

IDAHO BRAND LAWS

IDAHO CODE

TITLE 25. ANIMALS

CHAPTER 11. STATE BRAND BOARD

25-1101 Definitions.

As used in this chapter, and elsewhere in the Idaho Code where applicable:

"Livestock" means any cattle, horses, mules or asses.

"Transportation" means the movement of livestock in any manner.

"Person" means every natural person, firm, association, partnership, company business or corporation.

"Brand" means one, either, or both of the following:

(1) An identification mark, device or document prescribed by rules of the board that cannot be switched from one (1) animal to another without destruction or disfigurement of the mark, device or document. Any such mark or device, except for the location in or on the animal, shall be subject to the same restrictions, requirements, inspections, fees and penalties as the permanent identification marks described in the following paragraph (2).

(2) An identification mark that is permanently affixed into the hide of a live animal on either side in any one of three (3) locations, the shoulder, ribs, or hip. The brand may be applied on the hide by either a hot iron, or as a freeze brand which involves applying intense cold to the skin of the live animal to change the color of the hair on the skin to create a clear brand. An acid brand means any such mark or brand that has been applied by the use of a chemical compound and when so used causes a scarlike tissue to form on the hide of a live animal. Acid brands are not valid for any type of brand inspection.

"Brand inspector" means the state brand inspector, any authorized deputy or assistant brand inspector, or any other person authorized by the laws of the state of Idaho to make brand inspections.

"Brand inspection certificate" means a certificate on a form adopted by the state brand board, listing the animals for which the certificate is issued, describing the animals listed thereon, listing the name and address of the owner of the livestock, the name and address of the new owner, the listing of the place of origin and of destination of such transportation, and such other information as may be required by the state brand board. Brand inspection certificates shall be of the following kinds:

(1) An inspection certificate that is issued only when there is a change in ownership of the livestock, or when livestock is leaving the state, or when the livestock is to be slaughtered within ninety-six (96) hours.

(2) An annual inspection certificate good only for the current growing or grazing season, and which authorizes the owner to transport the livestock within and without the state. An annual inspection certificate does not authorize the sale or transfer of an ownership interest in any livestock.

(3) A seasonal grazing certificate good only for moving livestock from this state to another state for grazing, and to return some or all of that livestock to this state. The certificate shall be issued without charge if the brand inspector

determines that an inspection of the animals is not necessary. If an inspection is made, the certificate shall be issued at one-half (1/2) the usual brand inspection fee, and the provisions of sections 25-232, 25-2505 and 25-2907, Idaho Code, shall not apply.

(4) A lifetime ownership and transportation certificate which is valid only for horses, mules or asses, and which authorizes the owner to transport the horses, mules or asses within and without the state. A lifetime ownership and transportation certificate may be used for the sale or transfer of an ownership interest in horses, mules or asses, but immediately upon a change of ownership interest, the new owner must apply to the brand board for a new lifetime ownership and transportation certificate, and pay the required fees.

"Livestock auction sale," for the purpose of charging and collecting the minimum inspection fee of fifty dollars (\$50.00) required by section 25-1160, Idaho Code, means and includes all public livestock markets chartered under the provisions of chapter 17, title 25, Idaho Code; means and includes any dispersal sale of livestock by a farmer, dairyman, breeder or feeder of livestock subject to brand inspection; and means and includes any sale of livestock by an association of breeders of livestock subject to brand inspection. The state brand board may, by regulation, include other private or public operations at which livestock subject to brand inspection is offered for sale within such definition.

"Written ownership transportation permit" means a statement in writing of a form approved by the state brand board, which permit shall describe the livestock being transported, is signed and dated by the person in whose name the brand on such livestock is recorded in the office of the state brand inspector, and an acknowledgment authorizing the transportation of such livestock, within the state, listing the place of origin, place of destination of such transportation, the consignee thereof and his address, and such other information as may be required by the state brand board. An ownership transportation permit is not valid for a change in ownership of livestock, and is not valid to transport livestock outside of the state.

"Stock grower" means any person owning any livestock in this state to be slaughtered for human consumption whether in this state or outside of this state, or any person engaging in the business of breeding, growing or raising livestock.

25-1102 Board created -- Membership and organization.

