

# NEVADA BRAND LAWS

## NEVADA STATUTES

### TITLE 15. CRIMES AND PUNISHMENTS CHAPTER 205. CRIMES AGAINST PROPERTY LARCENY

#### **205.220. Grand larceny: Definition**

Except as otherwise provided in NRS 205.226 and 205.228, a person commits grand larceny if the person:

1. Intentionally steals, takes and carries away, leads away or drives away:
  - (a) Personal goods or property, with a value of \$250 or more, owned by another person;
  - (b) Bedding, furniture or other property, with a value of \$250 or more, which the person, as a lodger, is to use in or with his lodging and which is owned by another person; or
  - (c) Real property, with a value of \$250 or more, that the person has converted into personal property by severing it from real property owned by another person.
  
2. Uses a card or other device for automatically withdrawing or transferring money in a financial institution to obtain intentionally money to which he knows he is not entitled.
  
3. Intentionally steals, takes and carries away, leads away, drives away or entices away:
  - (a) One or more head of livestock owned by another person; or
  - (b) One or more domesticated animals or domesticated birds, with an aggregate value of \$250 or more, owned by another person.
  
4. With the intent to defraud, steal, appropriate or prevent identification:
  - (a) Marks or brands, causes to be marked or branded, alters or defaces a mark or brand, or causes to be altered or defaced a mark or brand upon one or more head of livestock owned by another person;
  - (b) Sells or purchases the hide or carcass of one or more head of livestock owned by another person that has had a mark or brand cut out or obliterated;
  - (c) Kills one or more head of livestock owned by another person but running at large, whether or not the livestock is marked or branded; or
  - (d) Kills one or more domesticated animals or domesticated birds, with an aggregate value of \$250 or more, owned by another person but running at large, whether or not the animals or birds are marked or branded.

### TITLE 50. ANIMALS CHAPTER 564. BRANDS AND MARKS

#### **564.010. Definitions.**

As used in this chapter:

- (1) "Animals" means:

- (a) All cattle or animals of the bovine species.
  - (b) All horses, mules, burros and asses or animals of the equine species.
  - (c) All swine or animals of the porcine species.
  - (d) All sheep and goats.
  - (e) Alternative livestock as defined in NRS 501.003.
- (2) "Department" means the state department of agriculture
  - (3) "Director" means the director of the department.

**564.020. Owner may adopt brand or mark; recording; unlawful earmark.**

1. Every owner of animals in this state may design and adopt a brand or brands, or brand and mark, or brands and marks, with which to brand or brand and mark his animals.
2. It shall be unlawful for any owner of such animals to brand or brand and mark, or cause to be branded or branded and marked, his animals with a brand or brand and mark not at the time of legal record as provided in NRS 564.010 to 564.150, inclusive.
3. It shall be unlawful for any owner of such animals to use an earmark which involves the removal of more than one-half of the ear, measuring from the extreme tip of the ear to the head, or which brings the ear to a point by removing both edges of the ear.

**564.025. Branding or marking of all animals grazing on open range required; application for temporary use of brand recorded or registered in another state; exception.**

1. As used in this section, "open range" means all unenclosed lands outside of cities and towns upon which animals by custom, license, lease or permit are grazed or permitted to roam.
2. Except as provided in subsection 3, every owner of animals in this state, who permits his animals to graze upon the open range, shall design, adopt and record a brand or brands, or brand and mark, or brands and marks, and shall brand or brand and mark his animals as provided in NRS 564.010 to 564.150, inclusive.
3. Every owner of animals who brings such animals from another state into this state, which animals have a recorded or registered brand of such other state, and who permits such animals to graze upon the open range shall apply to the department for temporary use of such brand. The application must state the period for which the animals will remain in this state. The department may grant a temporary use of such brand for a designated period of time, which may not exceed the duration of time stated in the application, or require a new brand or brand and mark as required by this section.
4. This section does not apply to animals less than 6 months of age.

**564.030. Powers and duties of director.**

The director may carry out the provisions of NRS 564.010 to 564.150, inclusive, and, for that purpose, adopt such rules and regulations not inconsistent therewith, and appoint such agents, under his direction, as he deems necessary

therefor. All expense in connection therewith must be paid from the livestock inspection account, except as provided in NRS 564.010 to 564.150, inclusive.

#### **564.040. Application for recording of brand or mark.**

1. Any owner of animals in this state desiring to adopt and use thereupon any brand, or brand and mark, or marks, as provided for in NRS 564.010 to 564.150, inclusive, shall, before doing so, forward to the department an application, on a form approved and provided by the department for that purpose, for the recording of such brand, or brand and mark or marks, and receive a certificate of recordation as provided in NRS 564.010 to 564.150, inclusive.

2. The application must:

(a) Include a drawing, exact except as to size, of the brand, together with any earmarks or other marks desired or intended to be used therewith, and the location upon the animal or animals concerned where the brand and earmarks or other marks are desired or intended to be used;

(b) Include a statement of the kinds of animals upon which the brand or brand and mark or marks are used or will be used;

(c) Include a statement of the approximate boundaries of that part of the state within which it is intended to use the brand, brand and mark or marks; and

(d) Include the full name and address of the applicant.

