

# ARIZONA BRAND LAWS

## ARIZONA REVISED STATUTES

### TITLE 3. AGRICULTURE

#### CHAPTER 11. OWNERSHIP, CONTROL AND REGULATION OF LIVESTOCK

#### ARTICLE 3. BRANDS AND MARKS

##### **§ 3-1261. Adoption and recording of brand and earmark; brand as property right; sale or transfer**

A. Every person owning range livestock in this state shall adopt and record a brand with the division with which to brand such livestock. Branding shall be performed by a hot iron, freezing, acid or any other method that will result in a permanent mark. Any person owning range livestock may also record an earmark with which to mark such livestock as long as the earmark is not recorded for use by neighboring range livestock owners. Sheep shall be marked distinctly with a mark or device sufficient to distinguish them. Every owner of other animals may adopt a brand or earmark with which to brand or earmark such animals.

B. No two brands of the same design or figure shall be adopted or recorded, but the associate director may, in his discretion, reject and refuse to record a brand or mark similar to or conflicting with a previously adopted and recorded brand or mark.

C. Before a new brand is recorded, it shall be advertised in some newspaper, journal or bulletin, published in the state, at least once, and if no objection to the brand is filed in writing, it shall be recorded as provided in this article.

D. The brand adopted and recorded is the property of the person adopting and recording it, and the right to use it may be sold, leased or transferred.

E. No sale or transfer of the brand is valid except by bill of sale duly signed and acknowledged as deeds for conveyance of real estate are acknowledged, and recorded with the division.

F. The owner of the recorded brand shall sign the lease of the brand and file a copy of the lease with the division.

G. It is unlawful to apply a recorded brand in any location on an animal except as specified on the brand registration certificate. The application of a brand in any other location is the equivalent of the use of an unrecorded brand.

H. The division shall make recorded brands available to feedlots that are licensed in this state to identify livestock while in the feedlot for feeding purposes. The division shall issue the brand on request by the feedlot without charge, in a timely manner and with a minimum of administrative requirements. Brands issued under this subsection are not registered brands and are not prima facie evidence of ownership outside the feedlot.

##### **§ 3-1262. Recording brand and earmark; lease of brand for transient livestock**

A. The division shall record all brands and earmarks adopted as provided in this article. Recording shall consist of depicting a facsimile of the brand adopted, and a diagram of the earmarks, together with an entry of the name, residence, telephone number and post office address of the person adopting the brand and earmarks, the date recorded, the place upon the livestock or other animals where the brand is proposed to be used, the kind of animals upon which the brand and earmark are proposed to be used, and a general designation and statement of the location of the range

whereon such animals are permitted to range. Before the record is made, proof shall be submitted to the division that the applicant is entitled to use the brand or earmark. The applicant shall also make an affidavit that he does not know of and is not interested in any similar brand or earmark being run or used by another in adjoining states or the Republic of Mexico.

B. The division may lease to any applicant for a period of not to exceed one year any available brand for use on transient livestock. Brands leased for this purpose shall be placed only on the shoulder of the animal.

C. The division shall not issue any new face or jaw brands for cattle beginning from and after September 30, 1988, but may rerecord face or jaw brands issued on or before that date.

### **§ 3-1263. Systems for recording or rerecording**

The division may record and rerecord brands and earmarks in a brand book or a filing system. Recording or rerecording by either method is compliance with the requirements of this article.

### **§ 3-1264. Schedule for rerecording brands and earmarks**

A. Beginning from and after December 31, 1985 each owner of a brand or earmark who desires to continue to use it shall apply to the division to rerecord the brand or earmark on the prescribed date and every five years thereafter according to the following schedule:

**[Table omitted.]**

B. All new brands awarded and recorded after December 31, 1985 shall be rerecorded every five years following the month and year of the first recording.

C. The division shall notify every owner of a recorded brand or earmark of his right to rerecord the brand or earmark. The notice shall be in writing and addressed and mailed to such owner at the last address of record in the division office at least thirty days before the rerecording date.

D. Rerecording the brand or earmark shall be done in the same manner as original recording, but brands and earmarks offered for rerecording need not be advertised as required for original recording.

### **§ 3-1265. Failure to rerecord as abandonment**

All recorded brands or earmarks for which no application to rerecord has been made within one year following the due date for rerecording shall be deemed abandoned and no longer of record.

### **§ 3-1266. Fees for recording, rerecording and leasing**

The fee for recording a brand and earmark shall be seventy-five dollars and shall entitle the owner to a certified copy of the record. For recording a bill of sale or other instrument of conveyance of a brand and mark, the fee shall be twenty-five dollars. For issuance of an additional certified copy of a brand or bill of sale of a brand, the fee shall be ten dollars. The fee for rerecording a brand and earmark shall be fifty dollars. The fee for leasing a brand from the division for a period of not to exceed one year for use on transient livestock shall be two hundred dollars.

