and 1991 c 110 s 2 are each amended to read  
27 as follows:

28       No person shall remove or alter a brand of record on livestock  
29 without first having secured the written permission of the director.  
30 Violation of this section ((shall be)) is a gross misdemeanor  
31 ((punishable to the same extent as a gross misdemeanor that is  
32 punishable under RCW 9A.20.021)).

33       **Sec. 11.** RCW 16.57.130 and 1959 c 54 s 13 are each amended to read  
34 as follows:

35       The director shall not record a brand that is identical to a brand  
36 of present record; nor a brand so similar to a brand of present record

1 that it will be difficult to distinguish between ((such)) the brands  
2 when applied to livestock.

3       **Sec. 12.** RCW 16.57.140 and 1994 c 46 s 18 are each amended to read  
4 as follows:

5       The owner of a brand of record may ((procure)) obtain from the  
6 director a certified copy of the record of the owner's brand upon  
7 payment of a fee ((not to exceed)) of seven dollars and fifty cents  
8 ((to be prescribed by the director by rule subsequent to a hearing  
9 under chapter 34.05 RCW and in conformance with RCW 16.57.015)).

10      **Sec. 13.** RCW 16.57.150 and 1974 ex.s. c 64 s 5 are each amended to  
11 read as follows:

12      The director shall publish a book to be known as the "Washington  
13 State Brand Book", showing all the brands of record. ((Such)) The book  
14 shall contain the name and address of the owners of brands of record  
15 and a copy of the ((brand)) livestock identification laws and  
16 ((regulations)) rules. Supplements to ((such)) the brand book showing  
17 newly recorded brands, amendments, or newly adopted ((regulations,))  
18 rules shall be published ((biennially, or prior thereto)) at the  
19 discretion of the director((: PROVIDED, That)). Whenever ((he)) the  
20 director deems it necessary, the director may ((issue)) publish a new  
21 brand book. The director may collect moneys to recover the reasonable  
22 costs of publishing and distributing copies of the brand book.

23      NEW SECTION. **Sec. 14.** A new section is added to chapter 16.57 RCW  
24 to read as follows:

25      The director may adopt rules necessary to administer the recording  
26 and changing of ownership of brands.

27      **Sec. 15.** RCW 16.57.160 and 1991 c 110 s 3 are each amended to read  
28 as follows:

29      The director may ((by rule adopted subsequent to a public hearing  
30 designate)) adopt rules:

31      (1) Designating any point for mandatory ((brand)) inspection of  
32 cattle or horses or the furnishing of proof that cattle passing or  
33 being transported through ((such)) the point((s)) have been ((brand))  
34 inspected and are lawfully being moved(. Further, the director may  
35 stop vehicles carrying cattle to determine if such cattle are

1 identified, branded, or accompanied by the form prescribed by the  
2 director under RCW 16.57.240 or a brand certificate issued by the  
3 department);

4       (2) Providing for self-inspection of cattle or horses; and

5       (3) Providing for issuance of individual horse and cattle  
6 identification certificates or other means of horse and cattle  
7 identification.

8       **NEW SECTION.** **Sec. 16.** A new section is added to chapter 16.57 RCW  
9 to read as follows:

10       Mandatory inspection requirements as provided under RCW 16.57.160  
11 do not apply to any individual private sale of any unbranded female  
12 dairy breed cattle involving fifteen head or less. Exemption from  
13 mandatory inspection requirements does not exempt cattle sellers from  
14 paying assessments due to the Washington state beef commission under  
15 chapter 16.67 RCW.

16       **Sec. 17.** RCW 16.57.165 and 1971 ex.s. c 135 s 6 are each amended  
17 to read as follows:

18       The director may, in order to reduce the cost of ((brand))  
19 inspection to livestock owners, enter into agreements with any  
20 qualified county, municipal, or other local law enforcement agency, or  
21 qualified individuals for the purpose of performing ((brand)) livestock  
22 inspection in areas where department ((brand)) inspection may not  
23 readily be available.

24       **Sec. 18.** RCW 16.57.170 and 1959 c 54 s 17 are each amended to read  
25 as follows:

26       The director may enter at any reasonable time any slaughterhouse or  
27 public livestock market to ((make an examination of the brands on))  
28 inspect livestock or hides, and may enter at any reasonable time an  
29 establishment where hides are held to ((examine)) inspect them for  
30 brands or other means of identification. The director may enter any of  
31 these premises at any reasonable time to examine all books and records  
32 required by law in matters relating to ((brand inspection or other  
33 methods of)) livestock identification.

34       **Sec. 19.** RCW 16.57.180 and 1959 c 54 s 18 are each amended to read  
35 as follows:

1       Should the director be denied access to any premises or  
2 establishment where ((such)) access was sought for the purposes set  
3 forth in RCW 16.57.170, ((he)) the director may apply to any court of  
4 competent jurisdiction for a search warrant authorizing access to  
5 ((such)) the premises or establishment for ((said)) those purposes.  
6 The court may upon ((such)) application, issue the search warrant for  
7 the purposes requested.

8       **Sec. 20.** RCW 16.57.200 and 1959 c 54 s 20 are each amended to read  
9 as follows:

10      Any owner or his or her agent shall make ((the brand or brands on))  
11 livestock being ((brand)) inspected readily ((visible)) accessible and  
12 shall cooperate with the director to carry out ((such brand))  
13 inspection in a safe and expeditious manner.

14      **Sec. 21.** RCW 16.57.210 and 1959 c 54 s 21 are each amended to read  
15 as follows:

16      The director shall have authority to arrest ((any person)) without  
17 warrant anywhere in the state any person found in the act of, or whom  
18 ((he)) the director has reason to believe is guilty of, driving,  
19 holding, selling, or slaughtering stolen livestock. Any ((such))  
20 person arrested by the director shall be turned over to the sheriff of  
21 the county where the arrest was made, as quickly as possible.

22      **Sec. 22.** RCW 16.57.220 and 1997 c 356 s 2 are each amended to read  
23 as follows:

24      ((The director shall cause a charge to be made for all brand  
25 inspection of cattle and horses required under this chapter and rules  
26 adopted hereunder. Such charges shall be paid to the department by the  
27 owner or person in possession unless requested by the purchaser and  
28 then such brand inspection shall be paid by the purchaser requesting  
29 such brand inspection. Except as provided by rule, such inspection  
30 charges shall be due and payable at the time brand inspection is  
31 performed and shall be paid upon billing by the department and if not  
32 shall constitute a prior lien on the cattle or cattle hides or horses  
33 or horse hides brand inspected until such charge is paid. The director  
34 in order to best utilize the services of the department in performing  
35 brand inspection may establish schedules by days and hours when a brand  
36 inspector will be on duty to perform brand inspection at established

1 inspection points. The fees for brand inspection performed at  
2 inspection points according to schedules established by the director  
3 shall be seventy five cents per head for cattle and not more than three  
4 dollars per head for horses as prescribed by the director subsequent to  
5 a hearing under chapter 34.05 RCW and in conformance with RCW  
6 16.57.015. Fees for brand inspection of cattle and horses at points  
7 other than those designated by the director or not in accord with the  
8 schedules established by the director shall be based on a fee schedule  
9 not to exceed actual net cost to the department of performing the brand  
10 inspection service. For the purpose of this section, actual costs  
11 shall mean fifteen dollars per hour and the current mileage rate set by  
12 the office of financial management.)) (1) Except as provided for in RCW  
13 16.65.090 and subsection (2) of this section, the fee for livestock  
14 inspection is ninety cents per head for cattle and four dollars per  
15 head for horses or fifteen dollars per hour and the current mileage  
16 rate set by the office of financial management, whichever is greater.  
17 (2) Except as provided for in RCW 16.65.090, the fee for livestock  
18 inspection for any dairy breed calf less than thirty days of age sold  
19 by a milk producer licensed under RCW 15.36.041 is twenty cents per  
20 head or fifteen dollars per hour and the current mileage rate set by  
21 the office of financial management, whichever is greater.  
22 (3) The fee for individual identification certificates is seven  
23 dollars and fifty cents for an annual certificate and fifteen dollars  
24 for a lifetime certificate or fifteen dollars per hour and the current  
25 mileage rate set by the office of financial management, whichever is  
26 greater. An identification shall not be issued until the director has  
27 received the fee.  
28 (4) There is a minimum fee of two dollars and fifty cents for the  
29 issuance of any inspection certificate.