3. For the purpose of NRS 564.010 to 564.150, inclusive, the post office address included in the application must be considered the legal address of the applicant until the department receives from the applicant, in writing, a notice of change of the address, the latest address of record with the department remaining the legal address.

#### **564.050. One brand to be recorded for each owner; brands for separate livestock units; identical or similar brands; recording of unlawful earmarks prohibited.**

1. Only one brand may be awarded or recorded for each owner of animals, except that the owner or owners of separate and distinct livestock units may, under the terms of NRS 564.010 to 564.150, inclusive, and within the discretion of the department, record one brand for use in connection with and for each such distinct and separate livestock unit.

2. No brand may be recorded or used which is identical with or, in the opinion of the department, so similar to any brand previously recorded and remaining of legal record, or any abandoned brand which has not been abandoned for 1 year, as provided in NRS 564.120, as to be liable to cause confusion as to the identity or ownership of animals, or which can be readily used to obliterate or alter any legally recorded brand already in use in the same area in this state.

3. The provisions of this section do not apply to the rerecording of any brand or brands legally recorded on July 1, 1961, and remaining of legal record in this state under the provisions of NRS 564.010 to 564.150, inclusive, insofar as the legal owners of such brand or brands on July 1, 1961, are concerned, until July 1, 1976, or to brands legally transferred as provided for in NRS 564.110.

4. After July 1, 1959, an earmark may not be recorded which violates the provisions of subsection 3 of NRS 564.020.

#### **564.055. Recording of cattle brands.**

1. Brands for cattle shall be recorded for use in only two of the following positions:

- (a) The hip on the right-hand side;
- (b) The hip on the left-hand side;
- (c) The shoulder on the right-hand side;
- (d) The shoulder on the left-hand side;
- (e) The rib cage on the right-hand side; or
- (f) The rib cage on the left-hand side.

2. Nothing in this section shall be construed to preclude the use of date brands.

**564.060. Award of brand upon receipt of application; contents of recording certificate; precedence of applications; refusal or inability of department to award or record brand.**

1. Upon receipt of an application, as set forth in NRS 564.040, the department shall cause the records of previously recorded brands, remaining of legal record, or not abandoned for more than 1 year as provided in NRS 564.120, to be searched and, if the brand applied for is recordable under the provisions of NRS 564.050, award the brand set forth in the application to the applicant and proceed to record the same, together with the mark or marks.
2. In the case of any brand awarded after July 1, 1945, the recording certificate issued by the department must define the area within this state where the same may be used, and the position or positions, on the animal concerned, where it may be applied, and the use of the brand outside of such area, or its application to other positions, without the written approval of the department is unlawful.
3. A brand applied for may not be awarded or recorded until after the lapse of 2 legal business days after the receipt of the application for the brand at the established office of the department.
4. In all cases where, under the terms of NRS 564.010 to 564.150, inclusive, the brand or brands and mark or marks applied for cannot legally be awarded by the department to the applicant, the applicant must promptly be so notified by the department.
5. Applications for the awarding and recording of brands or brands and marks must take precedence in the chronological order of their receipt at the established office of the department.
6. The department may refuse to award or record a brand known to be in use at the time in this state, or in an adjoining county of an adjoining state, by a person or persons other than the applicant therefor.

**564.070. Recording of brands by department; procedure; certificate to be transmitted to owner; evidentiary effect of certificate.**

1. Upon the awarding of a brand or brands as provided in NRS 564.010 to 564.150, inclusive, the department shall immediately proceed to record the brand or brands.
2. The recording must consist of the transcribing upon a suitable and permanent record, which is a public record and prima facie evidence of the facts contained in the record, designed and approved by the department for that purpose, of:
  - (a) A facsimile, except as to scale, of the brand or brand and mark or marks awarded.

- (b) The location upon the animal or animals concerned of the brand or brand and mark or marks as awarded.
- (c) The date of application.
- (d) The date of award.
- (e) The district within which the brand or brands and mark or marks are used or will be used.
- (f) The kind of animals upon which the brand or brands and marks are used or will be used.

3. The department shall promptly cause to be prepared and sent to the person to whom the award is made a certificate containing the same entries as those set forth upon the permanent record of the department described in subsection 2 and certified to by the department or its duly authorized agent. The certificate has the legal status of similar certificates as set forth in NRS 564.090.

#### **564.080. Charges for recording and rerecording.**

Except as otherwise provided in NRS 564.010 to 564.150, inclusive, the department may, in its discretion, establish and collect reasonable fees for:

1. The recording of brands or brands and marks;
2. The rerecording of the same;
3. The recording of instruments transferring ownership of brands or brands and marks; or
4. Certificates of recordation or rerecording of brands or brands and marks.

