

# OKLAHOMA BRAND LAWS

## OKLAHOMA STATUTES

### TITLE 2. AGRICULTURE CHAPTER 1. AGRICULTURAL CODE ARTICLE 4. LIVESTOCK BRANDS

#### **§ 4-2. Definitions**

For the purposes of this article:

1. "Animal" or "livestock" means any cattle, horse, or mule; and
2. "Brand" means a permanent identification mark of which the letters, numbers, and figures used are each three (3) inches or more in length or diameter and are impressed into the hide of a live animal either with a hot iron or by the process commonly referred to as "cold" or "freeze" branding, and includes the location on the animal. The term means both the mark and location.

#### **§ 4-3. Approval of brands--Certificates--Conflicts--Brand book**

The State Board of Agriculture shall approve brands for registration, issue certificates, and serve as an adjudicating committee in resolving conflicts. It shall publish a State Brand Book which shall contain a facsimile of each registered brand with the owner's name and address. The State Brand Book shall also include laws and rules pertaining to the registration of brands.

#### **§ 4-4. Custodian of county brand books--Certified copies--Fees**

The State Board of Agriculture shall be the legal custodian of county brand record books which were maintained under prior laws. Upon request, the Board shall provide a certified copy of the record of any brand appearing in the county brand record books, charging a fee of One Dollar (\$1.00) for each brand.

#### **§ 4-5. Application for registration--Fees--Contents**

- A. Any application for the registration of a brand shall be:
  1. On a form prescribed by the State Board of Agriculture; and
  2. Accompanied by a fee of Twenty Dollars (\$20.00) for each brand.
- B. The application for the registration of a brand shall show the brand location to the following body regions of animals: right or left shoulder, neck, rib, or hind quarter. Previously registered brands are not affected.
- C. The applicant shall list at least three distinct brands and three locations in the preferred order.

#### **§ 4-6. Use of unregistered brands--Duplication**

A. It shall be unlawful for any person to knowingly place upon any livestock a brand which has not been registered with the State Board of Agriculture if the brand duplicates one that is registered.

B. For purposes of this section, "duplication" means the use of a similar brand in any location on the animal designated for a registered brand.

#### **§ 4-7. Publication of revised book--Reregistration--Fees--Copies to officials**

A. The State Board of Agriculture shall publish a revised Brand Book at least every five (5) years. Supplements may be published as necessary.

B. Prior to publication of a revised State Brand Book all registered brand owners and assignees shall be notified in writing that the brand registrations are being terminated.

C. The renewal fee of Twenty Dollars (\$20.00) for the registration of each brand shall be charged for the ensuing five-year period or fraction thereof.

D. The State Brand Book and supplements shall be available to the public at a price commensurate with the cost of preparation, printing, and delivery thereof. Upon written request the Board shall provide without charge all brand books and supplements to the county clerk and sheriff of each county, any inspection agency, any livestock association, or any entity approved by the Board.

#### **§ 4-8. Brands in current edition as prima facie evidence of ownership**

Brands in the current edition of the State Brand Book and supplements shall be prima facie evidence of ownership. An owner whose brand does not appear in the State Brand Book or a supplement shall produce evidence to establish title to the property in the event of controversy.

#### **§ 4-9. Questionable ownership of animals at markets--Withholding of funds pending determination**

A. Any peace officer of the state or any livestock association in the State of Oklahoma qualifying under federal law to perform brand inspection services at specified markets shall have the authority to order funds of an animal of questionable ownership held until ownership is established.

B. If ownership is not established within thirty (30) days, the funds shall be provided to the State Board of Agriculture and held for one (1) year. If the ownership to the animal cannot be ascertained, the funds shall be deposited in the State Department of Agriculture Revolving Fund.

#### **§ 4-10. Brands reserved to state**

The state reserves the brands of "B", "T", and "A" on the tailhead of cattle. It shall be unlawful for any person other than authorized agents of the State Board of Agriculture to use any of such brands.

#### **§ 4-11. Brands in current edition subject to sale, transfer, etc.-- Recording--Fees**

Only brands appearing in the current edition of the State Brand Book or supplement thereto, shall be subject to sale, assignment, transfer, devise, or bequest. The transfer of title shall be recorded with the State Board of Agriculture. The fee for recording the transfer of title shall be Five Dollars (\$5.00).

**§ 4-12. Sale of branded livestock--Written transfer of ownership**

All persons selling livestock with a registered brand shall upon request provide a written transfer of ownership to the purchaser.

**§ 4-13. "Dog Iron" brand**

The brand known as the "Dog Iron" brand, as shown and listed on page 107 at line 23 of the 1950 Oklahoma Brand Book, and which brand was used during his lifetime by the late Will Rogers of Oologah and Claremore, Oklahoma, shall be reserved to the State of Oklahoma for historical purposes. It shall be unlawful for any person to use the brand for the branding or marketing of animals, provided that the State Board of Agriculture may register the brand in the name of any blood relative or descendant of Will Rogers, so the brand may be perpetuated and preserved for historical purposes and in honor of the memory of Will Rogers.

**TITLE 4. ANIMALS  
CHAPTER 7. MARKS AND BRANDS  
GENERAL PROVISIONS**

**§ 268. Fraudulent branding--Branding over or obliterating previous brand-- Penalties--Definitions**

A. Any person who shall with intent to defraud, brand or misbrand, mark or mismark any neat domestic animal, not his own; or shall intentionally brand over a previous brand or shall cut out or obliterate a previous mark or brand on any neat domestic animal, not his own, shall be guilty of a felony and upon conviction thereof shall be punished by imprisonment in the State Penitentiary for a term not less than three (3) years nor more than ten (10) years or by imprisonment in the county jail for one (1) year or by a fine not less than Five Hundred Dollars (\$500.00) nor more than One Thousand Dollars (\$1,000.00).

B. For purposes of this section:

1. "Domestic animal" means cattle, equinae, sheep, goat, hog, poultry and exotic livestock; and
2. "Exotic livestock" means commercially raised exotic livestock including animals of the families bovidae, cervidae and antilocapridae or birds of the ratite group.

**§ 270.2. Enforcement of laws pertaining to livestock brands**

The laws of this state relating to violations and investigations of livestock brands shall be enforced and carried out by the State Bureau of Investigation.

All responsibilities and duties relating to brand registry, keeping of records and maintenance of files are hereby delegated to the Oklahoma State Board of Agriculture.

The Board is authorized to enter into contracts with state livestock associations to register and record marks and brands

and to make compensation for said services. The Board may also appoint agents to receive fees and monies and perform such other duties as it may direct, provided, that such agent shall file with and in favor of the Board, a fidelity bond executed by a surety company authorized to do business in this state, conditioned on the faithful performance of their duties, a strict accounting of all funds to the Board and on such other terms and conditions as the Board may deem necessary, in such penal sum as the Board may require. All such fees and monies shall be deposited in the State Department of Agriculture Trust Fund.

**Amended in 1998, 2000.**

**Reviewed by AAHS in July 2001.**

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