

# HAWAII BRAND LAWS

## HAWAII REVISED STATUTES

### DIVISION 1. GOVERNMENT

#### TITLE 11. AGRICULTURE AND ANIMALS

#### CHAPTER 142. ANIMALS, BRANDS, AND FENCES

#### PART II. BRANDS

##### **§ 142-41 Brands to be recorded, etc.**

Every owner of livestock in the State shall have the owner's brand or mark, in order to secure its validity and individuality, recorded in a separate book kept for that purpose by the department of agriculture to be known as the "Hawaii Brand Book." No brand or mark shall be recorded which may be similar or approximate in design to any brand or mark which has been previously recorded. The fee for each application for registration shall be established by rule adopted pursuant to chapter 91. The application may be made directly to the department, through its duly authorized agents, or through any duly authorized police officer. The chief of police of the respective counties shall authorize police officers to receive applications for registration of brands under this section. All moneys so received shall be paid to the director of finance. A signed and dated receipt shall be issued for each paid application. All applications shall be promptly forwarded to the department. If it is determined that the application seeks the registration of a brand which either has not already been recorded by another person or is not similar in design to any other previously recorded brand which has not expired, then a certificate showing that such brand or mark has been duly recorded shall be issued forthwith to the applicant. No record shall be made of any earmark, except only as supplemental identification of a brand. Numerals from 1 to 9 and 0, not used in combination or with symbols, as a brand, shall not be subject to preemptive use but shall be the common property of all persons.

##### **§ 142-42 Expiration of registration, reregistration.**

Each brand registered under section 142-41 shall expire on December 31, 1960, and at each five year interval thereafter unless reregistered during the one hundred twenty days preceding date of expiration.

##### **§ 142-43 Right to a brand determined by department.**

The department of agriculture shall determine conflicting claims by the applicants for a brand of similar or approximate design and in so doing shall be guided by the length of time each has used the brand, record of original registration, the number of animals then branded by each, and the priority of application.

##### **§ 142-44 Owners of unbranded animals.**

All cattle, horses, mules, donkeys, sheep, goats, and swine, over twelve months of age, not marked or branded, which may be running wild at anytime on any lands in the State, shall belong to and be the property of the owners or lessees of the lands on which the animals are then running.

**§ 142-45 Using other's brand prohibited; penalty.**

It shall be unlawful for any person other than the registered owner to use any brand or mark that has been duly registered or reregistered according to law and for which the registration or reregistration has not expired, except by the consent of the registered owner, the registered owner's personal representatives or assigns. Any person violating this section shall be fined \$200 for each animal so branded or marked.

**§ 142-46 Using unregistered brand prohibited; penalty.**

It shall be unlawful for any person to use any brand that has not been duly registered according to law. Any person using any brand that has not been duly registered according to law shall be fined not less than \$1 nor more than \$200 for each animal so branded.

**§ 142-47 Obliterating brand; penalty.**

Any person who obliterates any brand or mark, on any animal, by placing another brand or mark over the same, or otherwise, although without felonious intent, shall be fined not more than \$200 for every brand or mark so obliterated.

**§ 142-48 Felonious branding; penalty.**

Whoever wilfully and feloniously brands, or otherwise marks, any kine, horse, mule, sheep, goat, or other cattle belonging to another, with one's mark, or with the mark of another not the owner of the animal so branded or marked, with the intent to convert it to one's own use, or to the use of another shall be imprisoned not more than one year, or fined not more than \$200 for each kine, horse, mule, sheep, goat or other cattle thus branded or marked.

**§ 142-49. Livestock ownership and movement certification.**

Every owner, upon sale or transportation of livestock, including cattle, horses, sheep, goats, pigs, bison, or llamas, shall complete a certificate describing the animal or animals including sex, breed, age, and brand and indicating the seller or owner, buyer or consignee, and origin and destination. Two copies of the certificate shall accompany the shipment, one copy shall be given to the department of agriculture, and a copy shall be retained by the owner. One of the copies of the certificate shall be presented upon request to a law enforcement officer or other officer or employee as described in section 142.29.

**Amended in 1997.**

**Reviewed by AAHS in July 2001.**

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