#### **564.090. Evidentiary effect of certificates of recordation.**

All certificates of recordation of brands or brands and marks furnished by the department under the provisions of NRS 564.010 to 564.150, inclusive, are prima facie evidence of the ownership of all animals of the kind or kinds and bearing the brand or brands and mark or marks specified and as set forth therein, and those certificates must be taken as evidence of that ownership in all suits of law or in equity, or in any criminal proceedings, when the title to animals in this state is involved or proper to be proved.

#### **564.100. Legal status of certificates of rerecording issued pursuant to 1923 law.**

Certificates of rerecording furnished to the legal owners of brands and marks pursuant to the provisions of section 4 of chapter 26, Statutes of Nevada 1923, shall have the legal status of brand certificates as set forth in NRS 564.090.

#### **564.110. Brands and marks subject to transfer; recording of instruments transferring ownership; notice to department of existence of security agreement, assignment or lien.**

1. Any brand or brand and mark or marks, awarded and recorded and remaining of record in accordance with the terms of NRS 564.010 to 564.150, inclusive, including those transferred legally as provided in this section, are the property of the person or persons to whom they stand of record as provided in NRS 564.010 to 564.150, inclusive, and are

subject to sale, assignment, transfer, security agreement or lien, devise and descent the same as other personal property.

2. Instruments of writing evidencing such sale, assignment, transfer, security agreement, lien, devise or descent must be in that form, as to text, signatures, witnesses, acknowledgments or certifications, required by statutes, in the case of the kind of instrument concerned, but the department may secure such competent legal advice or rulings, and require such supporting evidence as it deems necessary, as to such instruments of writing, being in fact, authentic and in due legal form, before approving and recording the same, as provided in NRS 564.010 to 564.150, inclusive.

3. Instruments in writing evidencing the transfer of ownership of any brand or brand and mark or marks must, after approval, be recorded in the office of the department in a book to be provided for that purpose, and are not legally binding until so approved by the department and recorded.

4. The recording of those instruments has the same force and effect as to third parties as the recording of instruments affecting the sale, assignment, transfer, devise or descent of other personal property. The original, or a certified copy of any such instrument, may be introduced in evidence in the same manner as is provided for similar instruments affecting personal property, and the record of such instrument or instruments of transfer, or the transcript thereof certified by the custodian of such record, may be read in evidence without further proof.

5. If any brand or brand and mark or marks of record, in accordance with the provisions of NRS 564.010 to 564.150, inclusive, becomes the subject of, or is included in, any security agreement, provisional assignment or legal lien, the secured party, provisional assignee or lien holder may notify the department in writing as to the existence and conditions of such security agreement, provisional assignment or lien. After the receipt of such written notice the department shall not transfer such brand or brand and mark or marks, other than to such secured party, provisional assignee or lien holder until there is filed with the department satisfactory legal evidence that such security agreement, provisional assignment or lien has been legally satisfied and removed.

6. No transfer or change, or partial, joint or complete ownership, of any brand under the provisions of this section:

(a) Grants or recognizes any change in the method or area of its use from that authorized at the time of recording, or subsequent thereto but before the transfer or change of ownership; or

(b) Waives or modifies the rerecording requirements set forth in NRS 564.120.

**564.120. Rerecording of brands and marks: Application; fee; notice; abandonment; certificates; limitation on recording new brands.**

1. Any owner of a brand or brand and mark or marks of record under the provisions of NRS 564.010 to 564.150, inclusive, including brands or marks transferred under the terms of NRS 564.110, desiring legally to continue the use of the brand or brand and mark or marks beyond the prescribed dates shall, within 60 days prior to January 1, 1976, and at the end of each 4-year period thereafter, apply to the department for the rerecording of the brand or brand and mark or marks.

2. The application must be made in writing and accompanied by any rerecording fee set by the department in accord with the provisions of NRS 564.080.

3. The department shall notify every owner of a brand or brand and mark or marks of legal record in its office, including owners of brands and marks transferred under the provisions of NRS 564.110, at least 60 days prior to January 1, 1976, and January 1 at the end of each 4-year period thereafter, of his right to rerecord the same as provided in this section. The notice must be in writing and must be sent by mail to each such owner at his last address of record in the office of the department. The notice is complete at the expiration of 60 days from the date of its mailing by the department.

4. The department may also advertise the approach of any rerecording period in such manner and at such times at it

deems advisable.

5. Any or all brands or brands and marks for the rerecording of which the owners have not applied as provided for in this section by January 1, 1976, or by January 1 of any 4-year period succeeding that date, including all brands and marks of record as transferred as provided in NRS 564.110, shall be deemed abandoned and no longer of legal record as provided for by NRS 564.010 to 564.150, inclusive. Brands or brands and marks thus abandoned may not be awarded or recorded by the department to persons other than those abandoning the same until 1 year has elapsed from the date of the abandonment and the awarding and recording of abandoned brands or brands and marks to any person must be in accord with the provisions of NRS 564.010 to 564.150, inclusive.

6. The department shall furnish the legal owners of any brand or brand and mark or marks rerecorded under the provisions of this section with a certificate setting forth the fact of such rerecording.

7. No new brands may be recorded during the 60 days of a rerecording period unless in the opinion of the director undue hardship would be caused the applicant.