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

32 (1) Any inspection fee shall be paid to the department by the owner  
33 or person in possession of the livestock unless the inspection is  
34 requested by the purchaser and then the fee shall be paid by the  
35 purchaser.

36 (2) Except as provided by rule, the inspection fee is due and  
37 payable at the time inspection is performed and shall be paid upon  
38 billing by the department and, if not, constitutes a prior lien on the

1 cattle or cattle hides or horses or horse hides inspected until the fee  
2 is paid.

3 (3) A late fee of one and one-half percent per month shall be  
4 assessed on the unpaid balance against persons more than thirty days in  
5 arrears. An additional late fee of ten dollars or ten percent of the  
6 inspection fee due, whichever is greater, shall be assessed against  
7 persons more than sixty days in arrears.

8 (4) In addition to any other penalties, the director may refuse to  
9 perform an inspection service under this chapter for a person in  
10 arrears or who has failed to pay fees required by this chapter unless  
11 the person makes payment in full of all moneys due prior to performing  
12 the service.

13 **Sec. 24.** RCW 16.57.230 and 1995 c 374 s 50 are each amended to  
14 read as follows:

15 No person shall collect or make a charge for ((brand)) inspection  
16 of livestock unless there has been an actual ((brand)) inspection of  
17 ((such)) the livestock.

18 **Sec. 25.** RCW 16.57.240 and 1995 c 374 s 51 are each amended to  
19 read as follows:

20 ((Any person purchasing, selling, holding for sale, trading,  
21 bartering, transferring title, slaughtering, handling, or transporting  
22 cattle shall keep a record on forms prescribed by the director. Such  
23 forms)) (1) Certificates of permit, inspection certificates, and self-  
24 inspection certificates shall show the owner number, ((specie)) breed,  
25 sex, brand or other method of identification of ((such)) the cattle or  
26 horses and any other necessary information required by the director.  
27 ((The original shall be kept for a period of three years or shall be  
28 furnished to the director upon demand or as prescribed by rule, one  
29 copy shall accompany the cattle to their destination and shall be  
30 subject to inspection at any time by the director or any peace officer  
31 or member of the state patrol: PROVIDED, That in the following  
32 instances only, cattle may be moved or transported within this state  
33 without being accompanied by an official certificate of permit, brand  
34 inspection certificate, bill of sale, or self inspection slip:

35 (1) When such cattle are moved or transported upon lands under the  
36 exclusive control of the person moving or transporting such cattle;

1       (2) When such cattle are being moved or transported for temporary  
2 grazing or feeding purposes and have the registered brand of the person  
3 having or transporting such cattle.))

4       (2) The director may issue certificate of permit forms to any  
5 person on payment of a fee established by rule.

6       (3) Inspection certificates, self-inspection certificates, or other  
7 satisfactory proof of ownership shall be kept by the owner and/or  
8 person in possession of any cattle or horses and shall be furnished to  
9 the director or any peace officer upon demand.

10      NEW SECTION. **Sec. 26.** A new section is added to chapter 16.57 RCW  
11 to read as follows:

12      Cattle may not be moved or transported within this state without  
13 being accompanied by a certificate of permit, inspection certificate,  
14 or self-inspection certificate except:

15       (1) When the cattle are moved or transported upon lands under the  
16 exclusive control of the person moving or transporting the cattle; or

17       (2) When the cattle are being moved or transported for temporary  
18 grazing or feeding purposes and have the recorded brand of the person  
19 having or transporting the cattle.

20      Certificate of permits, inspection certificates, or self-inspection  
21 certificates accompanying cattle being moved or transported within this  
22 state shall be subject to inspection at any time by the director or any  
23 peace officer.

24      **Sec. 27.** RCW 16.57.260 and 1981 c 296 s 19 are each amended to  
25 read as follows:

26      It ((shall be)) is unlawful for any person to remove or cause to be  
27 removed or accept for removal from this state, any cattle or horses  
28 which are not accompanied at all times by an ((official brand))  
29 inspection certificate issued by the director on such cattle or horses,  
30 except as provided ((in RCW 16.57.160)) by rule adopted under this  
31 chapter.

32      NEW SECTION. **Sec. 28.** A new section is added to chapter 16.57 RCW  
33 to read as follows:

34      The director or any peace officer may stop vehicles carrying cattle  
35 or horses to determine if the cattle or horses are identified, branded,  
36 or accompanied by a certificate of permit, inspection certificate,

1 self-inspection certificate, or other satisfactory proof of ownership,  
2 as determined by the director.

3       **Sec. 29.** RCW 16.57.270 and 1959 c 54 s 27 are each amended to read  
4 as follows:

5       It (~~(shall be)~~) is unlawful for any person moving or transporting  
6 livestock in this state to refuse to assist the director or any peace  
7 officer in establishing the identity and ownership of ~~((such))~~ the  
8 livestock being moved or transported.

9       **Sec. 30.** RCW 16.57.275 and 1967 c 240 s 37 are each amended to  
10 read as follows:

11      Any cattle carcass, or primal part thereof, of any breed or age  
12 being transported in this state from other than a state or federal  
13 licensed and inspected slaughterhouse or common carrier hauling for  
14 ~~((such))~~ the slaughterhouse, shall be accompanied by a certificate of  
15 permit signed by the owner of ~~((such))~~ the carcass or primal part  
16 thereof and, if ~~((such))~~ the carcass or primal part is delivered to a  
17 facility custom handling ~~((such))~~ the carcasses or primal parts  
18 thereof, ~~((such))~~ the certificate of permit shall be deposited with the  
19 owner or manager of ~~((such))~~ the custom handling facility and ~~((such))~~  
20 the certificate of permit shall be retained for a period of one year  
21 and be made available to the department for inspection during  
22 reasonable business hours. ~~((The owner of such carcass or primal part  
thereof shall mail a copy of the said certificate of permit to the  
department within ten days of said transportation.))~~

25       **Sec. 31.** RCW 16.57.280 and 1995 c 374 s 52 are each amended to  
26 read as follows:

27      No person shall knowingly have ~~((unlawful))~~ possession of any  
28 ~~((livestock))~~ cattle or horse marked with a recorded brand ~~((or  
tatoo))~~ of another person unless the:

30       (1) ~~((Such livestock))~~ Cattle or horse lawfully bears the person's  
31 own healed recorded brand; or

32       (2) ~~((Such livestock))~~ Cattle or horse is accompanied by a  
33 certificate of permit from the owner of the recorded brand ~~((or  
tatoo))~~; or

35       (3) ~~((Such livestock))~~ Cattle or horse is accompanied by ~~((a  
brand))~~ an inspection certificate; or

1       (4) ((Such)) Cattle is accompanied by a self-inspection ((slip))  
2 certificate; or

3       (5) ((Such livestock)) Horse is accompanied by a bill of sale from  
4 the previous owner; or

5       (6) Cattle or horse is accompanied by ((a bill of sale from the  
6 previous owner or)) other satisfactory proof of ownership as determined  
7 by the director.

