

CERTIFICATION OF ENROLLMENT
SUBSTITUTE HOUSE BILL 1958

52nd Legislature
1991 Regular Session

Passed by the House March 12, 1991
Yeas 96 Nays 0

**Speaker of the
House of Representatives**

Passed by the Senate April 10, 1991
Yeas 40 Nays 0

President of the Senate

Approved

Governor of the State of Washington

CERTIFICATE

I, Alan Thompson, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 1958** as passed by the House of Representatives and the Senate on the dates hereon set forth.

Chief Clerk

FILED

Secretary of State
State of Washington

SUBSTITUTE HOUSE BILL 1958

Passed Legislature - 1991 Regular Session

State of Washington

52nd Legislature

1991 Regular Session

By House Committee on Agriculture & Rural Development (originally sponsored by Representatives Rayburn, Nealey, McLean, Chandler, Roland, Franklin and Rasmussen; by request of Department of Agriculture).

Read first time February 21, 1991.

1 AN ACT Relating to livestock; amending RCW 16.57.080, 16.57.120,
2 16.57.160, 16.57.240, 16.57.280, 16.57.320, 16.57.360, and 16.57.380;
3 and prescribing penalties.

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

5 **Sec. 1.** RCW 16.57.080 and 1974 ex.s. c 64 s 2 are each amended to
6 read as follows:

7 (~~The director shall, on or before the first day of September 1975,~~
8 ~~and every two years thereafter, notify by letter the owners of brands~~
9 ~~then of record, that on the payment of twenty-five dollars and~~
10 ~~application of renewal, the director shall issue written proof of~~
11 ~~payment allowing the brand owner exclusive ownership and use of such~~
12 ~~brand for another two year period.)) The director shall establish by
13 rule a schedule for the renewal of registered brands. The fee for
14 renewal of the brands shall be twenty-five dollars for each two-year
15 period of brand ownership, except that the director may, in adopting a~~

1 renewal schedule, provide for the collection of renewal fees on a
2 prorated basis. At least one hundred twenty days before the expiration
3 of a registered brand, the director shall notify by letter the owner of
4 record of the brand that on the payment of the requisite application
5 fee and application of renewal the director shall issue the proof of
6 payment allowing the brand owner exclusive ownership and use of the
7 brand for the subsequent registration period. The failure of the
8 registered owner to pay the renewal fee by ~~((December 31st of the~~
9 ~~renewal year))~~ the date required by rule shall cause such owner's brand
10 to revert to the department. The director may for a period of one year
11 following such reversion, reissue such brand only to the prior
12 registered owner upon payment of twenty-five dollars and an additional
13 fee of ten dollars for renewal subsequent to the regular renewal
14 period. The director may at his discretion, if such brand is not
15 reissued within one year to the prior registered owner, issue such
16 brand to any other applicant.

17 **Sec. 2.** RCW 16.57.120 and 1959 c 54 s 12 are each amended to read
18 as follows:

19 No person shall remove or alter a brand of record on livestock
20 without first having secured the written permission of the director.
21 Violation of this section shall be a gross misdemeanor punishable to
22 the same extent as a gross misdemeanor that is punishable under RCW
23 9A.20.021.

24 **Sec. 3.** RCW 16.57.160 and 1981 c 296 s 16 are each amended to read
25 as follows:

26 ~~((Brand inspection of cattle shall be mandatory at the following~~
27 ~~points:~~

1 ~~(1) Prior to being moved out of state to any point where brand~~
2 ~~inspection is not maintained by the director, directly or in agreement~~
3 ~~with another state.~~

4 ~~(2) Subsequent to delivery to a public livestock market and prior~~
5 ~~to sale at such public livestock market unless such cattle are exempt~~
6 ~~from brand inspection by law or regulation adopted by the director in~~
7 ~~order to avoid duplication and/or to allow for efficient administration~~
8 ~~of this chapter.~~

9 ~~(3) Prior to slaughter at any point of slaughter unless such cattle~~
10 ~~are exempt from such brand inspection by law or regulations adopted by~~
11 ~~the director because of prior brand inspection or if such cattle are~~
12 ~~immediate slaughter cattle shipped directly to a point of slaughter~~
13 ~~from another state and accompanied by a brand inspection certificate~~
14 ~~specifically identifying such cattle issued by the state of origin or~~
15 ~~a lawful agency thereof.~~

16 ~~(4) Prior to the branding of any cattle except as otherwise~~
17 ~~provided by law or regulation.~~

18 ~~(5) Prior to the sale of any cattle except as otherwise provided by~~
19 ~~law or regulation.))~~

20 The director may by ~~((regulation))~~ rule adopted subsequent to a
21 public hearing designate any ~~((other))~~ point for mandatory brand
22 inspection of cattle or the furnishing of proof that cattle passing or
23 being transported through such points have been brand inspected and are
24 lawfully being moved. Further, the director may stop vehicles carrying
25 cattle to determine if such cattle are identified ~~((or))~~, branded ((as
26 ~~immediate slaughter cattle, and if so that such cattle are not being~~
27 ~~diverted for other purposes to points other than the specified point of~~
28 ~~slaughter))~~, or accompanied by the form prescribed by the director
29 under RCW 16.57.240 or a brand certificate issued by the department.