**§ 3-1267. Certified copy of brand entries as evidence; brand on animals as evidence of ownership**

A. A certified copy of an entry in a brand book or filing system relating to a recorded brand or mark shall be received in the courts of this state as prima facie evidence of all the facts required to be entered in a brand book or filing system, and of the right of the person therein named to use such brand and mark for branding or marking animals.

B. The appearance upon an animal of the recorded brand of the owner as shown by the record shall be received in the courts of this state as prima facie evidence that the animal bearing the brand is the property of the owner of the recorded brand, except when such brand is borne by an animal seized under the provisions of this title.

**§ 3-1268. Issuance of brand books; charge and expenses**

A. The division may issue, when it deems advisable, books and supplements containing transcripts of part or all of its records of brands and earmarks, arranged and indexed suitably for use in identifying brands or earmarks on livestock, sheep or hides.

B. Copies of such books shall be available to anyone at a charge fixed by the director commensurate with the cost of compilation, publication and issuance. Copies of brand books or supplements may be furnished without charge to public officials or other persons whose possession would, in the opinion of the director, serve to promote the general welfare.

C. Expenses incurred pursuant to this section shall be paid from any operation fund of the division. Monies derived from the sale of brand books or supplements shall be deposited, pursuant to §§ 35-146 and 35-147, in the state general fund.

**§ 3-1269. Use of unrecorded brand prohibited; classification**

A person who knowingly brands livestock with an unrecorded, cancelled, suspended or forfeited brand is guilty of a class 3 misdemeanor.

**CHAPTER 11. OWNERSHIP, CONTROL AND REGULATION OF LIVESTOCK  
ARTICLE 4. DOMINION OVER ANIMALS****§ 3-1292. Sale of livestock without lawful brand, bill of sale or power of attorney; classification; defenses**

A person who knowingly sells or offers for sale or trade livestock without the person's recorded brand, or for which the person has neither a bill of sale, as provided by § 3-1291, nor power of attorney from the owner authorizing the sale, is guilty of a class 5 felony, unless the person proves that at that time the person was the owner, acted by direction of the owner or acted in good faith.

**§ 3-1293. Procedure for owner to authorize another person to deal with animals; violation**

A. A person who desires to authorize another person to gather, drive or otherwise handle animals bearing the recorded brand or mark owned by the person granting the authority, or animals of which he is the lawful owner but which bear other brands or marks, shall furnish the other person an authority in writing which lists the brands or marks authorized

to be handled, and authorizes the other person to gather, drive or otherwise handle the animals described.

B. If a person who gives written authority for the purposes provided in subsection A inserts therein any brand or mark of which he is not the lawful owner and an animal bearing such brand or mark is unlawfully taken, gathered, driven or otherwise unlawfully handled by virtue of the written authority by the person to whom the written authority was given the person giving the written authority shall be deemed a principal to the unlawful taking, gathering, driving or handling of such animals.

### **§ 3-1296. Ranging of unbranded range livestock prohibited; classification**

An owner who knowingly permits range livestock, except unweaned animals running with their mothers, to roam and feed upon the ranges of this state without being branded and marked as provided by law, is guilty of a class 2 misdemeanor.

### **§ 3-1304. Branding or altering brand of animal of another; classification**

A person who brands or marks an animal with a brand other than the recorded brand of the owner, or who effaces, defaces, alters or obliterates any brand or mark upon any animal, with intent to convert the animal to his own use, is guilty of a class 4 felony and is liable to the owner of the animal for three times the value thereof.

### **§ 3-1305. Obliterating or changing brand or mark; classification**

A person who intentionally obliterates, disfigures, extends or changes a recorded brand, or by other and additional marks, figures or characters converts a recorded brand into some other brand, is guilty of a class 4 felony.

### **§ 3-1306. Prima facie guilt of owner of brand to which another brand is altered**

When it is proved that a recorded brand has been converted or changed into another brand claimed or owned by any person, it shall be prima facie evidence in the courts and before the department and boards or commissions of this state that the claimant or owner of the latter brand obliterated, disfigured and changed the prior recorded brand.

### **§ 3-1309. Proof of branding with brand of accused as tending to show conversion by accused**

Upon a trial for a violation of the livestock laws of the state, the prosecution may prove, as tending to show a conversion by the accused, that the animals in question were branded into a brand or were marked into a mark claimed by the accused to be his brand or mark, although neither the brand nor the mark is recorded.

**Amended in 2000, 2002.**

**Reviewed by AAHS in July 2001.**

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[Return to Top of This Page](#)  
[Return to Brand Laws Page](#)