8       A violation of this section constitutes a gross misdemeanor  
9 ((punishable to the same extent as a gross misdemeanor that is  
10 punishable under RCW 9A.20.021)).

11      **Sec. 32.** RCW 16.57.290 and 1995 c 374 s 53 are each amended to  
12 read 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)) All cattle and horses that are not accompanied by a certificate  
19 of permit, inspection certificate, or self-inspection certificate, or  
20 other satisfactory proof of ownership when presented for inspection by  
21 the director, shall be sold by the director ((or the director's  
22 representative, unless other satisfactory proof of ownership is  
23 presented showing the person presenting them to be lawfully in  
24 possession)). Upon the sale of ((such)) the cattle or horses, the  
25 director ((or the director's representative)) shall give the purchasers  
26 ((a bill of sale therefor)) an official inspection certificate for the  
27 cattle or horses, or, if theft is suspected, the cattle or horses may  
28 be impounded by the director ((or the director's representative)).

29      **Sec. 33.** RCW 16.57.300 and 1989 c 286 s 24 are each amended to  
30 read as follows:

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

1 to permit the consignor to establish ownership or the right to sell  
2 ((such)) the cattle or horses. If ((such)) the consignor fails to  
3 establish legal ownership or the right to sell ((such)) the cattle or  
4 horses, ((such)) the proceeds shall be paid to the director to be  
5 disposed of as any other estray proceeds.

6       **Sec. 34.** RCW 16.57.310 and 1959 c 54 s 31 are each amended to read  
7 as follows:

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

13      **Sec. 35.** RCW 16.57.320 and 1991 c 110 s 6 are each amended to read  
14 as follows:

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

24      **Sec. 36.** 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)) to be expended in carrying out the provisions of this  
29 chapter.

30      **Sec. 37.** RCW 16.57.340 and 1959 c 54 s 34 are each amended to read  
31 as follows:

32      The director ((shall have)) has the authority to enter into  
33 reciprocal agreements with any or all states to prevent the theft,  
34 misappropriation, or loss of identification of livestock. The director  
35 may declare any livestock which is shipped or moved into this state

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

9       **Sec. 38.** RCW 16.57.360 and 1991 c 110 s 7 are each amended to read  
10 as follows:

11       The department is authorized to issue notices of and enforce civil  
12 infractions in the manner prescribed under chapter 7.80 RCW.

13       The violation of any provision of this chapter and/or rules ((and  
14 regulations)) adopted ((hereunder)) under this chapter shall constitute  
15 a class I civil infraction as provided under chapter 7.80 RCW unless  
16 otherwise specified herein.

17       **Sec. 39.** RCW 16.57.370 and 1959 c 54 s 37 are each amended to read  
18 as follows:

19       All fees collected under the provisions of this chapter shall be  
20 ((retained and)) deposited ((by the director to be used only for the  
21 enforcement)) in an account in the agricultural local fund and used to  
22 carry out the purposes of this chapter.

23       **Sec. 40.** RCW 16.57.400 and 1994 c 46 s 20 are each amended to read  
24 as follows:

25       ((The director may provide by rules and regulations adopted  
26 pursuant to chapter 34.05 RCW for the issuance of)) Horses and cattle  
27 may be identified by individual horse and cattle identification  
28 certificates or other means of horse and cattle identification ((deemed  
29 appropriate)) authorized by the director. ((Such)) The certificates or  
30 other means of identification ((shall be)) are valid only for the use  
31 of the horse and cattle owner in whose name it is issued.

32       Horses and cattle identified pursuant to ((the provisions of)) this  
33 section ((and the rules and regulations adopted hereunder shall not  
34 be)) are only subject to ((brand)) inspection ((except when sold)) at  
35 points provided for in RCW ((16.57.380. The director shall charge a  
36 fee for the certificates or other means of identification authorized

1 pursuant to this section and no identification shall be issued until  
2 the director has received the fee. The schedule of fees shall be  
3 established in accordance with the provisions of chapter 34.05 RCW ))  
4 16.57.160.

5 **Sec. 41.** RCW 16.57.410 and 1993 c 354 s 11 are each amended to  
6 read as follows:

7 (1) No person may act as a registering agency without a permit  
8 issued by the ((department)) director. The director may issue a permit  
9 to any person ((or organization)) to act as a registering agency for  
10 the purpose of issuing permanent identification symbols for horses in  
11 a manner prescribed by the director. Application for ((such)) a  
12 permit, or the renewal thereof by January 1 of each year, shall be on  
13 a form prescribed by the director, and accompanied by the proof of  
14 registration to be issued, any other documents required by the  
15 director, and a fee of one hundred dollars.

16 (2) Each registering agency shall maintain a permanent record for  
17 each individual identification symbol. The record shall include, but  
18 need not be limited to, the name, address, and phone number of the  
19 horse owner and a general description of the horse. A copy of each  
20 permanent record shall be forwarded to the director, if requested by  
21 the director.

22 (3) Horses shall be examined for individual identification symbols  
23 ((shall be inspected as required for brands under RCW 16.57.220 and  
24 16.57.380. Any horse)) when presented for inspection ((and bearing  
25 such a symbol, but not accompanied by proof of registration and  
26 certificate of permit, shall be sold as provided under RCW 16.57.290  
27 through 16.57.330)).

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

31 **NEW SECTION.** **Sec. 42.** A new section is added to chapter 16.57 RCW  
32 to read as follows:

33 Any person licensed as a custom farm slaughterer under RCW  
34 16.49.440 shall complete and attach a custom slaughter beef tag to each  
35 of the four quarters of all slaughtered cattle handled by the  
36 slaughterer. The tags must remain on the quarters until the quarters  
37 are cut and wrapped. Only the director may provide custom slaughter

1 beef tags to licensed custom farm slaughterers. The fee for each set  
2 of four beef tags is two dollars. The director may, by rule, establish  
3 criteria for the use of custom slaughter beef tags.

4       **Sec. 43.** RCW 16.58.020 and 1971 ex.s. c 181 s 2 are each amended  
5 to read as follows:

6           For the purpose of this chapter:

7           (1) "Certified feed lot" means any place, establishment, or  
8 facility commonly known as a commercial feed lot, cattle feed lot, or  
9 the like, which complies with all of the requirements of this chapter,  
10 and any ((regulations)) rules adopted ((~~pursuant to the provisions of~~))  
11 under this chapter and which holds a valid license from the director  
12 ((as ~~hereinafter provided~~)).

13          (2) "Department" means the department of agriculture of the state  
14 of Washington.

15          (3) "Director" means the director of the department or his or her  
16 duly authorized representative.

17          (4) "Licensee" means any persons licensed under the provisions of  
18 this chapter.

19          (5) "Person" means a natural person, individual, firm, partnership,  
20 corporation, company, society, and association, and every officer,  
21 agent or employee thereof. This term shall import either the singular  
22 or the plural as the case may be.

23          (6) "Livestock inspection" or "inspection" means the examination of  
24 livestock or livestock hides for brands or any means of identifying  
25 livestock or livestock hides including the examination of documents  
26 providing evidence of ownership.

27        **Sec. 44.** RCW 16.58.030 and 1971 ex.s. c 181 s 3 are each amended  
28 to read as follows:

29           The director may adopt ((such)) those rules ((and regulations)) as  
30 are necessary to carry out the purpose of this chapter. ((The adoption  
31 of such rules shall be subject to the provisions of this chapter and  
32 rules and regulations adopted hereunder.)) No person shall interfere  
33 with the director when he or she is performing or carrying out any  
34 duties imposed upon ((him)) the director by this chapter or rules ((and  
35 regulations)) adopted ((hereunder)) under this chapter.