There shall be in the Idaho state police a state brand board and such board is hereby created. The state brand board shall consist of five (5) members, three (3) of whom shall be experienced in, and while serving as a member of such board, continuously and principally, engaged in, the feeding or the production of beef cattle in Idaho and no two (2) of whom shall be from the same county; one (1) of whom shall be experienced in, and while serving as a member of such board, continuously and principally, engaged in, the operation of a licensed public livestock auction market, and one (1) of whom shall be experienced in, and while serving as a member of such board, continuously and principally, engaged as a dairy milk producer. The term of office of each member of said board shall be five (5) years, excepting that of the members of said board first appointed, one (1) shall be appointed to hold office until the first Monday in January, 1975, one (1) until the first Monday of January, 1976, and one (1) until the first Monday of January, 1977, one (1) until the first Monday of January, 1978, and one (1) until the first Monday of January, 1979. Vacancies occurring on the board other than by expiration of the term, shall be filled for the unexpired term only. Each of such members of the board, before entering upon the duties of his office, shall take and subscribe to the constitutional oath of office, and be bonded to the state of Idaho in the time, form and manner provided by chapter 8, title 59, Idaho Code. The members of the board shall be compensated as provided by section 59-509(h), Idaho Code. Said compensation shall be paid in the same manner as other expenses of the state brand board are paid. Each member of said board shall be a qualified elector of the county from which he is chosen and must reside during his term of office, within the state of Idaho. Said board must hold a meeting quarterly and at any other times if so requested by any member of the board. The governor shall appoint the members of such board, both initially and thereafter as vacancies occur therein, from the recommendations of the executive committee or board of directors of the Idaho cattle association, Idaho dairymen's association and licensed public livestock auction markets. Each such recommendation shall be of at least two (2) persons for each appointment to be made by the governor. If no such recommendation is made within thirty (30) days

after the occurrence of any vacancy in the membership of such board, then the appointment may be made without such recommendation. If the person or persons recommended are not deemed eligible or fit by the governor, then he shall request two (2) additional names from the respective industry segment. A member of such board shall be ineligible to hold any other state or federal office providing full-time employment, or any county or elective office. After due notice and public hearing, the governor may remove any member for cause.

The board shall elect one (1) of its members chairman, and there shall be a state brand inspector who shall serve as secretary of such board. The board is empowered to make rules for governing itself, and such rules as it may deem necessary for the enforcement of all of the duties of the state brand inspector, the laws of the state of Idaho providing registration and use of stock growers' brands, and the laws of the state of Idaho providing inspection and other requirements for the transportation of livestock, and all laws of the state enacted for the identification, inspection and transportation of livestock, and all laws of the state designed to prevent theft and illegal butchering of livestock.

25-1103 State brand inspector -- Appointment, salary, bond.

The state board shall appoint the state brand inspector who shall be a nonclassified state employee and who shall serve at the pleasure of such board and the salary of such officer shall be fixed by such board within the limits of any appropriation available therefor.

The state brand inspector shall be bonded to the state of Idaho in the time, form and manner prescribed by chapter 8, title 59, Idaho Code.

25-1104 Officer, deputies and assistants.

The state brand inspector, with the approval of the state brand board, and within the limits of any appropriation made available for such purposes, shall appoint, fix the compensation, determine the tenure of office, and prescribe the duties and powers of four (4) district supervisors. The employment of other officers, deputies, and assistants as may be necessary for the performance of the duties of his office shall be subject to the provisions of chapter 53, title 67, Idaho Code. The state brand inspector shall station deputies and assistants in such localities as he shall deem advisable for the performance of his duties, and the sheriff and his deputies in the counties of the state may perform the duties of ex officio brand inspectors under the guidelines set forth by the state brand board and state law. When the sheriff or his deputies act in the capacity of ex officio brand inspector as provided herein, they shall collect all brand inspection fees and other fees as provided by law and remit the same to the state brand inspector. Compensation for the sheriff and his deputies when acting as ex officio brand inspectors may be fixed by contract between the state brand board and the sheriff in accordance with section 31-3101, Idaho Code.

25-1105 Ex officio brand inspectors.

The director of the Idaho state police, every state police officer, port of entry officers, county sheriff and deputy sheriff is hereby made an ex officio brand inspector, and shall have the authority to inspect any livestock described in this chapter that is being transported within the jurisdiction of said officer and to require the person transporting the same to produce satisfactory evidence from him of his right to the possession of such livestock.

25-1106 Duties of inspector and deputies as law-enforcement officers.

The state brand inspector and his deputies shall also have power and the duty to enforce all of the laws of the state for the identification, inspection and transportation of livestock and sheep and all laws of the state designed or intended to prevent the theft of livestock and sheep and shall have all of the authority and powers of peace officers vested in the

director of the Idaho state police, with general jurisdiction throughout the state.

The state brand inspector shall give special consideration to reducing the loss of livestock and sheep by theft and to that end may inspect and cause inspections to be made outside the state of Idaho of livestock and sheep transported or driven from the state of Idaho, and shall also coordinate the efforts of all other law-enforcement officials and peace officers in the apprehension and conviction of persons who have stolen livestock, sheep, hides, pelts, or carcasses of livestock.

25-1107 Duties of inspector.

The state brand inspector shall cooperate with the Idaho state department of agriculture, insofar as the administration and enforcement of the Packers and Stockyards Act of 1921 and all amendments thereto, and shall provide all brand inspections required insofar as said inspections are for the purpose of determination of ownership of livestock.

25-1108 Office of board.