#### **564.130. Brand books and supplements: Issuance by department; costs.**

1. The department may compile and issue books, and supplements thereto, containing transcripts of part or all of its records of brands and marks, so arranged and indexed as to be suitable for use in identifying any brands or marks which may be found in this state on any animals, or the hides thereof, and used in compliance with the provisions of NRS 564.010 to 564.150, inclusive.

2. Copies of brand books and supplements must be made available to any person at a charge to be fixed by the department, but the charge must not be less than the cost of compilation, publication and issuance.

3. Copies of the brand books or supplements may be furnished by the department, without charge, to any public officer or other person whose possession of such book or supplements will, in the opinion of the department, serve to promote the general welfare.

#### **564.140. Unlawful to use brand on position on animal or in area other than those authorized; application for change of position, new position, or change in area; unlawful to deface or remove recorded brand.**

1. It is unlawful for the owner or owners of any legally recorded brand, recorded under the provisions of NRS 564.010 to 564.150, inclusive, to use the brand on any position, on any animal, or in any area, other than those authorized in writing at the time the brand was recorded, or subsequent thereto, by the department. The department may, on the written application of the owner or owners of any legally recorded brand, authorize in writing a change of position, or new positions for the application of the brand, or change or enlarge the area in which it may be used, if in the opinion of the department the change or changes in position or area of use will not jeopardize or injure the rights or property of the owner or owners of any other brand remaining of legal record.

2. Any application for a change in position, or new positions, or changes in the area of use as provided in subsection 1 must set forth a valid and sufficient reason or reasons for the change, and the department may require such supporting evidence for the same as it deems necessary to establish the facts.

3. It is unlawful for any person to obliterate, disfigure, extend, deface or remove from any animal a brand that is recorded pursuant to the provisions of NRS 564.010 to 564.150, inclusive.

#### **564.150. Penalties.**

Any person violating any of the provisions of NRS 564.010 to 564.140, inclusive:

1. Is guilty of a misdemeanor, except that any person who violates the provisions of subsection 3 of NRS 564.140 is guilty of a gross misdemeanor.
2. In addition to any criminal penalty, shall pay to the department an administrative fine of not more than \$1,000 per violation.

If an administrative fine is imposed pursuant to this section, the costs of the proceeding, including investigative costs and attorney's fees, may be recovered by the department.

## **TITLE 50. ANIMALS**

### **CHAPTER 565. INSPECTION OF BRANDS**

#### **565.010. Definitions.**

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

1. "Animals" means:

- (a) All cattle or animals of the bovine species except dairy breed calves under the age of 1 month.
- (b) All horses, mules, burros and asses or animals of the equine species.
- (c) All swine or animals of the porcine species.
- (d) Alternative livestock as defined in NRS 501.003.

2. "Brand inspection" means a careful examination of each animal offered for such inspection and an examination of any brands, marks or other characteristics thereon.

3. "Department" means the state department of agriculture

4. "Director" means the director of the department.

#### **565.030. Administration and enforcement by department.**

The department is designated as the authority to administer, and carry out and enforce the provisions of, this chapter and any regulations adopted pursuant thereto.

#### **565.040. Creation of brand inspection districts; animals subject to inspection; adoption and publication of regulations.**

1. The director may declare any part of this state a brand inspection district.

2. After the creation of any brand inspection district as authorized by this chapter, all animals within any such district are subject to brand inspection in accord with the terms of this chapter before:

- (a) Consignment for slaughter within any district;



(b) Any transfer of ownership by sale or otherwise; or

(c) Removal from the district if the removal is not authorized pursuant to a livestock movement permit issued by the department.

3. If a brand inspection district is created by the department pursuant to the provisions of this chapter, the director shall adopt regulations defining the boundaries of the district and the fees to be collected for brand inspection and prescribing such other rules or methods of procedure not inconsistent with the provisions of this chapter as he considers necessary.

4. Any regulations issued pursuant to the provisions of this section must be published at least twice in a newspaper having a general circulation in the brand inspection district created by the regulations, and copies of the regulations must be mailed to all common carriers of record with the transportation services authority operating in the brand inspection district; such publication and notification constitutes legal notice of the creation of the brand inspection district. The expense of advertising and notification must be paid from the livestock inspection account.

#### **565.070. Fees for brand inspection.**

The department may levy and collect a reasonable fee for brand inspection as required under the provisions of this chapter. Any fee so levied must be collected in the manner prescribed by the director.

#### **565.075. Federal assessment on livestock: Collection; deposit.**

The department may collect the assessment required pursuant to 7 U.S.C. § 2904 and shall deposit the money collected with the state treasurer for credit to the account for the promotion of beef.

#### **565.090. Removal of animals from brand inspection district without clearance certificate or permit unlawful; notice of contemplated movement; applicability of section; penalty; regulations for permit to move livestock without brand inspection.**

1. Except as otherwise provided in subsections 3 and 6, it is unlawful for any person to drive or otherwise remove any animals out of a brand inspection district created under the provisions of this chapter until the animals have been inspected and a brand inspection clearance certificate is issued by the department or a written permit from the department has been issued authorizing the movement without brand inspection.