1       **Sec. 45.** RCW 16.58.040 and 1971 ex.s. c 181 s 4 are each amended  
2 to read as follows:

3       ~~((On or after August 9, 1971,))~~ Any person desiring to engage in  
4 the business of operating one or more certified feed lots shall obtain  
5 an annual license from the director for ~~((such))~~ that purpose. The  
6 application for a license shall be on a form prescribed by the director  
7 and shall include the following:

8           (1) The number of certified feed lots the applicant intends to  
9 operate and their exact location and mailing address;

10          (2) The legal description of the land on which the certified feed  
11 lot will be situated;

12          (3) A complete description of the facilities used for feeding and  
13 handling of cattle at each certified feed lot;

14          (4) The estimated number of cattle which can be handled for feeding  
15 purposes at each ~~((such))~~ certified feed lot; and

16          (5) Any other information necessary to carry out the purpose and  
17 provisions of this chapter and rules ~~((or regulations))~~ adopted  
18 ~~((hereunder))~~ under this chapter.

19       **Sec. 46.** RCW 16.58.050 and 1997 c 356 s 4 are each amended to read  
20 as follows:

21       The application for an annual license to engage in the business of  
22 operating one or more certified feed lots shall be accompanied by a  
23 license fee of seven hundred fifty dollars. Upon approval of the  
24 application by the director and compliance with the provisions of this  
25 chapter and rules adopted ~~((hereunder))~~ under this chapter, the  
26 applicant shall be issued a license or ~~((a))~~ license renewal  
27 ~~((thereof))~~. The director shall conduct an inspection of all cattle  
28 and their corresponding ownership documents prior to issuing an  
29 original license. The inspection fee shall be the higher of the  
30 current inspection fee per head of cattle or time and mileage as set  
31 forth in RCW 16.57.220.

32       **Sec. 47.** RCW 16.58.060 and 1991 c 109 s 10 are each amended to  
33 read as follows:

34       ~~((The director shall establish by rule an expiration date or dates~~  
35 ~~for all certified feed lot licenses. License fees shall be prorated~~  
36 ~~where necessary to accommodate staggering of expiration dates of a~~  
37 ~~license or licenses.)) Certified feed lot licenses expire on June 30th~~

1    following the date of issuance. If ((an application for renewal of a  
2 certified feed lot license is not received by the department per the  
3 date required by rule or should)) a person fails, refuses, or neglects  
4 to apply for renewal of a ((preexisting)) license ((on or before the  
5 date of expiration)) by June 30th, that person shall be assessed ((an  
6 additional)) a late fee of twenty-five dollars which shall be added to  
7 the regular license fee and shall be paid before the director may issue  
8 a license to the applicant.

9        **Sec. 48.** RCW 16.58.070 and 1989 c 175 s 54 are each amended to  
10 read as follows:

11        The director is authorized to deny, suspend, or revoke a license in  
12 accord with the provisions of chapter 34.05 RCW if he or she finds that  
13 there has been a failure to comply with any requirement of this chapter  
14 or rules ((and regulations)) adopted ((hereunder)) under this chapter.  
15 Hearings for the revocation, suspension, or denial of a license shall  
16 be subject to the provisions of chapter 34.05 RCW ((concerning  
17 adjudicative proceedings)).

18        **Sec. 49.** RCW 16.58.080 and 1971 ex.s. c 181 s 8 are each amended  
19 to read as follows:

20        Every certified feed lot shall be equipped with a facility or a  
21 livestock pen, approved by the director as to location and construction  
22 within the ((said)) feed lot so that necessary ((brand)) livestock  
23 inspection can be carried on in a proper, expeditious and safe manner.  
24 Each licensee shall furnish the director with sufficient help necessary  
25 to carry out ((brand)) inspection in the manner set forth above.

26        **Sec. 50.** RCW 16.58.095 and 1991 c 109 s 11 are each amended to  
27 read as follows:

28        All cattle entering or reentering a certified feed lot must be  
29 inspected ((for brands)) upon entry, unless they are accompanied by ((a  
30 brand)) an inspection certificate issued by the director, or any other  
31 agency authorized in any state or Canadian province by law to issue  
32 ((such)) a certificate. Licensees shall report a discrepancy between  
33 cattle entering or reentering a certified feed lot and the ((brand))  
34 inspection certificate accompanying the cattle to the nearest ((brand))  
35 inspector immediately. A discrepancy may require an inspection of all

1 the cattle entering or reentering the lot, except as may otherwise be  
2 provided by rule.

3       **Sec. 51.** RCW 16.58.100 and 1979 c 81 s 3 are each amended to read  
4 as follows:

5       The director shall ((each year)) conduct audits of the cattle  
6 received, fed, handled, and shipped by the licensee at each certified  
7 feed lot. ((Such)) These audits shall be for the purpose of  
8 determining if ((such)) the cattle correlate with the ((brand))  
9 inspection certificates issued in their behalf and that the certificate  
10 of assurance furnished the director by the licensee correlates with his  
11 or her assurance that ((brand)) inspected cattle were not commingled  
12 with uninspected cattle.

13       **Sec. 52.** RCW 16.58.110 and 1991 c 109 s 12 are each amended to  
14 read as follows:

15       All certified feed lots shall furnish the director with records as  
16 requested by ((him)) the director from time to time on all cattle  
17 entering or on feed in ((said)) the certified feed lots and dispersed  
18 therefrom. All ((such)) requested records shall be subject to  
19 examination by the director for the purpose of maintaining the  
20 integrity of the identity of all ((such)) the cattle. The director may  
21 make the examinations only during regular business hours except in an  
22 emergency to protect the interest of the owners of ((such)) the cattle.

23       **Sec. 53.** RCW 16.58.130 and 1997 c 356 s 6 are each amended to read  
24 as follows:

25       Each licensee shall pay to the director a fee of ((fifteen)) ten  
26 cents for each head of cattle handled through the licensee's feed lot.  
27 Payment of ((such)) the fee shall be made by the licensee on a monthly  
28 basis. Failure to pay as required shall be grounds for suspension or  
29 revocation of a certified feed lot license. ((Further,)) The director  
30 shall not renew a certified feed lot license if a licensee has failed  
31 to make prompt and timely payments.

32       **Sec. 54.** RCW 16.58.140 and 1979 c 81 s 5 are each amended to read  
33 as follows:

34       All fees provided for in this chapter shall be ((retained by the  
35 director for the purpose of)) deposited in an account in the

1   agricultural local fund and used for enforcing and carrying out the  
2   purpose and provisions of this chapter or chapter 16.57 RCW.

3       **Sec. 55.** RCW 16.58.150 and 1971 ex.s. c 181 s 15 are each amended  
4   to read as follows:

5           No ((brand)) inspection shall be required when cattle are moved or  
6   transferred from one certified feed lot to another or ((the transfer of  
7   cattle)) from a certified feed lot to a point within this state, or out  
8   of state where this state maintains ((brand)) inspection, for the  
9   purpose of immediate slaughter.

10       **Sec. 56.** RCW 16.58.170 and 1971 ex.s. c 181 s 17 are each amended  
11   to read as follows:

12           Any person who violates the provisions of this chapter or any rule  
13   ((or regulation)) adopted ((hereunder)) under this chapter shall be  
14   guilty of a misdemeanor and shall be guilty of a gross misdemeanor for  
15   any second or subsequent violation: PROVIDED, That any offense  
16   committed more than five years after a previous conviction shall be  
17   considered a first offense.