The board shall maintain offices in the state of Idaho at such places as determined by the board.

25-1109 Board to audit claims and make annual report.

The board shall audit all bills for salaries and expenses incurred by it that may be payable from appropriations made therefore, which claims shall be audited and allowed and paid as other claims against the state. The board shall make an annual report in writing to the governor on or before the first day of December in each year, giving a statement of the transactions of the board and facts relating to the cattle industry in this state.

25-1110 Brand board to make rules and regulations.

The state brand board shall be responsible for the promulgation, implementation and enforcement of all rules and regulations as adopted by the state brand board to implement and administer the requirements of this chapter. The state brand inspector shall be responsible to the state brand board for the enforcement of all rules and regulations as adopted by the state brand board. All rule making proceedings and hearings of the board shall be governed by the provisions of chapter 52, title 67, Idaho Code.

25-1120 Brand inspection.

(1) The state brand board shall have the authority to require brand inspection of all livestock transferred in any manner, or which shall be placed for sale with or delivered into the custody of the owners or operators of any auction, auction house, sales, ring, or commission house, or to establish proof of ownership at that point in time a living animal becomes carcass meat, it shall require brand inspection not more than ninety-six (96) hours prior to slaughtering whether for commercial purposes or for the owner's immediate family needs, and whether said slaughtering is done by any permanently located firm, association, partnership, company, business or corporation, or if done by a mobile slaughtering service of any nature or type and shall have access to inspect animals utilized by rendering establishments, and to adopt such rules as it may prescribe to accomplish such brand inspection. A brand inspection certificate signed by the seller is documentary evidence of a transfer of ownership.

(2) The transferor of livestock shall be primarily responsible to obtain a required brand inspection. However, if the

seller shall fail, after ten (10) days, to obtain a required brand inspection, the transferee of the livestock shall also be responsible to obtain a brand inspection.

(3) Any person who transfers title to any livestock to another person without first obtaining a brand inspection, and who has not previously violated this section, is guilty of an infraction. Any subsequent violation of this section is a misdemeanor.

25-1121 Requirements for brand inspection -- Written permit in lieu of inspection.

(1) Any person desiring to transport, remove, or drive any livestock from the boundaries of this state in any manner shall, before doing so, apply to the state brand inspector to inspect the same for marks and brands, and on such application (or without said application if said officer has knowledge of such removal) the brand inspector shall immediately inspect said livestock for brands and marks and keep an accurate record of the same with the name and residence of owner or shipper and name, sex and kind of livestock. Any person desiring an inspection pursuant to this paragraph must notify a state brand inspector or person duly authorized to accomplish the inspection. If the inspector finds that the livestock have brands that are not owned by the person claiming the same, then such person shall be required to produce a bill of sale or other satisfactory evidence of ownership. Upon proof of ownership the inspector shall give the person a certificate stating the number and kind of livestock and their marks and brands and thereupon the said person shall be permitted to transport said livestock from this state. A copy of the brand inspection certificate shall accompany the livestock to final destination.

(2) Any person desiring to transport livestock, not his own, within the boundaries of this state in any manner shall before doing so, have in his possession a written transportation permit properly completed and signed by the owner or an authorized agent of the owner of the livestock being transported or a brand inspection certificate. A copy of the written permit or brand inspection certificate shall accompany the livestock to final destination.

(3) Annual brand inspections certificates for all livestock for any purpose, other than sale or trade, may be issued by the state brand inspector or his deputies in lieu of the regularly required brand inspection or other written permits for periods of not to exceed one (1) year in duration and for a fee of not to exceed five dollars (\$5.00), each as determined by regulation of the state brand board.

(4) The owner of the livestock shall pay all fees required for inspection services pursuant to this chapter, section 25-232, Idaho Code, section 25-2505, Idaho Code, and section 25-2907, Idaho Code.

(5) Any transportation of livestock in violation of this chapter is prohibited. Livestock transported in violation of this chapter shall be detained until compliance with this chapter has been made.

25-1122 Ownership and transportation certificate.

(1) The owner or owners of any horses, mules or asses desiring to transport them within the state for any purpose other than sale or trade, may, upon request to the state brand inspector, be issued an ownership and transportation certificate, which certificate shall be issued in lieu of the required brand inspection certificate or other written permit for each horse, mule or ass to be transported.

(2) An ownership and transportation certificate may be used by the owner or owners of a horse, mule or ass for identification purposes and as prima facie proof of ownership of any animal described by such a certificate.

(3) The ownership and transportation certificate shall be valid as long as the horse, mule or ass described therein remains under the ownership of the person or persons to whom the certificate is issued.

(4) The ownership and transportation certificate of a horse, mule or ass must accompany the animal for which it is issued at all times while the animal is in transit.

(5) Each ownership and transportation certificate of a horse, mule or ass shall identify the particular animal by color, markings, sex, age and where applicable by brand, registration number, tattoo or other marks as provided for by regulation of the state brand board.

