

MISSOURI BRAND LAWS

MISSOURI STATUTES

TITLE XVII. AGRICULTURE AND ANIMALS CHAPTER 268. MARKS AND BRANDS OF ANIMALS

268.011. Definitions

When used in sections 268.011 to 268.171:

- (1) "Brand" means a permanent identification mark placed on the hide of a live animal by a hot iron, cryo-branding, or any other method approved by the director of a size at time of application not smaller than three inches in diameter;
- (2) "Cryo-branding" means a brand produced by application of extreme cold temperature;
- (3) "Director" means the director of the department of agriculture;
- (4) "Person" means an individual, firm, association, partnership, or corporation; the singular shall also mean the plural where applicable.

268.021. Adoption of brands authorized

Any person having cattle, sheep, horses, mules, or asses shall have the right to adopt a brand for the use of which he shall have the exclusive right in this state, after recording the brand as provided in sections 268.011 to 268.171.

268.031. Recorded brands as evidence

No evidence of ownership by brand shall be permitted in any court in this state unless the brand shall be recorded as provided in sections 268.011 to 268.171.

268.041. Adoption of brand, procedure, fee--conflicts, duty of director, recording

Any person desiring to adopt a brand shall forward to the director proper brand application forms of the desired brand, together with a recording fee of thirty-five dollars. Upon receipt of the application and fee, the director shall file the same and unless the brand is of record as that of some other person or conflicts with or closely resembles the brand of another person, the director shall record the same. If the director determines that the brand is of record or conflicts with or closely resembles the brand of another person he shall not record it but shall return the facsimile and fee to the forwarding person. The power of examination, approval, acceptance, or rejection shall be vested in the director, subject to the provisions of chapter 536, RSMo, and the appeals granted therein. It shall be the duty of the director to file all brands offered for record pending the examination provided for in this section. The director shall make the examination as promptly as possible. If the brand is accepted, the ownership thereof shall vest in the person recording it from the date of filing.

268.051. Brand recording, effect of

The recording provided for in sections 268.011 to 268.171 shall secure the brand to the person and shall be considered personal property of the owner.

268.061. Copies of record furnished--additional copies, fee

As soon as the brand is recorded by the director, he shall furnish the owner thereof with two certified copies of the record of the brand. Additional certified copies may be obtained by the payment of ten dollars for each copy.

268.071. Use of unrecorded brands prohibited, exceptions, penalty

It shall be unlawful to use any brand for branding any horses, cattle, sheep, mules, or asses unless the brand has been recorded as provided by sections 268.011 to 268.171. Hot brands and cryo-brands, consisting of arabic numerals only, may be used in conjunction with recorded brands for within-the-herd identification and as such shall not be recorded; and when so used shall not be evidence of ownership. Anyone convicted of violating this section shall be fined a sum not to exceed one hundred dollars or be confined in the county jail for not to exceed thirty days.

268.081. In-herd brands, location of

Any brand used for in-herd identification shall be located at least ten inches apart from the ownership brand.

268.091. Brand definition and location, single letter or figure unacceptable

Brand definition shall include the designated letters and figures in combination with one of the following locations on the animal: The shoulder, ribs, or hip on the right side and the shoulder, ribs or hip on the left side, as determined by standing behind the animal. No single letter or single figure shall be accepted as a registered brand.

268.101. Brands transferable, transfer fee

1. Any brand recorded as provided in section 268.041 shall be the property of the person causing the record to be made and shall be subject to sale, assignment, transfer, devise, and descent as personal property. Instruments of writing evidencing the sale, assignment, or transfer of the brand shall be recorded by the director, and the fee for recording the sale, assignment, or transfer shall be ten dollars.
2. As soon as instruments of writing evidencing the sale, assignment, or transfer of a brand have been recorded by the director, he shall furnish the new owner certified copies of the sale, assignment, or transfer.

268.111. Disputed ownership investigated, how--costs, how paid

In all suits at law or equity or in any criminal proceedings in which the title to animals is an issue, the certified copies recorded as provided for in section 268.061 shall be prima facie evidence of the ownership of the animal by the person

in whose name the brand is recorded. Disputes in custody or ownership of branded animals shall be investigated, on request, by the sheriff of the county where the animals are located and he may call upon the services of a disinterested veterinarian, approved by the director of the department of agriculture, in reading the brands on animals. The cost of the veterinarian's services shall be borne by the person requesting the investigation, but this cost shall be reasonable and fair. The results of the sheriff's investigation shall be a public record and be admissible in evidence.

268.121. Recorded brand list a public record, to whom furnished

It shall be the duty of the director from time to time to cause to be published in book form a list of all brands on record at the time of the publication. The lists may be supplemented from time to time. The publication shall contain a facsimile of all brands recorded and the owner's name and post-office address. The records shall be arranged in convenient form for reference. It shall be the duty of the director to send one copy of the brand book and supplements to the county recorder of deeds of each county and to each licensed livestock market and slaughter plant in the state. The books and supplements shall be furnished without cost to the livestock market or slaughter plant or to the county and shall be kept as a matter of public record. The books and supplements may be sold to the general public at the cost of printing and mailing each book.

268.131. Fees, disposition--livestock brands fund, creation, use, administration

All fees and money collected under the provisions of sections 268.011 to 268.171 by the director shall be placed in the state treasury to the credit of the "Livestock Brands Fund", which is hereby created. The state treasurer shall administer the fund, and the moneys in the fund shall be used solely, upon appropriation, by the division of animal health of the department of agriculture in the administration of this chapter. The unexpended balance in the fund at the end of every two fiscal years shall be transferred to the credit of the general revenue fund.

268.141. Owner of brand to pay fee, when, amount--forfeiture of brand, reissuance, when

Each owner of a brand of record shall pay to the director a fee of twenty dollars on March first of each fifth year after registration. The director shall give a receipt for all such payments made and if any owner of a brand of record shall fail, refuse, or neglect to pay such fee by July first of each year in which it is due, the brand shall become forfeited and no longer be carried in the record. Any such forfeited brand shall not be issued to any other person within a period of less than five years following date of forfeiture.

268.151. Illegal branding a felony, how punished

Any person who shall brand, attempt to brand, or cause to be branded the animals of another, or who shall efface, deface, or obliterate or attempt to efface, deface, or obliterate any brand upon any animal or animals of another, or who shall brand, attempt to brand, or cause to be branded the recorded brand of another on any animal shall be guilty of a felony and shall be imprisoned by the department of corrections and human resources for not more than five years.

268.171. Slaughterers to keep records

1. Every person slaughtering any branded cattle, sheep, horses, mules, or asses shall keep a record of the number of such animals slaughtered, the date of the slaughter, the name and address of the person from whom purchased or for whom the work was done, the brand on the animals, and the actual or estimated weight of each such animal.

2. Every livestock market receiving any branded cattle, sheep, horses, mules or asses shall keep a record of the number of such animals received, the date of receipt, the name and address of the person from whom received and a facsimile of the brand.
3. The records required by this section shall be kept for a period of at least two years.
4. Nothing contained in this section will impose any liability on a market operator or any person engaged in the slaughtering of livestock. All facsimiles of brands shall be used only as a record of identification.

Reviewed by AAHS in July 2001.

[Return to Top of This Page](#)

[Return to Brand Laws Page](#)