18       **Sec. 57.** RCW 16.65.010 and 1983 c 298 s 1 are each amended to read  
19   as follows:

20           For the purposes of this chapter:

21       (1) The term "public livestock market" means any place,  
22   establishment or facility commonly known as a "public livestock  
23   market", "livestock auction market", "livestock sales ring", yards  
24   selling on commission, or the like, conducted or operated for  
25   compensation or profit as a public livestock market, consisting of pens  
26   or other enclosures, and their appurtenances in which livestock is  
27   received, held, sold, kept for sale or shipment. The term does not  
28   include the operation of a person licensed under this chapter to  
29   operate a special open consignment horse sale.

30       (2) "Department" means the department of agriculture of the state  
31   of Washington.

32       (3) "Director" means the director of the department or his or her  
33   duly authorized representative.

34       (4) "Licensee" means any person licensed under the provisions of  
35   this chapter.

1       (5) "Livestock" includes horses, mules, burros, cattle, sheep,  
2 swine, and goats.

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

7       (7) "Stockyard" means any place, establishment, or facility  
8 commonly known as a stockyard consisting of pens or other enclosures  
9 and their appurtenances in which livestock services such as feeding,  
10 watering, weighing, sorting, receiving and shipping are offered to the  
11 public: PROVIDED, That stockyard shall not include any facilities  
12 where livestock is offered for sale at public auction, feed lots, or  
13 quarantined registered feed lots.

14      (8) "Packer" means any person engaged in the business of  
15 slaughtering, manufacturing, preparing meat or meat products for sale,  
16 marketing meat, meat food products or livestock products.

17      (9) ~~(("Deputy state veterinarian" means a graduate veterinarian  
18 authorized to practice in the state of Washington and appointed or  
19 deputized by the director as his duly authorized representative.~~

20      (10)) "Special open consignment horse sale" means a sale conducted  
21 by a person other than the operator of a public livestock market which  
22 is limited to the consignment of horses and donkeys only for sale on an  
23 occasional and seasonal basis.

24      (10) "Livestock inspection" or "inspection" means the examination  
25 of livestock or livestock hides for brands or any means of identifying  
26 livestock or livestock hides including the examination of documents  
27 providing evidence of ownership.

28      **Sec. 58.** RCW 16.65.015 and 1983 c 298 s 2 are each amended to read  
29 as follows:

30      This chapter does not apply to:

31      (1) A farmer selling his or her own livestock on the farmer's own  
32 premises by auction or any other method.

33      (2) A farmers' cooperative association or an association of  
34 livestock breeders when any class of their own livestock is assembled  
35 and offered for sale at a special sale on an occasional and seasonal  
36 basis under the association's management and responsibility, and the  
37 special sale has been approved by the director in writing. Application  
38 shall be made at least fifteen days in advance of the proposed public

1 sale and must be accompanied by a nonrefundable fee of fifty dollars  
2 for each application. However, the special sale shall be subject to  
3 ((brand)) livestock and health inspection requirements as provided in  
4 this chapter for sales at public livestock markets, unless otherwise  
5 prescribed by rule.

6       **Sec. 59.** RCW 16.65.020 and 1983 c 298 s 5 are each amended to read  
7 as follows:

8       Public livestock markets and special open consignment horse sales  
9 shall be under the direction and supervision of the director, and the  
10 director((, but not his duly authorized representative,)) may adopt  
11 ((such)) those rules ((and regulations)) as are necessary to carry out  
12 the purpose of this chapter. It shall be the duty of the director to  
13 enforce and carry out the provisions of this chapter and rules ((and  
14 regulations)) adopted ((hereunder)) under this chapter. No person  
15 shall interfere with the director when he or she is performing or  
16 carrying out any duties imposed ((upon him)) by this chapter or rules  
17 ((and regulations)) adopted ((hereunder)) under this chapter.

18       **Sec. 60.** RCW 16.65.030 and 1995 c 374 s 54 are each amended to  
19 read as follows:

20       (1) ((On and after June 10, 1959,)) No person shall operate a  
21 public livestock market without first having obtained a license from  
22 the director. Application for ((such)) a license shall be in writing  
23 on forms prescribed by the director, and shall include the following:

24       (a) A nonrefundable original license application fee of fifteen  
25 hundred dollars.

26       (b) A legal description of the property upon which the public  
27 livestock market shall be located.

28       (c) A complete description and blueprints or plans of the public  
29 livestock market physical plant, yards, pens, and all facilities the  
30 applicant proposes to use in the operation of such public livestock  
31 market.

32       (d) ((A detailed statement showing all the assets and liabilities  
33 of the applicant which must reflect a sufficient net worth to construct  
34 or operate a public livestock market.)) A financial statement, audited  
35 by a certified or licensed public accountant, to determine whether or  
36 not the applicant meets the minimum net worth requirements, established  
37 by the director by rule, to construct and/or operate a public livestock

1 market. If the applicant is a subsidiary of a larger company,  
2 corporation, society, or cooperative association, both the parent  
3 company and the subsidiary company must submit a financial statement  
4 to determine whether or not the applicant meets the minimum net worth  
5 requirements. All financial statement information required by this  
6 subsection is confidential information and not subject to public  
7 disclosure.

8 (e) The schedule of rates and charges the applicant proposes to  
9 impose on the owners of livestock for services rendered in the  
10 operation of such livestock market.

11 (f) The weekly or monthly sales day or days on which the applicant  
12 proposes to operate his or her public livestock market sales and the  
class of livestock that may be sold on these days.

14 (g) Projected source and quantity of livestock((, by county,))  
15 anticipated to be handled.

16 (h) Projected ((income and expense statements for)) gross dollar  
17 volume of business to be carried on, at, or through the public  
18 livestock market during the first year's operation.

19 (i) Facts upon which ((are)) is based the conclusion that the trade  
20 area and the livestock industry will benefit because of the proposed  
21 market.

22 (j) ((Such)) Other information as the director may ((reasonably))  
23 require by rule.

24 (2) ((The director shall, after public hearing as provided by  
25 chapter 34.05 RCW, grant or deny an application for original license  
26 for a public livestock market after considering evidence and testimony  
27 relating to all of the requirements of this section and giving  
28 reasonable consideration at the same hearing to:

29 (a) Benefits to the livestock industry to be derived from the  
30 establishment and operation of the public livestock market proposed in  
31 the application; and

32 (b) The present market services elsewhere available to the trade  
33 area proposed to be served.

34 (3) Applications for renewal under RCW 16.65.040 shall include all  
35 information under subsection (1) of this section, except subsection  
36 (1)(a) of this section.) If the director determines that the applicant  
37 meets all the requirements of subsection (1) of this section, the  
38 director shall conduct a public hearing as provided by chapter 34.05  
39 RCW, and shall grant or deny an application for original license for a

1   public livestock market after considering evidence and testimony  
2   relating to the requirements of this section and giving reasonable  
3   consideration to:

4       (a) Benefits to the livestock industry to be derived from the  
5   establishment and operation of the public livestock market proposed in  
6   the application;

7       (b) The geographical area that will be affected;

8       (c) The conflict, if any, with sales days already allocated in the  
9   area;

10      (d) The amount and class of livestock available for marketing in  
11   the area;

12      (e) Buyers available to the proposed market; and

13      (f) Any other conditions affecting the orderly marketing of  
14   livestock.