(6) There shall be a fee in an amount to be set by the state brand board, not to exceed twenty-five dollars (\$25.00), for issuance of each ownership and transportation certificate, which fee shall be in addition to any brand inspection certificate or other written permit which may be requested by the owner or owners of a horse, mule or ass under other provisions of law.

(7) Upon any change of ownership of a horse, mule or ass for which an ownership and transportation certificate has been issued, the former owner or owners may transfer the certificate to the new owner or owners upon payment of a fee to be set by the state brand board, not to exceed twenty-five dollars (\$25.00) per certificate.

(8) The state brand board may, under such terms and conditions as it deems necessary to protect ownership of horses, mules and asses, provided by regulation that ownership and transportation certificates may be used in transportation of horses, mules or asses to and from points outside of the state of Idaho, and may provide that similar certificates from other states may be used for proof of ownership of horses, mules or asses entering Idaho.

25-1123 Exemption from brand requirement and inspection.

A sucking calf or colt without brand, accompanying its mother in any shipment, shall be deemed to bear the same brand as its mother for the purposes of this chapter.

Any person desiring to transport any livestock from the boundaries of this state by any means for the purpose of seasonally grazing the livestock in an adjoining state, shall apply before doing so to the state brand inspector for an inspection; provided, however, that if the state brand inspector determines that an inspection is not necessary, he may issue a written permit without charge to allow such transport. If in the opinion of the state brand inspector an inspection is deemed advisable, such inspection shall be made at one-half (1/2) the usual brand inspection fee and the provisions of section 25-232, section 25-2505, and section 25-2907, Idaho Code, shall not apply.

25-1124 Certificate or permit to be produced upon demand.

Every person transporting livestock shall, upon demand, permit examination thereof by any brand inspector or peace officer the brand inspection certificate or written permit and allow copies thereof to be taken.

25-1125 Inspection of livestock in transit -- Impounding when certificate or permit erroneous.

Any livestock in transit or being transported in any manner, may be inspected at any time or place, without liability by any brand inspector of the state or by any peace officer or other person authorized by statute, who may demand of the carrier or person in charge of such livestock the certificate of inspection or written permit and he may compare the marks, brands, and description given in such documents with those of such livestock and if he shall find from such inspection that such certificate is falsely made, or is erroneous in any material respect, or that such livestock or any head thereof do not belong to the person as indicated in such document, he may, unless satisfactory proof of the ownership or right of possession of such livestock be furnished him, impound any such livestock and may take such other action against such carrier or person in charge as may be authorized by law.

25-1126 Owner of recorded brand -- Right to cause inspection of livestock in transit.

Every citizen of Idaho who is the owner of any duly recorded brand is hereby authorized to require livestock in transit, or which is about to be shipped, transported or otherwise removed, to be inspected as required by law, for the purpose of determining whether or not such livestock has been duly inspected by an official brand inspector or peace officer. No fee shall be allowed to any such citizen for performing the rights and privileges herein above granted.

25-1140 Use of brands restricted.

Every stock grower in this state must use a brand for cattle, and a brand for horses, mules and asses, which brand must be placed in a conspicuous place on the animal. It shall be unlawful for any person to use any brand as herein provided, unless such brand be designated in the application for the recording of the brand and the brand be recorded with the state brand inspector. Each application for the recording of a brand shall include only one (1) brand for cattle and one (1) brand for horses, mules and asses, and one (1) brand for sheep, and separate applications may be filed by any stock grower to have any additional brand recorded.

25-1141 Requirements for branding irons.

Brands shall be made by hot iron or freeze iron and shall be done in such manner to be clear and recognizable, and legible so as to enable ready identification. The major character or characters on the branding iron when applied to cattle shall be not less than three and one-half (3 1/2) inches in height, and/or three and one-half (3 1/2) inches in length, width or diameter. The major character or characters on the branding iron when applied to horses, mules and asses shall be not less than two (2) inches in height, and/or two (2) inches in length, width or diameter. Brands made in any other manner or size not permitted by this section shall be invalid and will not be recorded. All brands presently recorded at the effective date of this act shall be valid brands, but provided further that upon renewal of such brands, then and in that event such brands must comply with this chapter. Brands for sheep shall not be subject to the height, length, width or diameter limitations imposed by this section, but shall be of such height, length, width or diameter as prescribed by the state brand board, and brands for sheep shall not be subject to the hot iron or freeze iron limitations imposed by this section for cattle, horses, mules and asses.

25-1143 Brands to be recorded.

All brands shall be recorded with the state brand inspector. Upon recording pursuant to this section, a recorded brand shall be prima facie evidence of ownership of livestock, and that such owner is entitled to possession of said livestock. Proof of recorded brand shall be by original certificate issued to said owner by the state brand inspector, or a certified copy of the recorded brand issued by the state brand inspector. Parol evidence shall be inadmissible to prove the ownership of any recorded brand.

