

ARKANSAS BRAND LAWS

ARKANSAS CODE OF 1987

TITLE 2. AGRICULTURE

SUBTITLE 3. LIVESTOCK

CHAPTER 34. BRANDS AND MARKS

SUBCHAPTER 1. GENERAL PROVISIONS

2-34-101 Earmark and brand to be recorded.

(a) Every person in this state who has cattle, hogs, sheep, or goats shall have an earmark and brand, and but one (1) of each, and differing from the earmark and brand of his neighbors.

(b) The earmark and brand shall be recorded by the clerk of the county court where the cattle, hogs, sheep, or goats shall be.

2-34-102 Age for branding and earmarking.

(a) Cattle shall be marked with the earmark or branded with the brand of the owner on or before twelve (12) months old.

(b) Hogs, sheep, and goats shall be marked with the earmark of the owner on or before they are six (6) months old.

2-34-103 Brands or marks of minors.

(a) Minors owning cattle or hogs separate from those of the father or guardian may have a brand or mark, which shall be recorded.

(b) The father or guardian shall be responsible for the proper use of the mark and brand of any minor.

2-34-104 Record of marks and brands.

(a) It shall be the duty of the clerks of the county courts in each county to keep a well- bound book in which they shall record the marks and brands of each individual who may apply to them for that purpose.

(b) The book shall be subject to the examination of every citizen of the county at all reasonable office hours, free of charge for the examination.

2-34-105 Rebranding or remarking purchased stock.

(a) A person purchasing or acquiring cattle or other stock, where he brands or marks them with his brand or mark after the acquisition of the animals shall do it in the presence of one (1) or more of his neighbors.

(b) The neighbors are authorized to certify to the fact of branding or marking being done, where done, and in what brand or mark the cattle or other stock were previously, and in what brand or mark they were rebranded or remarked.

2-34-106 Disputes about earmarks or brands.

If any dispute shall arise about any earmark or brand, it shall be decided by reference to the book of marks and brands kept by the clerk of the county court.

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SUBCHAPTER 2. DIVISION OF BRAND REGISTRY

2-34-201 Definitions.

As used in this subchapter, unless the context otherwise requires:

(1) "Brand" means a permanent identification burned or frozen into the hide of a live animal with a hot iron or hot or frozen chemical in letters, numbers, or figures, each of which are at least three inches (3") in overall length or diameter and is to be considered in relation to its location on the animal.

(2) "Commission" means the Arkansas Livestock and Poultry Commission;

(3) "Director" means that person employed by the Arkansas Livestock and Poultry Commission to administer the provisions of this subchapter;

(4) "Division" means the Division of Brand Registry herein created;

(5) "Livestock" and "animal" mean any cattle, horse, or mule;

2-34-202 Penalty.

(a) Any person who knowingly places any brand upon any livestock which brand has not been registered with the division or which duplicates a brand that is registered with the division shall be guilty of a misdemeanor.

(b) Duplication shall constitute the use of a similar brand, used in any position on the animal designated for use of a registered brand, such as the head, neck, shoulder, rib, hip, or breeching.

2-34-203 Creation.

(a)(1) There is created in the Arkansas Livestock and Poultry Commission a Division of Brand Registry which shall consist of a director and such other personnel as may be necessary to carry out the provisions of this subchapter.

(2) The director shall be employed by the commission.

(b) The commission shall serve as an adjusting committee in the matter of determining conflicts of brands, and the decision of the committee shall be final.

2-34-204 Rules and regulations.

The director shall have the authority to prescribe all rules and regulations he shall deem necessary to carry out the provisions of this subchapter.

2-34-205 Custody of county brand records.

(a) All county brand records of the various counties of the state shall be property of the division, and it shall be unlawful for any county clerk to accept any brand for registry.

(b) The division shall collect all county brand record books and place them in its office and preserve them as public records.

(c) The division shall furnish a record of any brand record in the county record books to any person for a fee of one dollar (\$1.00) per brand.

2-34-206 State Brand Book.

(a) The director shall publish the State Brand Book which shall contain a facsimile of each and every brand and mark that is registered with the division showing the name and address of the owner, together with the pertinent laws, rules, and regulations pertaining to registration and reregistration of brands and marks.

(b) The director, on or before January 1, 1960, and every five (5) years thereafter, will have published the State Brand Book showing all the brands recorded with the division prior to December 1, 1959, and every five (5) years thereafter.

(c) Supplements to the State Brand Book shall be published every three (3) months.

2-34-207 Notification to registrants.

Prior to publication of any revised State Brand Book, all registered brand owners and assignees in the previous book or supplements thereto shall be notified in writing that their brand has terminated and that the brand must be renewed if the person desires to keep the brand.

2-34-208 Registration of brands.

(a) Every person desiring to adopt a brand, or to continue to use a brand, shall make application to the division for the registration of the brand in the manner prescribed in this section.

(b) The division shall prepare a standard form which shall be made available to those persons who desire to apply for a brand.