15      (3) Before a license is issued to operate a public livestock  
16   market, the applicant must:

17       (a) Execute and deliver to the director a surety bond as required  
18   under RCW 16.65.200;

19       (b) Provide evidence of a custodial account, as required under RCW  
20   16.65.140, for the consignor's proceeds;

21       (c) Pay the appropriate license fee; and

22       (d) Provide other information required under this chapter and rules  
23   adopted under this chapter.

24      **Sec. 61.** RCW 16.65.037 and 1997 c 356 s 8 are each amended to read  
25   as follows:

26      (1) ((Upon the approval of the application by the director and  
27   compliance with the provisions of this chapter, the applicant shall be  
28   issued a license or renewal thereof.)) Any license issued under the  
29   provisions of this chapter shall only be valid at the location and for  
30   the sales day or days for which the license was issued.

31      (2) The license fee shall be based on the average gross sales  
32   volume per official sales day of ((that)) a market((

33       (a) Markets with an average gross sales volume up to and including  
34   ten thousand dollars, a one hundred fifty dollar fee;

35       (b) Markets with an average gross sales volume over ten thousand  
36   dollars and up to and including fifty thousand dollars, a three hundred  
37   fifty dollar fee; and

1       (c) Markets with an average gross sales volume over fifty thousand  
2 dollars, a four hundred fifty dollar fee.

3       The fees for public market licenses shall be set by the director by  
4 rule subsequent to a hearing under chapter 34.05 RCW and in conformance  
5 with RCW 16.57.015)) in the previous twelve months or, for a new  
6 market, the projected average gross sales per official sales day of the  
7 market during its first year's operation.

8       (a) The license fee for markets with an average gross sales volume  
9 up to and including ten thousand dollars is one hundred fifty dollars.

10      (b) The license fee for markets with an average gross sales volume  
11 over ten thousand dollars and up to and including fifty thousand  
12 dollars is three hundred fifty dollars.

13      (c) The license fee for markets with an average gross sales volume  
14 over fifty thousand dollars is four hundred fifty dollars.

15      (3) Any applicant operating more than one public livestock market  
16 shall make a separate application for a license to operate each  
17 ((such)) public livestock market, and each ((such)) application shall  
18 be accompanied by the appropriate ((application)) license fee.

19      **Sec. 62.** RCW 16.65.040 and 1983 c 298 s 6 are each amended to read  
20 as follows:

21      (1) All public livestock market licenses provided for in this  
22 chapter ((shall)) expire on March 1st subsequent to the date of issue.

23      (2) Application for renewal of a public livestock market license  
24 shall be in writing on forms prescribed by the director, and shall  
25 include:

26      (a) All information under RCW 16.65.030(1) (d), (e), and (f);

27      (b) The gross dollar volume of business carried on, at, or through  
28 the applicant's public livestock market in the twelve-month period  
29 prior to the application for renewal of the license;

30      (c) Other information as the director may require by rule; and

31      (d) The appropriate license fee.

32      (3) Any person who fails, refuses, or neglects to apply for a  
33 renewal of a preexisting license ((on or before the date of  
34 expiration)) by March 1, shall pay a penalty of twenty-five dollars,  
35 which shall be added to the regular license fee, before ((such)) the  
36 license may be renewed by the director.

1       **Sec. 63.** RCW 16.65.042 and 1983 c 298 s 3 are each amended to read  
2 as follows:

3           (1) A person shall not operate a special open consignment horse  
4 sale without first obtaining a license from the director. The  
5 application for the license shall include:

6           (a) ~~((A detailed statement showing all of the assets and~~  
7 ~~liabilities of the applicant;~~

8           (b)) The schedule of rates and charges the applicant proposes to  
9 impose on the owners of horses for services rendered in the operation  
10 of the horse sale;

11          ((c)) (b) The specific date and exact location of the proposed  
12 sale;

13          ((d)) (c) Projected quantity and approximate value of horses to  
14 be handled; and

15          ((e)) (d) Such other information as the director may reasonably  
16 require.

17           (2) The application shall be accompanied by a license fee of one  
18 hundred dollars. Upon the approval of the application by the director  
19 and compliance with this chapter, the applicant shall be issued a  
20 license. A special open consignment horse sale license is valid only  
21 for the specific date or dates and exact location for which the license  
22 was issued.

23       **Sec. 64.** RCW 16.65.080 and 1985 c 415 s 9 are each amended to read  
24 as follows:

25           (1) The director ~~((is authorized to))~~ may deny, suspend, or revoke  
26 a license ~~((in the manner prescribed herein,))~~ when ~~((there are~~  
27 ~~findings by))~~ the director finds that ~~((any))~~ a licensee (a) has been  
28 guilty of fraud or misrepresentation as to titles, charges, numbers,  
29 brands, weights, proceeds of sale, or ownership of livestock; (b) has  
30 attempted payment to a consignor or the department by a check the  
31 licensee knows not to be backed by sufficient funds to cover such  
32 check; (c) has violated any of the provisions of this chapter or rules  
33 ~~((and regulations))~~ adopted ~~((hereunder))~~ under this chapter; (d) has  
34 violated any laws of the state that require ~~((health or brand))~~  
35 inspection of livestock for health or ownership purposes; (e) has  
36 violated any condition of the bond, as provided in this chapter.  
37 ~~((However,))~~ The director may deny a license if the applicant refuses

1 to accept the sales day or days allocated to him or her under the  
2 provisions of this chapter.

3 ((In all proceedings for revocation, suspension, or denial of  
4 a license the licensee or applicant shall be given an opportunity to be  
5 heard in regard to such revocation, suspension or denial of a license.  
6 The director shall give the licensee or applicant twenty days' notice  
7 in writing and such notice shall specify the charges or reasons for  
8 such revocation, suspension or denial. The notice shall also state the  
9 date, time and place where such hearing is to be held. Such hearings  
10 shall be held in the city where the licensee has his principal place of  
11 business, or where the applicant resides, unless some other place be  
12 agreed upon by the parties, and the defendant may be represented by  
13 counsel.

14 (3) The director may issue subpoenas to compel the attendance of  
15 witnesses, and/or the production of books or documents anywhere in the  
16 state. The applicant or licensee shall have opportunity to be heard,  
17 and may have such subpoenas issued as he desires. Subpoenas shall be  
18 served in the same manner as in civil cases in the superior court.  
19 Witnesses shall testify under oath which may be administered by the  
20 director. Testimony shall be recorded, and may be taken by deposition  
21 under such rules as the director may prescribe.

22 (4) The director shall hear and determine the charges, make  
23 findings and conclusions upon the evidence produced, and file them in  
24 his office, together with a record of all of the evidence, and serve  
25 upon the accused a copy of such findings and conclusions)) Upon notice  
26 by the director to deny, revoke, or suspend a license, a person may  
27 request a hearing under chapter 34.05 RCW.

28       **Sec. 65.** RCW 16.65.090 and 1997 c 356 s 10 are each amended to  
29 read as follows:

30       The director shall provide for ((brand)) livestock inspection.  
31 When ((such brand)) livestock inspection is required the licensee shall  
32 collect from the consignor and pay to the department a fee, as provided  
33 by law, ((a fee for brand inspection)) for each animal ((consigned to  
34 the public livestock market or special open consignment horse sale))  
35 inspected. However, if in any one sale day the total fees collected  
36 for ((brand)) inspection do not exceed ninety dollars, then ((such))  
37 the licensee shall pay ninety dollars for ((such brand)) the inspection  
38 ((or as much thereof as the director may prescribe)) services.