25-1144 Manner of recording brands.

Every stock grower whose brands are not recorded, desiring to use any brand on any livestock shall make and file an application setting forth a facsimile and description of the brand which he desires to use which application shall state the post-office address and county of his residence and he shall file such application with the state brand inspector and the same shall be recorded in a book kept for that purpose, by the state brand inspector and from and after the filing of such application, the stock grower filing the same, shall have the exclusive right to use such brand, within the state of Idaho. Such recording shall be valid for a period of not more than five (5) years, as determined by rules of the state brand board, subject to the renewal provisions of section 25-1145, Idaho Code. Such person upon the filing of the brand shall pay to the state brand inspector for recording the brand the sum of fifty dollars (\$50.00) and the board may

prorate the fee to facilitate implementation of a staggered brand renewal system. It shall be the duty of the state brand inspector to furnish without further or other charge, one (1) certified copy of the application to the owner thereof upon his request and for each additional copy he shall be paid a reasonable fee as determined by the state brand board not to exceed one dollar and fifty cents (\$1.50) for the additional certified copies: provided, further, that the state brand inspector shall not file or record any such brand if the same has already been filed or recorded by him in favor of some other stock grower. The certified copy of the application shall contain the registration number of such brand, description or facsimile copy of the recorded brand, location of brand on the animal, expiration of the recorded brand and the name and address of the owner of the recorded brand.

25-1145 Renewal of brands.

(1) On July 1, 1995 and at the end of each recording period of an original application pursuant to section 25-1144, Idaho Code, and at the end of each successive period thereafter on the first day of July, the recording of every brand in the office of the state brand inspector shall be renewed upon application for such renewal by the owner. The fee of the state brand inspector for filing each such renewal application shall be not more than fifty dollars (\$50.00) and it shall be the duty of the state brand inspector to furnish without further or other charge one (1) certified copy of the certificate of such brand to the owner thereof upon his request, and for each additional certified copy the state brand inspector shall be paid reasonable fee as determined by the state brand board not to exceed one dollar and fifty cents (\$1.50) for the additional certified copy. The fee for recording each renewal shall be paid coincident with the filing of the application therefor.

(2) Each application for the renewal and the record of renewal of each brand shall be made in the same manner as is provided by law for the filing of an original application for the recording of a brand.

(3) If an application for the renewal of any brand shall not be made and the fee therefor paid within the period of six (6) months after the expiration date for such renewal, then such brand may be allotted by the state brand inspector to any other person who shall apply therefor.

25-1146 Sales and transfers of brands.

Any brand recorded in accordance with the requirements of this chapter shall be the property of the stock grower in whose name the same shall be recorded, and shall be subject to sale, assignment, transfer, devise and descent, the same as personal property. Instruments of writing evidencing any such sale, assignment or transfer shall be acknowledged as deeds to real estate are now required to be, and shall be recorded in the office of the state brand inspector in a book to be by said officer kept for that purpose, which shall be properly indexed. The recording of such instruments in said office shall have the same force and effect as to third parties, as the recording of instruments affecting real estate, and the acknowledgment of the same shall have the same force and effect as the acknowledgment of deeds to real estate, and certified copies of the record of any such instrument, duly acknowledged, may be introduced in evidence the same as is now provided for certified copies of instruments affecting real estate. The fee of the state brand inspector for recording the writings evidencing each such sale, assignment or transfer shall be twenty-five dollars (\$25.00).

25-1147 Conflicting brands.

In deciding as to conflicts of brands, the state brand inspector shall reject any brand being the same as one previously recorded in the same place on any animal; it shall also reject all brands known as solid brands and the window sash brand. A variation in the size of a letter, number or figure shall not constitute a new brand and shall be rejected. Combinations of letters, numbers or figures may be permitted, though the same letter, number or figure may have been recorded singly or together, if in the judgment of the state brand inspector, said combination is so different from any previous record as to constitute a new brand with no danger of infringement. The inspector shall have the right to

reject any brand that may in his judgment endanger infringement of the previously recorded brand.

25-1148 Brand book.

It shall be the duty of the state brand inspector from time to time as it may be necessary, but at least every two (2) years, to cause to be published in book form a list of all brands on record at the time of publication. In the years when the brand book is not issued, the state brand inspector may issue a supplement to the brand book theretofore issued containing the additional brands or changes in ownership of brands between the time of the last publication and the time of issuing such supplement. The brand book shall contain the facsimile of all brands recorded together with the owners' names and post-office addresses. Brand records shall be arranged in convenient form for reference. It shall be the duty of the state brand inspector to furnish free of charge to each sheriff in this state one (1) copy of said brand book and supplement, in whose office it shall be kept open for inspection by all persons. Brand books and supplements may be sold outright or by subscription to the general public at a price to be determined by the state brand inspector which price shall cover the cost of the publications.

