

SOUTH CAROLINA BRAND LAWS

SOUTH CAROLINA STATUTES

TITLE 47. ANIMALS, LIVESTOCK AND POULTRY

CHAPTER 9. LIVESTOCK GENERALLY

ARTICLE 3. BRANDING OR EARMARKING

§ 47-9-210. Definitions.

The following words and phrases, as used in this article, shall have the following meanings, unless the context otherwise requires:

- (1) "Livestock" includes neat cattle, horses, mules, asses, hogs, sheep and goats; and
- (2) "Owner" and "stock owner" mean any person who owns livestock.

§ 47-9-220. Branding is lawful.

It is lawful to brand livestock with the owner's brand in accordance with the provisions of this article.

§ 47-9-230. Earmarking.

In addition to, or as an alternative to, a brand, any person may have an earmark for marking livestock. All provisions of this article relating to brands shall apply to earmarks.

§ 47-9-240. One brand per person.

No person shall have or use more than one brand.

§ 47-9-250. Separate brands of wife or minor.

A wife who owns livestock separate from her husband or a minor who owns livestock separate from his father or guardian may have a brand. The father or guardian of any minor who has a brand shall be responsible for the proper use thereof.

§ 47-9-260. Application and fee for adoption of brand.

Any person desiring to adopt any brand for branding livestock, which brand is not then the recorded brand of another,

shall forward to the Secretary of State a facsimile of the desired brand together with a written application to adopt the brand. The application shall state where the brand will appear on the livestock. A fee of three dollars shall be enclosed with the application.

§ 47-9-270. Issuance of certificate.

Upon receipt of the application and the fee, the Secretary of State shall register the brand and issue to the applicant a certificate showing that his brand has been registered, unless the brand is already registered as the brand of another or unless the brand would probably be mistaken for a brand already registered, in either of which cases the Secretary of State shall return the facsimile and the fee to the applicant. The certificate shall show on its face the brand which has been registered and the place where the brand will appear on the livestock.

§ 47-9-280. Recording certificate.

Upon receipt of the certificate provided for in § 47-9-270 from the Secretary of State, the owner shall record the certificate with the clerk of court in every county where he has livestock. For each recording the clerk of court shall receive a fee of one dollar. He shall record the brands in a book for the purpose and the book shall be open to inspection by the public.

§ 47-9-290. Certificate as evidence of ownership of livestock; foreign certificates.

In any criminal or civil action in which title to livestock is involved or proper to be proved, the certificate provided for in § 47-9-270 shall, when recorded as provided for in § 47-9-280, be prima facie evidence of ownership of any livestock bearing the brand shown on the face of the certificate. When livestock is brought into this State from another state or territory in transit beyond the boundaries of this State, a copy of a brand granted or held in the other state or territory, when certified to by the proper officer in that state, shall be received in evidence under the same circumstances, and shall have the same effect, as a certificate issued under the provisions of this article.

§ 47-9-300. Registered brands for livestock.

A registered brand for livestock is the property of the person adopting and registering the brand, his heirs and assigns, until and unless the brand is cancelled or revoked as provided in this article.

§ 47-9-330. Transfers of brands.

Any brand registered under the terms of this article may be conveyed to another by an instrument in writing, in duplicate, duly executed, but the conveyance shall not be complete until the instrument has been registered with the Secretary of State. Upon registration of the instrument and payment of a fee of three dollars, the Secretary of State shall issue to the purchaser, in his name, a new certificate for the remainder of the term of registration. The certificate shall be recorded, and the fee shall be paid, as provided for in § 47-9-280.

§ 47-9-340. Cancellation of registration.

The Secretary of State shall cancel the registration of any brand:

- (1) At the written request of the owner; or
- (2) Upon the order of any court of competent jurisdiction.

§ 47-9-350. Revocation of registration.

The registration of any brand granted under this article may be revoked by the order of any court in this State upon a showing of improper use of the brand.

§ 47-9-360. Age at which livestock should be branded.

If livestock are branded by the owner, they shall be branded as follows: Neat cattle, horses, mules and asses shall be branded before they are twelve months old; hogs, sheep and goats shall be branded before they are six months old. The ages specified herein shall not apply to livestock which have passed those ages at the time they are acquired by the owner or at the time the owner is granted a brand under this article; but all such livestock, if branded by the owner, shall be branded within one month after the time they are acquired by the owner or the time the owner is granted a brand under this article.

§ 47-9-370. Witnesses required when branding purchased or acquired livestock.

If any owner who purchases or acquires livestock from another brands the livestock with his own brand, he shall do so in the presence of at least two disinterested parties. The disinterested parties shall certify in writing that they witnessed the branding of the livestock. The certificate shall also state (a) where the branding occurred, (b) with what brand, if any, the livestock were previously branded and (c) with what brand the livestock were branded or rebranded. The certificate shall be retained by the owner. It shall be unlawful to brand any livestock purchased or acquired from another other than in the manner required by this section.

§ 47-9-380. Unlawful branding.

It is unlawful for any person to brand, or to cause to be branded, any livestock:

- (1) With any brand unless it has been registered with and certified by the Secretary of State as his brand and has been recorded with the clerk of court in each county where he has livestock;
- (2) With any brand which is registered, certified and recorded as the brand of another; or
- (3) With any brand which has been abandoned or the registration of which has been canceled, unless the brand has thereafter been granted to him.

§ 47-9-390. Brand records.

The Secretary of State shall keep an accurate record of all brands registered under the terms of this article and the names and addresses of the owners of the brands, which records shall be open to inspection by the public.

§ 47-9-400. Rules and regulations.

The Secretary of State may promulgate rules and regulations which, in his judgment, may be necessary or proper to supplement or clarify the provisions of this article. The violation of any rule or regulation made and promulgated hereunder shall constitute a violation of this article.

§ 47-9-410. Violations.

Any person convicted of a violation of this article shall be punished by a fine of not less than fifty dollars nor more than five hundred dollars or by imprisonment for not less than thirty days nor more than one year, or by both such fine and imprisonment.

Amended in 2002.

Reviewed by AAHS in July 2001.

Reviewed and updated by AAHS in May 2003.

[Return to Top of This Page](#)
[Return to Brand Laws Page](#)