
SUBSTITUTE HOUSE BILL 1315

State of Washington

65th Legislature

2017 Regular Session

By House Agriculture & Natural Resources (originally sponsored by Representatives Caldier, Wylie, Dent, Blake, Griffey, Buys, and Muri)

READ FIRST TIME 02/02/17.

1 AN ACT Relating to creating a preferred alternative for the
2 placement, sale, and public notice of impounded livestock; and
3 amending RCW 16.24.110, 16.24.120, 16.24.130, and 16.24.150.

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

5 **Sec. 1.** RCW 16.24.110 and 1989 c 286 s 11 are each amended to
6 read as follows:

7 Any horses, mules, donkeys, or cattle of any age running at large
8 or trespassing in violation of this chapter (~~((16.24 RCW as now or~~
9 ~~hereafter amended))~~), which are not restrained as provided by RCW
10 16.04.010, are declared to be a public nuisance. The sheriff of the
11 county where an animal is found and the nearest brand inspector shall
12 (~~((have authority to))~~) impound such animals (~~((which are not restrained~~
13 ~~as provided by RCW 16.04.010))~~) in accordance with RCW 16.24.120.

14 **Sec. 2.** RCW 16.24.120 and 2012 c 25 s 5 are each amended to read
15 as follows:

16 (1)(a) Upon taking possession of any livestock described in (b)
17 of this subsection at large contrary to the provisions of this
18 chapter, or any unclaimed livestock described in (b) of this
19 subsection submitted or impounded, by any person, at any public
20 livestock market or any other facility approved by the director of of

1 the department of agriculture, the sheriff or brand inspector (~~shall~~
2 ~~cause it to be transported to and impounded~~) must impound the animal
3 at the nearest public livestock market licensed under chapter 16.65
4 RCW or at such place as approved by the director of the department of
5 agriculture. If the sheriff has impounded an animal in accordance
6 with this (~~section, he or she shall forthwith~~) subsection, the
7 sheriff must notify the nearest brand inspector of the department of
8 agriculture, who (~~shall~~) must examine the animal and, by brand,
9 tattoo, or other identifying characteristic, (~~shall~~) attempt to
10 ascertain the ownership thereof.

11 (b) This subsection applies to the following livestock of any
12 age:

13 (i) Cattle, whether branded or unbranded;

14 (ii) Branded horses;

15 (iii) Branded mules; and

16 (iv) Branded donkeys.

17 (2)(a) Upon taking possession of any unbranded horses, mules, or
18 donkeys, of any age, at large contrary to the provisions of this
19 chapter, or any unclaimed, unbranded horses, mules, or donkeys, of
20 any age submitted or impounded, by any person, at any public
21 livestock market or any other facility approved by the director of
22 the department of agriculture, the sheriff or brand inspector must
23 impound the animal at the nearest public livestock market licensed
24 under chapter 16.65 RCW or at such a place as approved by the
25 director of the department of agriculture.

26 (b) If the sheriff has impounded an animal in accordance with
27 this subsection, the sheriff must notify the nearest brand inspector
28 of the department of agriculture. The brand inspector must examine
29 the animal and, by tattoo or other identifying characteristic,
30 attempt to identify the owner of the animal.

31 (c) A person willing and able to care for an animal impounded
32 under this subsection may request placement of the animal in the
33 person's custody pending impound procedures and return of the animal
34 to its owner. The sheriff or brand inspector may grant the placement
35 request if:

36 (i) The request is made by the person to the sheriff or brand
37 inspector within seven business days after impoundment;

38 (ii) The person agrees to pay and pays all costs incurred during
39 the animal's impoundment including, but not limited to, costs of
40 transportation, advertising, care, and inspection of the animal.

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

6 (1)(a) The brand inspector shall ((cause to be published))
7 publish a notice of impounding once in a daily newspaper published in
8 the county where ((the)) an animal impounded in accordance with RCW
9 16.24.120 was found((, a notice of the impounding)).

10 (b) If no daily newspaper exists in the county where an animal
11 was found, the notice of impounding must be published by electronic
12 means in a manner most likely to reach the most potential interested
13 parties.

14 (2) The notice shall state:

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

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

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

19 +4)) (d) That if unclaimed, the animal will be sold at a public
20 livestock market sale ((or)), at other public sale, or, if
21 applicable, to any person who has been granted placement of the
22 animal under RCW 16.24.150(2); and

23 (e) The date of such a sale((: PROVIDED, That if no newspaper
24 shall be published in such county, copies of the notice shall be
25 posted at four commonly frequented places therein)).

26 (3) If the animal is marked with a brand or tattoo ((which)) that
27 is registered with the director of agriculture, the brand inspector,
28 on or before the date of publication ((or posting)) of the notice of
29 impounding, shall ((send a copy of the notice to the owner of record
30 by registered mail)) make contact with the owner of record.

31 **Sec. 4.** RCW 16.24.150 and 1995 c 374 s 70 are each amended to
32 read as follows:

33 (1) If no person ((shall claim the)) claims an impounded animal
34 within ((ten)) seven business days after the date of publication ((or
35 posting)) of the notice((, it shall)) of impounding in accordance
36 with RCW 16.24.130, the animal must be sold:

37 (a) At the next succeeding public livestock market sale to be
38 held at the sales yard where the animal is impounded((, provided that

1 ~~in the director's discretion the department of agriculture may~~
2 ~~otherwise cause the animal to be sold));~~

3 (b) At a public sale as directed by the director of the
4 department of agriculture; or

5 (c) To any person who meets the criteria of subsection (2) of
6 this section.

7 (2) Any person who has requested placement of the animal under
8 RCW 16.24.120(2) has a right of first refusal to purchase the animal
9 if it is not claimed within five business days after issuance of a
10 notice of impoundment. To exercise the right of first refusal, the
11 person must pay all costs incurred during the animal's impoundment
12 including, but not limited to, transportation, advertising, and care
13 of the animal as determined by the department of agriculture. Costs
14 must be paid no later than the advertised sale date or the animal
15 must be sold at the public sale as provided in subsection (1)(a) or
16 (b) of this section.

17 ~~((The legislature intends this to be a clarification of existing~~
18 ~~law; therefore, this section shall have retroactive effect as of~~
19 ~~December 1, 1994.))~~

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