25-1149 Disposition of recording fees.

All fees received for the recording and renewal of brands under the provisions of chapter 11, title 25, Idaho Code, shall be credited to the brand recording account, which the state controller is authorized and directed to establish in the agency asset fund in the state treasury. All interest earned from investment of moneys in the brand recording account shall accrue to the account.

25-1150 Brand recordings open to public -- Evidence.

The brand recordings kept by the state brand inspector shall be open to the inspection of the public and shall be prima facie evidence of the facts recited therein in any of the courts of this state.

25-1151 Deceptive and infringing brands -- Prevention of use.

The state brand board shall have the right to adopt such rules and regulations as it may prescribe to prevent the use of deceptively similar brands in the state of Idaho and to prevent the use of infringing brands, and is hereby authorized to cancel any brand in the state of Idaho of priority below any brand which it shall infringe.

25-1160 Brand inspection fees.

(1) The maximum fee which shall be charged by the state brand inspector and his deputies for brand inspection shall be:

- (a) One dollar (\$1.00) for each head of cattle;
- (b) One dollar and fifty cents (\$1.50) for each head of horses, mules and asses.

(2) A minimum fee of ten dollars (\$10.00) shall be charged by the state brand inspector and his deputies for each brand inspection certificate issued, whether for cattle, horses, mules or asses, or a combination thereof. The minimum brand inspection fee shall apply only in those cases when a brand inspector must travel from his assigned duty post.

(3) The minimum fee for brand inspection services at any normally scheduled livestock auction sale is fifty dollars

(\$50.00) per day, and shall be paid by the livestock auction sale, whether or not the inspection fees received from the owners of livestock inspected equals the minimum fee. If the fees paid by the owners of livestock inspected at the sale exceed the minimum fee, the actual amount of fees collected shall be paid, rather than the minimum amount.

(4) The fee for brand inspection services at any livestock auction sale which is not a normally scheduled livestock auction sale shall be:

(a) Eighteen dollars (\$18.00) per hour for each hour that each brand inspector spends engaged in the performance of brand inspection services at the livestock auction sale;

(b) A mileage rate as established by the state board of examiners per mile per vehicle for each mile that said brand inspector(s) must travel to and from the sale from his assigned duty post.

The minimum fee, not including mileage, shall be the actual hours worked, or thirty-six dollars (\$36.00) per day, or the inspection fees as set forth in subsection (1) of this section, whichever is greater.

(5) The state brand board may adopt a schedule or schedules of fees which are below the maximum fees and may adjust such schedule or schedules from time to time whenever such board finds that the cost of administering and enforcing the laws of the state of Idaho for brand inspection of livestock can be maintained with such below-maximum fees. All such fees shall be paid by the owner of the cattle, horses, mules and asses and credited to the state brand account.

(6) All brand inspection fees, and all other fees required by law to be collected by the brand inspector, are due and payable at the time of inspection, but the brand board may, by rules, allow all of such fees to be paid on a schedule that requires payment at least monthly, after receiving a request for such delayed payment schedule and after such request is approved by the state brand inspector. The brand board may require a security deposit to insure the prompt payment of all fees owed to the state. Failure to pay as required shall be cause for the brand inspector to file an action in the district court of the county wherein the inspection was made for the amount of all fees owed, plus all costs and reasonable attorney's fees associated with the action plus interest at the rate specified in section 28-22-104, Idaho Code, on the amount owed from the due date.

(7) Any brand inspector who must travel beyond the border of the state of Idaho to investigate a possible violation of this chapter is entitled to a mileage rate, as established by the state board of examiners, per mile per vehicle for each mile that the brand inspector must travel to and from his assigned duty post, and eighteen dollars (\$18.00) per hour for each hour that each brand inspector spends engaged in the investigation. The minimum fee for each brand inspector, not including mileage, shall be the actual hours worked, or thirty-six dollars (\$36.00) per day, or the hourly inspection fees, whichever is greater.

25-1161 Fees -- State brand account.

All fees of every kind collected by the office of the state brand inspector or under any rules or regulations made pursuant to the provisions of chapter 11, title 25, Idaho Code, shall be deposited in the state treasury and kept in a special and separate account in the dedicated fund to be known as the "state brand account"; said account is hereby appropriated for the use and expenditure of said board in carrying out the provisions of this chapter and in the performance of all of its duties and the duties of the state brand inspector and in carrying out the rules and regulations which shall be made by the board, and for salaries and wages and other expenses of the office of the state brand inspector, the state brand board, and its employees for the purpose of fulfilling the duties of such office, and said account is hereby declared to be a continuing account.

25-1170 Reciprocity.

Any transportation of livestock in this state which originates in another state, and which complies with the brand inspection laws of such state requisite to such transportation, shall be deemed for all purposes to be in compliance with

the state brand inspection laws of this state.