1       **Sec. 66.** RCW 16.65.100 and 1983 c 298 s 9 are each amended to read  
2 as follows:

3       The licensee of each public livestock market or special open  
4 consignment horse sale shall collect from any purchaser of livestock  
5 requesting ((brand)) inspection a fee as provided by law for each  
6 animal inspected. ((Such)) This fee shall be in addition to the fee  
7 charged to the consignor for ((brand)) inspection and shall not apply  
8 to the minimum fee chargeable to the licensee.

9       **Sec. 67.** RCW 16.65.140 and 1971 ex.s. c 192 s 4 are each amended  
10 to read as follows:

11       Each licensee shall establish a custodial account for consignor's  
12 proceeds. All funds derived from the sale of livestock handled on a  
13 commission or agency basis shall be deposited in that account.  
14 ((Such)) The account shall be drawn on only for the payment of net  
15 proceeds to the consignor, or ((such)) other person or persons of whom  
16 ((such)) the licensee has knowledge is entitled to ((such)) the  
17 proceeds, and to obtain from ((such)) those proceeds only the sums due  
18 the licensee as compensation for ((his)) the services as are set out in  
19 ((his)) the posted tariffs, and for ((such)) the sums as are necessary  
20 to pay all legal charges against the consignment of livestock which the  
21 licensee in ((his)) the capacity as agent is required to pay for on  
22 behalf of the consignor or shipper. The licensee in each case shall  
23 keep ((such)) those accounts and records that will at all times  
24 disclose the names of the consignors and the amount due and payable to  
25 each from the funds in the custodial account for consignor's proceeds.  
26 The licensee shall maintain the custodial account for consignor's  
27 proceeds in a manner that will expedite examination by the director and  
28 reflect compliance with the requirements of this section.

29       **Sec. 68.** RCW 16.65.170 and 1967 c 192 s 1 are each amended to read  
30 as follows:

31       The licensee shall keep accurate records which shall be available  
32 for inspection to all parties directly interested therein, and ((such))  
33 the records shall contain the following information:

34       (1) The date on which each consignment of livestock was received  
35 and sold.

36       (2) The name and address of the buyer and seller of ((such)) the  
37 livestock.

1       (3) The number and species of livestock received and sold.

2       (4) The marks and brands on ((such)) the livestock ((as supplied by  
3 a brand inspector)).

4       (5) All statements of warranty or representations of title material  
5 to, or upon which, any ((such)) sale is consummated.

6       (6) The gross selling price of ((such)) the livestock with a  
7 detailed list of all charges deducted therefrom.

8       ((Such)) These records shall be kept by the licensee for one year  
9 subsequent to the receipt of such livestock.

10      **Sec. 69.** RCW 16.65.190 and 1983 c 298 s 12 are each amended to  
11 read as follows:

12      No person shall ((hereafter)) operate a public livestock market or  
13 special open consignment horse sale unless ((such)) that person has  
14 filed a schedule with the application for license to operate ((such))  
15 a public livestock market or special open consignment horse sale.  
16 ((Such)) The schedule shall show all rates and charges for stockyard  
17 services to be furnished ((by such person)) at ((such)) the public  
18 livestock market or special open consignment horse sale.

19      (1) Schedules shall be posted conspicuously at the public livestock  
20 market or special open consignment horse sale, and shall plainly state  
21 all ((such)) rates and charges in such detail as the director may  
22 require, and shall state any rules ((and regulations)) which in any  
23 manner change, affect, or determine any part of the aggregate of  
24 ((such)) the rates or charges, or the value of the stockyard services  
25 furnished. The director may determine and prescribe the form and  
26 manner in which ((such)) the schedule shall be prepared, arranged, and  
27 posted.

28      (2) No changes shall be made in rates or charges so filed and  
29 published except after thirty days' notice to the director and to the  
30 public filed and posted as ((aforesaid)) set forth under this section,  
31 which shall plainly state the changes proposed to be made and the time  
32 ((such)) the changes will go into effect.

33      (3) No licensee shall charge, demand, or collect a greater or a  
34 lesser or a different compensation for ((such)) a service than the  
35 rates and charges specified in the schedule filed with the director and  
36 in effect at the time; nor shall a licensee refund or remit in any  
37 manner any portion of the rates or charges so specified (but this shall  
38 not prohibit a cooperative association of producers from properly

1 returning to its members, on a patronage basis, its excess earnings on  
2 their livestock); nor shall a licensee extend to any person at ((such))  
3 a public livestock market or special open consignment horse sale any  
4 stockyard services except ((such)) as are specified in ((such)) the  
5 schedule.

6       **Sec. 70.** RCW 16.65.200 and 1983 c 298 s 13 are each amended to  
7 read as follows:

8       Before the license is issued to operate a public livestock market  
9 or special open consignment horse sale, the applicant shall execute and  
10 deliver to the director a surety bond in a sum as herein provided for,  
11 executed by the applicant as principal and by a surety company  
12 qualified and authorized to do business in this state as surety.  
13 ((Said)) The bond shall be a standard form and approved by the director  
14 as to terms and conditions. ((Said)) The bond shall be conditioned  
15 that the principal will not commit any fraudulent act and will comply  
16 with the provisions of this chapter and the rules ((and/or  
17 regulations)) adopted ((hereunder. Said)) under this chapter. The  
18 bond shall be to the state in favor of every consignor and/or vendor  
19 creditor whose livestock was handled or sold through or at the  
20 licensee's public livestock market or special open consignment horse  
21 sale: PROVIDED, That if ((such)) the applicant is bonded as a market  
22 agency under the provisions of the packers and stockyards act, (7  
23 U.S.C. 181) as amended, on March 20, 1961, in a sum equal to or greater  
24 than the sum required under the provisions of this chapter, and  
25 ((such)) the applicant furnishes the director with a bond approved by  
26 the United States secretary of agriculture ((naming the department as  
27 trustee)), the director may accept ((such)) the bond and its method of  
28 termination in lieu of the bond provided for herein and issue a license  
29 if ((such)) the applicant meets all the other requirements of this  
30 chapter.

31       The total and aggregate liability of the surety for all claims upon  
32 the bond shall be limited to the face of ((such)) the bond. Every bond  
33 filed with and approved by the director shall, without the necessity of  
34 periodic renewal, remain in force and effect until ((such time as)) the  
35 license of the licensee is revoked for cause or otherwise canceled.  
36 The surety on a bond, as provided herein, shall be released and  
37 discharged from all liability to the state accruing on ((such)) the  
38 bond upon compliance with the provisions of RCW 19.72.110 concerning

1 notice and proof of service, ((as enacted or hereafter amended,)) but  
2 this shall not operate to relieve, release, or discharge the surety  
3 from any liability already accrued or which shall accrue (due and to  
4 become due hereunder) before the expiration period provided for in RCW  
5 19.72.110 concerning notice and proof of service ((as enacted or  
6 hereafter amended)), and unless the principal shall before the  
7 expiration of ((such)) this period, file a new bond, the director shall  
8 ((forthwith)) immediately cancel the principal's license.

9       **Sec. 71.** RCW 16.65.235 and 1973 c 142 s 3 are each amended to read  
10 as follows:

11       In lieu of the surety bond required under the provisions of this  
12 chapter, an applicant or licensee may file with the director a deposit  
13 consisting of cash or other security acceptable to the director. The  
14 director may adopt rules ((and regulations)) necessary for the  
15 administration of such security.