1 **Sec. 4.** RCW 16.57.240 and 1985 c 415 s 8 are each amended to read
2 as follows:

3 Any person purchasing, selling, holding for sale, trading,
4 bartering, transferring title, slaughtering, handling, or transporting
5 cattle shall keep a record on forms prescribed by the director. Such
6 forms shall show the number, specie, brand or other method of
7 identification of such cattle and any other necessary information
8 required by the director. ~~((Such records shall be made in
9 triplicate))~~ The original shall be kept for a period of three years
10 ~~((and))~~ or shall be furnished to the director upon demand or as
11 prescribed by rule, one copy shall accompany the cattle to their
12 destination ~~((and one copy shall be kept by the person handling the
13 transaction for a period of at least twelve months following the
14 transaction))~~ and shall be subject to inspection at any time by the
15 director or any peace officer or member of the state patrol: PROVIDED,
16 That in the following instances only, cattle may be moved or
17 transported within this state without being accompanied by a
18 certificate of permit or an official brand inspection certificate or
19 bill of sale:

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

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

25 **Sec. 5.** RCW 16.57.280 and 1959 c 54 s 28 are each amended to read
26 as follows:

27 No person shall knowingly have ~~((in his))~~ unlawful possession of
28 any livestock marked with a recorded brand or tattoo of another person
29 unless:

1 (1) Such livestock lawfully bears ((his)) the person's own healed
2 recorded brand, or

3 (2) Such livestock is accompanied by a certificate of permit from
4 the owner of the recorded brand or tattoo, or

5 (3) Such livestock is accompanied by a brand inspection
6 certificate, or

7 (4) Such livestock is accompanied by a bill of sale from the
8 previous owner or other satisfactory proof of ownership.

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

12 **Sec. 6.** RCW 16.57.320 and 1959 c 54 s 32 are each amended to read
13 as follows:

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

23 **Sec. 7.** RCW 16.57.360 and 1959 c 54 s 36 are each amended to read
24 as follows:

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

27 The violation of any provision of this chapter and/or rules and
28 regulations adopted hereunder shall constitute a ((misdemeanor)) class

1 I civil infraction as provided under chapter 7.80 RCW unless otherwise
2 specified herein.

3 **Sec. 8.** RCW 16.57.380 and 1981 c 296 s 22 are each amended to read
4 as follows:

5 ~~((Brand inspection of horses shall be mandatory at the following~~
6 ~~points:~~

7 ~~(1) Prior to being moved out of state to any point where brand~~
8 ~~inspection is not maintained by the director, directly or in agreement~~
9 ~~with another state.~~

10 ~~(2) Subsequent to delivery to a public livestock market and prior~~
11 ~~to sale at such public livestock market unless such horses are exempt~~
12 ~~from brand inspection by law, or regulations adopted by the director in~~
13 ~~order to avoid duplication and/or to allow for efficient administration~~
14 ~~of this chapter.~~

15 ~~(3) Prior to slaughter at any point of slaughter unless such horses~~
16 ~~are exempt from such brand inspection by law, or regulations adopted by~~
17 ~~the director in order to avoid duplication and/or to allow for~~
18 ~~efficient administration of this chapter.~~

19 ~~(4) Prior to the branding of any horses except as otherwise~~
20 ~~provided by law or regulation.~~

21 ~~(5) Prior to the sale of any horses except as otherwise provided by~~
22 ~~law or regulation.))~~

23 The director may by ~~((regulation))~~ rule adopted subsequent to a
24 public hearing designate any ~~((other))~~ point for mandatory brand
25 inspection of horses or the furnishing of proof that horses passing or
26 being transported through such points have been brand inspected and are
27 lawfully being moved. Further, the director may stop vehicles carrying
28 horses to determine if such horses are identified or branded ~~((as~~
29 ~~immediate slaughter horses, and if so that such horses are not being~~

- 1 ~~diverted for other purposes to points other than the specified point of~~
- 2 ~~slaughter))~~.