25-1171 Impoundment of vehicles used in transporting stolen livestock.

The use of any vehicle for the transportation of any stolen livestock or the products thereof, shall be unlawful and such vehicle shall be forfeited to and confiscated by the state. Any such vehicle so used in transporting such stolen livestock shall be seized without warrant by the sheriff of the county where such vehicle is found and sold by him at public auction and the proceeds of such sale paid to the county treasurer to be deposited in the current expense fund of the county; provided, however, that no such sale shall be made until ten (10) days notice thereof shall have been given the person in whose custody such vehicle is found, and notice given to the registered owner of said vehicle, nor in the event, if within such period the owner of such vehicle or the person entitled to the possession thereof shall commence an action in prohibition or injunction against the sheriff to restrain such sale, until after the termination of such proceedings; and provided, further, that such vehicle shall not be confiscated or subject to the forfeiture if the same be a stolen vehicle or loaned vehicle at the time it is used for such unlawful transportation and the owner thereof is not in collusion with the party or parties guilty of the theft.

25-1172 Impoundment of livestock if no satisfactory evidence of ownership.

Livestock which shall be found by any brand inspector, deputy brand inspector or peace officer of the state in the possession of any person who shall be unable to furnish to such inspector or peace officer, upon request therefor, satisfactory evidence of the ownership of such livestock or the right to possession thereof, may be taken into the possession of such inspector or peace officer and detained by him without liability, and at the expense of the owner thereof, until the ownership of such livestock shall be established. No livestock shall be released to the owner thereof until all costs and expenses of detaining said livestock have been paid. If the ownership of any such livestock shall not be established within ten (10) days from the time such inspector or other officer shall take the same into possession, such inspector or other officer may have such livestock sold at public sale in any auction house or sales ring at which livestock of this nature are customarily sold and the costs of sale and the costs of keeping the livestock before the sale thereof shall be paid from the sale proceeds and the balance of such proceeds shall be paid to the treasurer of the state of Idaho for deposit in the unclaimed livestock proceeds account.

In the event any such livestock shall be delivered to any sales ring, slaughter facility or auction house for sale prior to the time that possession thereof shall be taken by an officer, then the officer may permit the sale of such livestock at such auction house, slaughter facility or sales ring and impound the proceeds from the sale thereof until the ownership of such proceeds shall be established.

25-1173 Unclaimed livestock proceeds account.

There is hereby created in the state treasury an account to be known as the unclaimed livestock proceeds account which shall consist of all money directed by law to be placed therein. The account is appropriated for paying and satisfying such claims as may be allowed against the account by virtue of any law of the state of Idaho. All proceeds from the sale of livestock as provided by section 25-1172, Idaho Code, remaining after payment of the costs of keeping the livestock and the costs of sale, shall be paid to the state treasurer and shall be deposited into the account. All moneys which shall hereafter be impounded under the provisions of section 25-1172, Idaho Code, to which ownership shall not be established within sixty (60) days after the sale of the livestock from which such proceeds shall be received, shall be paid to the state treasurer and shall be deposited into the account.

25-1174 Hearing for claims to livestock proceeds account.

Any person claiming to be the owner of any livestock sold under the provisions of section 25-1172, Idaho Code, may claim the sale proceeds placed in the unclaimed livestock proceeds account, and the state brand inspector must inquire into such claim, and may hold a hearing for such purpose giving notice thereof to every claimant thereof at least thirty (30) days before the date set for such hearing and after such hearing if satisfied of any claimant's right thereto, must issue an order granting a certificate to that effect and upon the presentation of the certificate the state controller must draw his warrant on the treasurer for the amount without interest. If no such certificate is presented to the state controller within eighteen (18) months after the date, such money is paid into the treasury of the state of Idaho and such money shall escheat to the state and be apportioned to the public school fund.

25-1180 Mutilating and counterfeiting brands a misdemeanor.

It shall be unlawful for any stock grower or other person in this state to change, conceal, deface, disfigure, or obliterate any brand or mark previously branded, impressed or marked on any animal or head of livestock, or put his own, or any other brand upon or over any part of any brand previously branded, upon any animal or head of livestock, and no person must mark or use any counterfeit of any brand or mark provided for in this chapter. Any person violating any of the provisions of this section shall be guilty of a misdemeanor.

25-1181 Penalties.