(c) The applicants shall show a front, rear, left, and right side view of the animals upon which the brand will be eligible for registry.

(d) The brand location shall be designated in the following body regions: head, right jaw, neck, shoulder, rib and right and left jaw, neck, shoulder, rib and neck, right and left hip, thigh and breeching.

(e) The applicant shall select not less than three (3) distinct brands and list them in the preferred order and shall likewise select three (3) locations on the animal and list them in preferred order.

(f) Applications for registration or reregistration shall be properly signed and notarized and accompanied by a fee of five dollars (\$5.00).

(g) A brand, if approved and accepted by the division for registry, shall be of good standing during the five-year period in which it is recorded.

2-34-209 Brands reserved to state.

(a) There is reserved to the state the brands of "B" and "T" on the left jaw of any cattle, and it shall be unlawful for any person to use them.

(b) Cattle carrying these brands shall be claimed as reactors to Brucellosis abortus, known as bangs disease, and tuberculosis, known as T.B.

2-34-210 Sale of book.

(a) The State Brand Book and all supplements thereto, for a five-year period, shall be sold to the public for ten dollars (\$10.00).

(b) Any supplement to any brand book shall be sold at fifty cents (50 cents) each.

(c) The county clerk and the sheriff of each county shall receive all brand books and supplements without cost to their respective county.

2-34-211 Book as evidence of ownership.

(a) Brands appearing in the current edition of the State Brand Book or supplements thereto shall be prima facie evidence of ownership and shall take precedence over brands of like kind should the question of ownership arise.

(b) The owner whose brand does not appear in the State Brand Book or supplement thereto shall produce evidence to establish his title to the property in the event of controversy.

2-34-212 Transfers of registered brands.

(a)(1) Only brands appearing in the current edition of the State Brand Book and the supplements thereto shall be subject to sale, assignment, transfer, devise, or bequest, the same as other personal property.

(2) The transfer of title must be recorded with the division. The fee for recording it shall be one dollar (\$1.00).

(b)(1) All persons selling livestock branded with their brand recorded in a current edition of the State Brand Book or supplements thereto shall execute a written transfer of ownership to the purchaser.

(2) Should the purchaser suffer any damages due to seller's failure to execute a written transfer of ownership, then the seller shall be liable for any and all damages decided upon by any court of competent jurisdiction.

34-213 Brand Registry Fund.

All funds collected by the division pursuant to this subchapter shall be deposited monthly in the State Treasury as special revenues, and they shall be credited by the State Treasurer to the "Brand Registry Fund," which is established by this section, to be used exclusively for the maintenance and operation of the division.

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SUBCHAPTER 3. DROVERS

2-34-301 Penalty.

A willful violation of this subchapter shall be deemed a misdemeanor. An offending party shall, on conviction, be fined in any sum not exceeding five hundred dollars (\$500), at the discretion of the court.

2-34-302 Duty to brand stock.

All persons driving horses, mules, asses, cattle, sheep, hogs, or other stock through this state are required to have a mark or brand with which they shall uniformly mark or brand their stock on some conspicuous part of the animals.

2-34-303 Certificate of compliance.

(a) Upon entering the state, drovers shall apply to the Director of the Division of Brand Registry and there record their mark or brand, and, upon the oath, or affirmation, of one (1) or more credible witnesses who shall be citizens of the state to the effect that § 2-34-302 has been complied with, the director shall give them a certificate bearing the seal of the state, attested by the director, which must show that the parties have complied with the requirements of this section and § 2-34-302.

(b) A failure to comply with this section shall subject the parties to having their drove detained until they procure the necessary certificate.

2-34-304 Duty to keep other stock separated.

(a)(1) If, in passing through this state, any horses, asses, cattle, sheep, hogs, or other stock should fall in with, or attempt to follow any drove, it shall be the duty of the drover to turn them out or keep them from following.

(2) In no case shall he mark, brand, kill, or in any way injure them.

(b)(1) A violation of this section shall be punishable as is prescribed by law for marking, branding, enticing away, or killing stock belonging to another.

(2) If complaint shall be made to any justice of the peace, verified by the affidavit of the complainant, that the drover has violated this section, he shall cause a writ to issue, to be called a writ of detention, which writ may be in the following form, viz:

State of Arkansas,)

County of,)

The State of Arkansas: to the sheriff or any constable ofCounty:

Whereas, complaint has been made to me in writing, and under oath by, that, a drover (here set forth the cause of complaint.) You are, therefore, hereby commanded to summon the aforesaidto appear before me, at my office in said township, onday of, to answer said complaint; and you are hereby commanded to take into possession and detain the drove of cattle (or horses) of the saiduntil otherwise directed by the undersigned:

Herein fail not and make due return of this writ on theof, 19....

..... J. P.

To cause the detention of the drove or other property of the drover and have the stock examined.

(c) The complainant or any other party may recover his property, as in any other case, in which event the drover shall pay all costs accruing under this section.

Amended in 1999.

Reviewed by AAHS in July 2001.

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