16       **Sec. 72.** RCW 16.65.260 and 1983 c 298 s 14 are each amended to  
17 read as follows:

18       In case of failure by a licensee to pay amounts due a vendor or  
19 consignor creditor whose livestock was handled or sold through or at  
20 the licensee's public livestock market or special open consignment  
21 horse sale, as evidenced by a verified complaint filed with the  
22 director, the director may proceed ((forthwith)) immediately to  
23 ascertain the names and addresses of all vendor or consignor creditors  
24 of ((such)) the licensee, together with the amounts due and owing to  
25 them and each of them by ((such)) the licensee, and shall request all  
26 ((such)) vendor and consignor creditors to file a verified statement of  
27 their respective claims with the director. ((Such)) This request shall  
28 be addressed to each known vendor or consignor creditor at his or her  
29 last known address.

30       **Sec. 73.** RCW 16.65.280 and 1959 c 107 s 28 are each amended to  
31 read as follows:

32       Where by reason of the absence of records, or other circumstances  
33 making it impossible or unreasonable for the director to ascertain the  
34 names and addresses of all ((said)) vendor and consignor creditors, the  
35 director, after exerting due diligence and making reasonable inquiry to  
36 secure ((said)) the information from all reasonable and available

1 sources, may make demand on ((said)) the bond on the basis of  
2 information then in his or her possession, and thereafter shall not be  
3 liable or responsible for claims or the handling of claims which may  
4 subsequently appear or be discovered.

5       **Sec. 74.** RCW 16.65.340 and 1967 c 192 s 2 are each amended to read  
6 as follows:

7       The director shall, when livestock is sold, traded, exchanged, or  
8 handled at or through a public livestock market, require such testing,  
9 treating, identifying, examining and record keeping of such livestock  
10 by a ((deputy)) Washington state licensed and accredited veterinarian  
11 employed by the market as in the director's judgment may be necessary  
12 to prevent the spread of brucellosis, tuberculosis, paratuberculosis,  
13 ((hog cholera)) pseudorabies, or any other infectious, contagious, or  
14 communicable disease among the livestock of this state. The state  
15 veterinarian or his or her authorized representative may conduct  
16 additional testing and examinations for the same purpose.

17       **Sec. 75.** RCW 16.65.350 and 1959 c 107 s 35 are each amended to  
18 read as follows:

19       ((1)) The director shall perform all tests and make all  
20 examinations required under the provisions of this chapter and rules  
21 and regulations adopted hereunder: PROVIDED, That veterinary  
22 inspectors of the United States department of agriculture may be  
23 appointed by the director to make such examinations and tests as are  
24 provided for in this chapter without bond or compensation, and shall  
25 have the same authority and power in this state as a deputy state  
26 veterinarian.

27       (2)) The director shall ((have the responsibility for the  
28 direction and control of)) adopt rules regarding sanitary practices  
29 ((and)) health practices and standards, and ((for)) the examination of  
30 animals at public livestock markets. ((The deputy state veterinarian  
31 at any such public livestock market shall notify the licensee or his  
32 managing agent, in writing, of insanitary practices or conditions.  
33 Such deputy state veterinarian shall notify the director if the  
34 improper sanitary practices or conditions are not corrected within the  
35 time specified. The director shall investigate and upon finding such  
36 report correct shall take appropriate action to hold a hearing on the  
37 suspension or revocation of the licensee's license.))

1       **Sec. 76.** RCW 16.65.380 and 1959 c 107 s 38 are each amended to  
2 read as follows:

3       Public livestock market facilities shall include adequate space and  
4 facilities necessary for ((deputy)) market, federal, or state  
5 veterinarians to properly carry out their functions as prescribed by  
6 law and rules ((and regulations)) adopted ((hereunder)) under law or as  
7 prescribed by applicable federal law or regulation.

8       **Sec. 77.** RCW 16.65.390 and 1959 c 107 s 39 are each amended to  
9 read as follows:

10      Public livestock market facilities shall include space and  
11 facilities necessary for ((brand)) livestock inspectors to properly  
12 carry out their duties, as provided by law and rules ((and  
13 regulations)) adopted ((hereunder)) under law, in a safe and  
14 expeditious manner.

15      **Sec. 78.** RCW 16.65.420 and 1991 c 17 s 3 are each amended to read  
16 as follows:

17      (1) Any application ((for sales days or days for a new salesyard,  
18 and any application)) for a change of sales day or days or additional  
19 sales day or days for an existing ((yard)) salesyard shall be subject  
20 to approval by the director, subsequent to a hearing ((as provided for  
21 in this chapter)) and the director is hereby authorized to allocate  
22 these ((dates and type)) days and class of livestock which may be sold  
23 on these ((dates)) days. In considering the allocation of ((such))  
24 these sales days, the director shall give appropriate consideration,  
25 among other relevant factors, to the following:

26      (a) The geographical area which will be affected;  
27      (b) The conflict, if any, with sales days already allocated in the  
28 area;  
29      (c) The amount and class of livestock available for marketing in  
30 the area;

31      (d) Buyers available to such market;  
32      (e) Any other conditions affecting the orderly marketing of  
33 livestock.

34      (2) No special sales shall be conducted by the licensee unless the  
35 licensee has applied to the director in writing fifteen days prior to  
36 such proposed sale ((and such sale date shall be approved at the

1   discretion of the director)). Each application must be accompanied by  
2   a nonrefundable fee of fifty dollars.

3       (3) In any case that a licensee fails to conduct sales on the sales  
4   days allocated to the licensee, the director shall, subsequent to a  
5   hearing, be authorized to revoke an allocation for nonuse. The rate of  
6   usage required to maintain an allocation shall be established by rule.

7       **Sec. 79.** RCW 16.65.422 and 1963 c 232 s 17 are each amended to  
8   read as follows:

9       A producer of purebred livestock may, upon obtaining a permit from  
10   the director, conduct a public sale of the purebred livestock on an  
11   occasional or seasonal basis on premises other than his or her own  
12   farm. Application for ((such)) a special sale shall be in writing to  
13   the director for his or her approval at least fifteen days before the  
14   proposed public sale is scheduled to be held by ((such)) the producer  
15   and must be accompanied by a nonrefundable fee of fifty dollars for  
16   each application.

17       NEW SECTION. **Sec. 80.** A new section is added to chapter 42.17 RCW  
18   to read as follows:

19       Financial statements provided under RCW 16.65.030(1)(d) are exempt  
20   from disclosure under this chapter.

21       **Sec. 81.** 1997 c 356 s 12 (uncodified) is amended to read as  
22   follows:

23       ((1)) Sections 2, 4, 6, 8, and 10 of this act are necessary for  
24   the immediate preservation of the public peace, health, or safety, or  
25   support of the state government and its existing public institutions,  
26   and take effect July 1, 1997.

27       ((2) ~~Sections 3, 5, 7, 9, and 11 of this act take effect July 1,~~  
28   ~~1998.~~)

29       NEW SECTION. **Sec. 82.** The following acts or parts of acts are  
30   each repealed:

31       (1) RCW 16.65.110 and 1959 c 107 s 11; and

32       (2) RCW 16.57.380 and 1991 c 110 s 8, 1981 c 296 s 22, & 1974 ex.s.  
33   c 38 s 1.

1    NEW SECTION.   **Sec. 83.**   The following acts or parts of acts are each  
2    repealed:

- 3        (1) 1997 c 356 s 3;  
4        (2) 1997 c 356 s 5;  
5        (3) 1997 c 356 s 7;  
6        (4) 1997 c 356 s 9; and  
7        (5) 1997 c 356 s 11.

8    NEW SECTION.   **Sec. 84.**   Fees established under this act may be  
9    increased in excess of the fiscal growth factor as provided in RCW  
10   43.135.055 during the year ending December 31, 1998.

11      NEW SECTION.   **Sec. 85.**   This act takes effect July 1, 1998, except  
12   for sections 3 and 7 of this act which take effect January 1, 2000.

--- END ---