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**HOUSE BILL 1315**

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**State of Washington 65th Legislature 2017 Regular Session**

**By** Representatives Caldier, Wylie, Dent, Blake, Griffey, Buys, and Muri

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

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

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

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

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

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

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

(i) Cattle, whether branded or unbranded;

(ii) Branded horses;

(iii) Branded mules; and

(iv) Branded donkeys.

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

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

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

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

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

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

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

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

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

(2) The notice shall state:

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

((~~(2)~~)) (b) When and where found;

((~~(3)~~)) (c) Where impounded; ((~~and~~

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

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

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

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

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

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

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

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

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

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

**--- END ---**