2. Any person contemplating the driving or movement of any animals out of a brand inspection district shall notify the department or an inspector thereof of his intention, stating:

(a) The place at which it is proposed to cross the border of the brand inspection district with the animals.

(b) The number and kind of animals.

(c) The owner of the animals.

(d) The brands and marks of the animals claimed by each owner and, if they are other than the brands and marks legally recorded in the name of the owner, information concerning the basis for the claim to ownership or legal possession.

(e) The date of the proposed movement across the border of the brand inspection district and the destination of the

movement.

(f) If a brand inspection is required, a statement setting forth the place the animals will be held for brand inspection.

3. The provisions of this section do not apply to animals whose accustomed range is on both sides of the boundary of any brand inspection district but contiguous to that district and which are being moved from one portion of the accustomed range to another merely for pasturing and grazing thereon.

4. The provisions of this section apply at all times to the movement of any animals across the Nevada state line to any point outside of the State of Nevada, excepting animals whose accustomed range is on both sides of the Nevada state line but contiguous thereto and which are being moved from one portion to another of the accustomed range merely for pasturing and grazing thereon.

5. In addition to the penalty imposed in NRS 565.170, a person who violates the provisions of subsection 1 is:

(a) For the first violation, subject to an immediate brand inspection of the animals by the department and shall reimburse the department for its time and mileage and pay the usual fees for the brand inspection.

(b) For the second and any subsequent violation, ineligible for a permit to move any livestock without a brand inspection until the state board of agriculture is satisfied that any future movement will comply with all applicable statutes and regulations.

6. The department may establish regulations specifying the circumstances under which a permit may be issued authorizing the movement of livestock without a brand inspection pursuant to this section. The circumstances may include, without limitation, the routine movement of horses and bulls within and from this state for the purpose of participating in a rodeo.

**565.100. Unlawful to consign for slaughter, slaughter or transfer ownership within brand inspection district without inspection and issuance of clearance certificate.**

It is unlawful for any person to consign for slaughter, or slaughter at an approved plant, or transfer ownership of any animals by sale or otherwise within any brand inspection district created under the provisions of this chapter, until the animals have been inspected by an inspector of the department and a brand inspection clearance certificate issued covering the animals.

**565.110. Assembly of animals for brand inspection.**

Except as otherwise provided in NRS 565.090, a person intending to move, drive, ship or transport by common carrier, or otherwise, any animals out of any brand inspection district created under the provisions of this chapter shall assemble and hold them at some convenient and adequate place for such brand inspection as may be required until the animals have been inspected and released as provided for in this chapter.

**565.120. Brand inspection clearance certificate: Issuance upon completion of inspection; contents; disposition of copies of certificate.**

1. Upon the completion of brand inspection, the inspector of the department shall, except as otherwise provided in this chapter, issue a brand inspection clearance certificate on which must be entered:

(a) The name and address of the person or persons claiming to own the animals.

- (b) The proposed destination of the animals.
- (c) The name and address of the consignee.
- (d) A full description of all the animals inspected, including the number, kind, sex, age, color and the brands or brands and marks thereon.
- (e) The amount of the inspection fee or fees collected.
- (f) The signature of the owner or his authorized agent.

2. One copy of the brand inspection certificate must be delivered to the common carrier undertaking to transport such animals out of the brand inspection district for attachment to its waybill, or to the person or persons intending to drive, move or otherwise transport such animals out of the brand inspection district other than by common carrier to accompany the animals to destination, and one copy must be immediately forwarded to the office of the department.

**565.130. Refusal to issue certificate or permit: Grounds; duty of department and inspector to prevent unlawful removal of animals.**

1. The department or its duly authorized inspector shall refuse to issue brand inspection clearance certificates or permits to remove animals from a brand inspection district without brand inspection as provided in this chapter, subject to brand inspection under the provisions of this chapter, not bearing brands or brands and marks of legal record in the name of the person or persons claiming lawful possession of and applying for inspection of such animals, until satisfactory evidence of the right to legal possession of the same and shipment or removal from such brand inspection district has been supplied the department or its duly authorized inspector.

2. The department and its duly authorized inspector shall also use all due vigilance to prevent the unlawful removal by any person or persons of any animals from any brand inspection district or districts created under the provisions of this chapter.

**565.140. Inspector to give notice to legal owner upon discovery of animals in possession of another; contents of notice.**

1. Whenever, incident to any brand inspection under the provisions of this chapter, any inspector shall find in the possession of any person or persons offering animals for inspection any animals to which such person or persons cannot establish their legal ownership or right of possession and the inspector shall be able to determine by means of the brands or brands and marks on such animal or animals, or upon other reliable evidence, the actual legal owner or owners of such animal or animals, the inspector shall immediately notify such legal owner or owners in writing of his findings.