- (1) Any person who shall present false or fraudulent information to obtain a brand inspection certificate shall be guilty of a felony.
- (2) Any person who wilfully forges any brand inspection certificate or written permit, or alters the same in any manner, with the intent to defraud another, or with the intent to deceive any state brand inspector or any other law enforcement officer in the state of Idaho, shall be guilty of forgery.
- (3) Any person who shall knowingly transport livestock without proper certificate or permit, or knowingly offers for shipment any livestock not his own or without the authority of the owner of said livestock shall be deemed guilty of a misdemeanor.
- (4) Any person who shall, without proper brand inspection certificate or written permit, transport livestock in violation of this chapter shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined a sum not to exceed three hundred dollars (\$300) or by imprisonment in the county jail not to exceed six (6) months or be punished by both fine and imprisonment.
- (5) Any person who shall refuse to permit inspection of any livestock as required by this chapter, shall be guilty of a misdemeanor and upon conviction thereof shall be fined a sum not to exceed three hundred dollars (\$300) or by imprisonment in the county jail not to exceed six (6) months or be punished by both fine and imprisonment; and provided further, such person may be liable for civil damages to any owner of such livestock injured thereby, plus treble damages and for costs of suit and attorney's fees.
- (6) It shall be unlawful for any common carrier to transport livestock within or without the state of Idaho without having had the required brand inspections required by this chapter, and any common carrier who knowingly violates the requirements of this chapter shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be fined a sum not less than three hundred dollars (\$300) nor more than one thousand dollars (\$1,000); and provided further, that said common carriers may be liable for civil damages to any owner of such livestock who is injured thereby plus treble damages and for costs of suit and attorney's fees. Any person who transports livestock within or without the state of Idaho without having had the brand inspection required by this chapter, and who has not previously violated this section, is guilty of an infraction. Any subsequent violation of this section is a misdemeanor, punishable by a fine not less than three hundred dollars (\$300) nor more than one thousand dollars (\$1,000), or by imprisonment in the county

jail not to exceed six (6) months, or by both a fine and imprisonment.

(7) Any person who shall violate any of the rules adopted by the state brand board for the implementation of this chapter, shall be guilty of a misdemeanor and upon conviction thereof shall be fined a sum not to exceed three hundred dollars (\$300) or by imprisonment in the county jail not to exceed six (6) months or be punished by both fine and imprisonment.

(8) It shall be a misdemeanor to brand any livestock with a recorded brand, when such livestock is not owned by the owner or owners of the recorded brand used.

(9) It shall be a felony to brand any livestock with a recorded brand, when such livestock is not owned by the owner or owners of the recorded brand used, for the purpose of committing or facilitating the theft of said livestock.

25-1182 Issuance of citations and arrest of violators.

The state brand inspector, all deputy brand inspectors and all peace officers authorized by the laws of the state of Idaho to enforce brand inspection laws, are authorized and it is hereby made their duty to arrest with or without warrant any person or persons found violating any of the provisions of the brand inspection laws of the state of Idaho when detected in the act of violating such law or laws or found with livestock unlawfully in their possession at the time of such arrest. Arrests made pursuant to the brand inspection laws of the state of Idaho may be affected by:

(1) Taking the offender into custody for immediate appearance before the nearest available magistrate having jurisdiction; or,

(2) Issuing a citation to the offender to appear before a magistrate. Said citation shall bear the date, time and place for the offender's appearance before a magistrate; the name and address of the offender, the offense charged, the approximate location where and the approximate time when the offense was committed and other such essential and descriptive information related to the offense as may be prescribed by the state brand board by rule or regulation adopted by said state brand board. The citation shall be signed by the offender notified to appear and he shall be given a copy thereof and thereupon may be released from custody. A citation shall be issued only by mutual agreement of the arresting officer and the offender as evidenced by both their signatures on said citation. Failure of the offender to appear at the time and place specified in the citation shall constitute a misdemeanor and shall be cause for issuance of a warrant for said offender's arrest.

Whenever any person is given a written citation containing a notice to appear as hereinabove provided, the magistrate shall be a magistrate within the county where the offense charged is alleged to have been committed and who has jurisdiction of the offense, or any other magistrate in any other county with jurisdiction over the alleged offense which is agreed to be more convenient by both the officer and the offender. Whenever an offender is taken immediately before a magistrate as hereinabove provided, it shall be any magistrate within the state of Idaho who has jurisdiction of the alleged offense.

TITLE 25. ANIMALS

CHAPTER 19. MISCELLANEOUS OFFENSES RELATING TO LIVESTOCK

25-1901 Altering marks and brands.

Every person who marks or brands, alters, conceals, disfigures, obliterates, or defaces the mark or brand of any horse, mare, colt, jack, jennet, mule, bull, ox, steer, cow, calf, sheep, goat, hog, shoat or pig belonging to another, with intent

thereby to steal the same or to prevent identification thereof by the true owner, shall be guilty of a felony.

25-1903 Use or possession of running iron.

Any person who uses, or has, or keeps in his possession, any running branding iron, tool, or instrument used by him for running a brand on any livestock, or who changes or disfigures any brand with such instrument, is guilty of grand larceny and punishable as provided by law. The possession of such iron or instrument is prima facie evidence of guilt.

Amended in 1997, 2000.

Reviewed by AAHS in July 2001.

[Return to Top of This Page](#)

[Return to Brand Laws Page](#)