

SHB 1315 - H AMD 126  
By Representative Dent

NOT CONSIDERED 01/05/2018

1 Strike everything after the enacting clause and insert the  
2 following:

3 "Sec. 1. RCW 16.24.120 and 2012 c 25 s 5 are each amended to  
4 read as follows:

5 (1) Upon taking possession of any livestock at large contrary to  
6 the provisions of this chapter, or any unclaimed livestock submitted  
7 or impounded, by any person, at any public livestock market or any  
8 other facility approved by the director of the department of  
9 agriculture, the sheriff or brand inspector (~~shall cause it to be~~  
10 transported to and impounded)) must impound the animal at the nearest  
11 public livestock market licensed under chapter 16.65 RCW or at such  
12 place as approved by the director of the department of agriculture.  
13 If the sheriff has impounded an animal in accordance with this  
14 section, (~~he or she shall forthwith~~) the sheriff must notify the  
15 nearest brand inspector of the department of agriculture, who shall  
16 examine the animal and, by brand, tattoo, or other identifying  
17 characteristic, shall attempt to ascertain the ownership thereof.

18 (2)(a) A person willing and able to care for an unbranded horse  
19 impounded under this subsection may request placement of the animal  
20 in the person's custody pending impound procedures and return of the  
21 animal to its owner.

22 (b) The sheriff or brand inspector may grant the placement  
23 request if:

24 (i) The request is made by the person to the sheriff or brand  
25 inspector within ten business days after impoundment;

26 (ii) Required by the department, the person agrees to pay and  
27 pays all costs incurred during the animal's impoundment including,  
28 but not limited to, costs of transportation, advertising, care, and  
29 inspection of the animal.

30 (c) This subsection (2) applies only in counties west of the  
31 crest of the Cascade mountains with a population of two hundred fifty  
32 thousand or greater.

1       (3) Costs for transporting an animal impounded under this section  
2 must be reimbursed at the time and mileage rate consistent with RCW  
3 16.57.220(8).

4       **Sec. 2.** RCW 16.24.130 and 1995 c 374 s 69 are each amended to  
5 read as follows:

6       (1) The brand inspector shall ((cause to be published)) publish a  
7 notice of impounding once in a newspaper published in the county  
8 where the animal was found((, a notice of the impounding)). If no  
9 newspaper is published in such a county, copies of the notice must be  
10 posted at four commonly frequented places within the county.

11       (2) The notice shall state:

12       ((+1)) (a) A description of the animal, including brand, tattoo,  
13 or other identifying characteristics;

14       ((+2)) (b) When and where found;

15       ((+3)) (c) Where impounded; and

16       ((+4)) (d) That if unclaimed, the animal will be sold at a  
17 public livestock market sale or other public sale, or, if applicable,  
18 to any person who has been granted placement of an unbranded horse  
19 under RCW 16.24.120(2), and the date of such a sale((: PROVIDED, That  
20 if no newspaper shall be published in such county, copies of the  
21 notice shall be posted at four commonly frequented places therein)).

22       (3) If the animal is marked with a brand or tattoo ((which)) that  
23 is registered with the director of agriculture, the brand inspector,  
24 on or before the date of publication or posting, shall send a copy of  
25 the notice to the owner of record by registered mail.

26       **Sec. 3.** RCW 16.24.150 and 1995 c 374 s 70 are each amended to  
27 read as follows:

28       (1) If no person ((shall claim the)) claims an impounded animal  
29 within ten business days after the date of publication or posting of  
30 the notice, it shall be sold, unless it is reasonable to believe that  
31 an owner has not seen the notice of impounding:

32       (a) At the next succeeding public livestock market sale to be  
33 held at the sales yard where impounded, provided that in the  
34 director's discretion the department of agriculture may otherwise  
35 cause the animal to be sold at public sale; or

36       (b) To any person who meets the requirements of subsection (2) of  
37 this section.

1       (2) A person who has been granted placement of an unbranded horse  
2 under RCW 16.24.120(2) has a right of first refusal to purchase the  
3 animal if it is not claimed within ten business days after issuance  
4 of a notice of impoundment, unless it is reasonable to believe that  
5 an owner has not seen the notice of impounding. The department of  
6 agriculture may require the person to pay all costs incurred during  
7 the animal's impoundment in order to exercise the right of first  
8 refusal. Costs include, but are not limited to, transportation,  
9 advertising, and care of the animal as determined by the department  
10 of agriculture. Costs must be paid no later than the advertised sale  
11 date or the animal must be sold at the public sale as provided in  
12 subsection (1)(a) of this section.

13       ~~((The legislature intends this to be a clarification of existing~~  
14 ~~law; therefore, this section shall have retroactive effect as of~~  
15 ~~December 1, 1994.))"~~

16       Correct the title.

EFFECT: Applies new placement and right of first refusal only in counties west of the crest of the Cascade mountains and only to unbranded horses. Requires public notice of impoundment to include, if applicable, that an unbranded horse may be sold to an individual who exercises a right of first refusal. Specifies that an impounded animal shall be sold unless it is reasonable to believe that an owner has not seen the notice of impoundment. Retains current law in all other counties, for all other livestock, and for public notice.

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