2. The inspector shall include in such notice:

- (a) The date and place where such animal or animals were found.
- (b) A full description of the same.
- (c) The name and address of any person or persons in whose possession they were found.
- (d) All other information which may aid the legal owner or owners of such animal or animals in securing the return thereof or compensation therefor, or in any civil suit or criminal prosecution relating thereto.

**565.150. Seizure and disposal of animals by inspector when legal ownership cannot be determined.**

1. Whenever, incident to any brand inspection under the provisions of this chapter, any inspector shall find in the possession of any persons offering animals for inspection any animals to which such person or persons cannot establish their legal ownership or right to possession, and the inspector shall be unable to determine by means of the brands or brands and marks on such animals, or otherwise, the actual legal owners of the animals, or, if in the judgment of the inspector such action is necessary to safeguard the legal owners of the animals, if known to the inspector, against their loss, the inspector shall immediately seize and take possession of such animals and proceed to dispose of the same, under the provisions of NRS 569.010 or 569.040 to 569.130, inclusive.

2. Such seizure and disposal by an inspector shall in no way relieve the persons in whose possession the animals were found of any civil or criminal liability arising out of the unlawful removal of such animals from the grazing commons or the unlawful possession of the same.

**565.155. Enforcement of chapter.**

In addition to enforcing the provisions of this chapter through its inspectors, the department may:

1. Authorize other peace officers to enforce the provisions of this chapter; and
2. Adopt regulations specifying the procedures for the enforcement of the provisions of this chapter by the inspectors of the department and other peace officers.

**565.160. Right of department to inspect animals under other laws unaffected.**

Nothing in this chapter affects the right of the department conferred by any other law or laws to inspect any animals for the determination of the ownership thereof, or for any other purpose under the provisions of any such other law or laws.

**565.170. Penalties.**

Any person violating any of the provisions of this chapter:

1. Is guilty of a misdemeanor, and upon conviction thereof shall be punished as provided by law.
2. In addition to any criminal penalty, shall pay to the department an administrative fine of not more than \$1,000 per violation.

If an administrative fine is imposed pursuant to this section, the costs of the proceeding, including investigative costs and attorney's fees, may be recovered by the department.

## NEVADA ADMINISTRATIVE CODE

### CHAPTER 564. BRANDS AND MARKS

### **564.010 Fees.**

- 1.The fee for recording the temporary use of a brand pursuant to subsection 3 of NRS564.025 is \$25.
- 2.The fee for recording a brand, or brand and mark, or marks pursuant to NRS 564.040 or rerecording a brand, or brand and mark, or marks pursuant to NRS 564.120 is \$100 for each 4-year period. The fee must not be prorated for any unused portion of the period for which the brand, or brand and mark, or marks are recorded or rerecorded.
- 3.The fee for recording an instrument transferring the ownership of a recorded brand, or brand and mark, or marks pursuant to NRS 564.110 is \$100.

## **CHAPTER 565. INSPECTION OF BRANDS**

### **565.010. Definitions.**

As used in this chapter, unless the context otherwise requires, the words and terms defined in NAC 565.015 to 565.085, inclusive, have the meanings ascribed to them in those sections.

### **565.015 "Administrator" defined.**

"Administrator" means the administrator of the division.

### **565.021 "Animals" or "livestock" defined.**

"Animals" or "livestock" means:

- 1.All cattle and other members of the bovine species; and
- 2.All horses, mules, burros, asses and other members of the equine species.

### **565.026 "Brand inspection" defined.**

"Brand inspection" means a careful examination of each animal offered for such inspection and an examination of the brands, marks or other characteristics thereon and the recording of information on the brand inspection certificate as required.

### **565.031 "Brand inspection certificate" defined.**

"Brand inspection certificate" means a certificate on a form prescribed by the division and signed by an authorized agent of the department, listing brands and information as required.

### **565.035 "Brand inspector" defined.**

"Brand inspector" means a deputy brand inspector or a district brand inspector.

**565.049 "Department" defined.**

"Department" means the state department of agriculture.

**565.051 "Deputy brand inspector" defined.**

"Deputy brand inspector" means a part-time, hourly employee who is appointed by the administrator and confirmed by the director and who is responsible for brand inspection activities in local areas under the supervision of a district brand inspector.

**565.055 "District" defined.**

"District" means a brand inspection district created by the director pursuant to NRS 565.040.

**565.061 "District brand inspector" defined.**

"District brand inspector" means a full-time, salaried employee who:

1. Is under the immediate supervision of the director;
2. Is certified by the peace officers' standards and training commission pursuant to NRS 289.550;
3. Is assigned supervisory and administrative responsibilities in specified districts; and
4. Supervises all deputy brand inspectors and enforcement officers assigned to his district.

**565.065 "Division" defined.**

"Division" means the division of livestock identification of the department.

**565.070 "Enforcement officer" defined.**

"Enforcement officer" means a brand inspector who:

1. Is certified by the peace officers' standards and training commission pursuant to NRS 289.550; and
2. Has the powers of a peace officer to make investigations and arrests and to execute warrants of search and seizure pursuant to subsection 4 of NRS 289.290.

**565.075 "Livestock movement permit" defined.**

"Livestock movement permit" means a permit granted pursuant to paragraph (c) of subsection 1 of NAC 565.220.

**565.080 "Slaughter" defined.**

"Slaughter" includes slaughter on a ranch, slaughter for a person's own use and slaughter in a licensed slaughterhouse.

**565.085 "Time and place of change of ownership" defined.**

The time and place of "change of ownership" are the time and place where possession of the livestock passes to the new owner.

**565.150 Severability.**

The provisions of this chapter are severable. If any provision of this chapter or any application to any person, thing or circumstance is held invalid, the department intends that such invalidity not affect the remaining provisions or applications to the extent that they can be given effect.

**565.200 Brand inspections: Requirements; places; times.**

1.Brand inspections are not required:

- (a)If the owner of the animals has a livestock movement permit, the animals are moved within this state and there is no change of ownership or slaughter involved.
- (b)For the sale or transportation within this state of dairy breed calves under the age of 1 month.
- (c)For the transportation within this state of horses if the horses are accompanied by a current annual or lifetime horse permit or a livestock movement permit.

2.Unless excepted, brand inspections are required:

- (a)Before animals are moved out of this state and in all cases where a change of ownership or slaughter is involved.
- (b)Before animals are herded or trailed out of this state.

If a deputy brand inspector makes an exception to the requirements of this subsection, he shall immediately report the exception to the district brand inspector.

3.Animals for slaughter in a district will be inspected at the place of slaughter immediately before slaughter except as otherwise provided in this chapter.

4.Animals being moved out of this state by truck or trailer will be inspected at a site and time designated by the brand inspector.

5.Animals on which ownership is being changed will be inspected at a site and time designated by the brand inspector.

6.An owner of animals who intends to herd or trail the animals out of this state must give notice to the brand inspector at least 24 hours before the animals may be herded or trailed out of this state.

7.All brand inspections must be made during daylight hours or with adequate lighting under uncrowded conditions where the brand inspector is satisfied that he can identify all brands, marks, color and sex. Brands and marks on the animals must be recorded by the brand inspector on the brand inspection certificate.

**565.210 Brand inspection districts.**

1.The areas designated as districts and assigned numbers by the director are those areas and numbers marked on the following map:

2.A copy of the map may be obtained from the State Department of Agriculture, Division of Livestock Identification, 350 Capitol Hill Avenue, Reno, Nevada 89502.

### **565.220 Special permits.**

1. The director may issue special permits in the following specific instances:

(a) Extraordinary permit: The director, subject to ratification by the state board of agriculture, may issue a permit for the movement of livestock across the boundaries of this state if:

(1) The movement of the livestock is for pasturing purposes only.

(2) The permittee is a livestock operation based in the State of Nevada that is located in a county adjoining the county in the state of destination.

(3) The permittee has completed an application on a form provided by the department before March 1 of the year in which the movement of the livestock will occur.

(4) Brand inspections will be performed on all of the livestock leaving this state.

(5) The permittee has paid the following fees for the brand inspection:

(I) For each bull or pair consisting of a cow and calf, 25 cents.

(II) For each yearling animal or weaned calf, 70 cents.

(III) For each calf declared by the permittee to be sold out of this state or not otherwise returned to this state with its mother, 70 cents.

(IV) For the travel time of the brand inspector from his duty station to the place of inspection and from the place of inspection to his duty station, \$12 per hour.

(V) For the time necessary for the brand inspector to conduct the inspection, \$12 per hour.

(VI) For the mileage of the brand inspector to reach the place of inspection from his duty station and to reach his duty station from the place of inspection, the amount of mileage reimbursement that the brand inspector is entitled to receive from this state.

(6) The permittee has notified the brand inspector at least 24 hours before the livestock is scheduled to be moved.

(b) Horse permit: The director may make available an annual or lifetime permit for the movement of any horse that may be used in lieu of a brand inspection if:

(1) The permittee completes an application on a form provided by the department; and

(2) Pays for each horse:

(I) A fee of \$15 for an annual permit; or

(II) A fee of \$30 for a lifetime permit.

(c) Livestock movement permit: The director may issue a permit for the movement of livestock within this state that have not been inspected by a brand inspector. A livestock movement permit is required for the movement of livestock across the boundaries of a district. Before moving livestock pursuant to a livestock movement permit, the permittee shall complete a statement on a form provided by the department that includes, without limitation, the number of livestock being moved, a description of the livestock being moved and the destination of the livestock being moved. The permittee shall carry a copy of the completed form during the movement of the livestock. Not more than 10 days after the movement of the livestock is completed, the permittee shall submit a copy of the completed form to the department. A livestock movement permit is not valid for:

(1) The transportation of livestock across the boundaries of this state;

(2) Proof of ownership;

(3) Slaughter;

(4) The transportation of unbranded cattle, except for unbranded cattle

that are shipped as pairs or accompanied by proof of brand inspection or other proof of ownership; or

(5) The transportation of calves with brands that are not healed and peeled.

2. The state board of agriculture may establish a reasonable fee for the issuance of a special permit.



**565.230 Fees.**

1. Except as otherwise provided in subsections 2, 3 and 4, and NAC 565.220, an owner of livestock must pay the following fees for the brand inspection of the livestock:

(a) If the owner has given the brand inspector notice of at least 24 hours and the inspection takes place at a location designated by the brand inspector:

- (1) For the inspection of 1 to 10 head of livestock, \$9; and
- (2) For the inspection of 11 or more head of livestock, 90 cents per head.

(b) If the owner did not give the brand inspector notice of at least 24 hours or the inspection takes place at a location designated by the owner, in addition to the fees set forth in paragraph (a):

- (1) For the travel time of the brand inspector from his duty station to the place of inspection and from the place of inspection to his duty station, \$12 per hour.
- (2) For the time necessary for the brand inspector to conduct the inspection, \$12 per hour.
- (3) For the mileage of the brand inspector to reach the place of inspection from his duty station and to reach his duty station from the place of inspection, the amount of mileage reimbursement that the brand inspector is entitled to receive from this state.

2. An owner of horses must pay the following fees for the brand inspection of the horses:

(a) If the owner has given the brand inspector notice of at least 24 hours and the inspection takes place at a location designated by the brand inspector:

- (1) For the first horse inspected, \$10; and
- (2) For each additional horse inspected, \$2 each.

(b) If the owner did not give the brand inspector notice of at least 24 hours or the inspection takes place at a location designated by the owner, in addition to the fees set forth in paragraph (a):

- (1) For the travel time of the brand inspector from his duty station to the place of inspection and from the place of inspection to his duty station, \$12 per hour.
- (2) For the time necessary for the brand inspector to conduct the inspection, \$12 per hour.
- (3) For the mileage of the brand inspector to reach the place of inspection from his duty station and to reach his duty station from the place of inspection, the amount of mileage reimbursement that the brand inspector is entitled to receive from this state.

3. If a brand inspector has been assigned to inspect the brands of livestock at a sale conducted by a livestock commission company and the sale is conducted on a weekly basis, the amount of the brand inspection fee is:

(a) For cattle, 90 cents per head of livestock consigned.

(b) For horses:

- (1) Ten dollars for the first horse consigned by the owner; and
- (2) Two dollars for each additional horse consigned by the same owner.

4. If a brand inspector has been assigned to a special sale of horses or bulls, the amount of the brand inspection fee is, in addition to the fees set forth in paragraphs (a) and (b) of subsection 3:

(a) For the travel time of the brand inspector from his duty station to the place of inspection and from the place of inspection to his duty station, \$12 per hour.

(b) For the time necessary for the brand inspector to conduct the inspection, \$12 per hour.

(c) For the mileage of the brand inspector to reach the place of inspection from his duty station and to reach his duty station from the place of inspection, the amount of mileage reimbursement that the brand inspector is entitled to receive from this state.

The fees set forth in this subsection must be paid on all consigned cattle and horses regardless of whether the cattle or horses are actually sold at the special sale.

5. All fees collected pursuant to this section must be forwarded biweekly to the department along with the original brand inspection certificate covering the inspection for which the fees were collected, unless prior arrangements have been made with the district brand inspector.

6. If livestock is consigned to a livestock commission company within this state, the only time at which a fee may be collected for brand inspection is when the change of ownership of the livestock occurs.

### **565.300 Recording brands; identifying prior brands; violations; unbranded calves.**

1. The current and immediate prior brands on an animal and additional brands at the discretion of the brand inspector must be recorded by the brand inspector on the brand inspection certificate. If the brand inspector cannot clearly identify the brands, he shall clip the hair or take other measures as necessary to identify the animal.

2. If the ownership of the animal cannot be determined, the brand inspector shall impound the animal for further investigation.

3. The brand inspector shall check prior transactions by checking brand inspection records or consulting with the owners of prior brands to determine that the transactions were legal.

4. Suspected violators must be reported immediately to the district brand inspector.

5. A calf being sold or shipped without brands or without brands and marks healed and peeled must be inspected while paired with its mother immediately before sale or shipment. In the case of unbranded leppy calves or freshly branded calves:

(a) A statement signed by the producer verifying ownership of these calves must be written on the brand inspection certificate at the time of inspection; or

(b) An affidavit of ownership must be completed by the producer or brand inspector and attached to the original brand inspection certificate.

### **565.310 Enforcement; conflicts of interest.**

1. The director shall train, equip and instruct district brand inspectors and enforcement officers to stop vehicles carrying animals and verify that the transportation of animals complies with all regulations. The division may inspect any animal at any location at any time when there is probable cause to believe that a theft may be in progress, or strays or the natural drifting of neighboring herds of animals may cause commingling of the animals or at any time a brand inspection may be in the best interest of the industry.

2. No employee may perform a brand inspection on any animal owned or to be purchased by himself, his employer, any member of his household or his immediate family, or on any animal in which he, his employer, a member of his household or a member of his immediate family has any financial interest.

**Amended in 1997, 1999, 2002.**

**Reviewed by AAHS in July 2001.**

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