

TENNESSEE BRAND LAWS

TENNESSEE STATUTES

TITLE 44 ANIMALS AND ANIMAL HUSBANDRY CHAPTER 7 MARKS, BRANDS, REGISTRATION AND CERTIFICATION Part 1-- General Provisions

44-7-101 Marks and brands of animals running at large.

Any person owning any cattle, hogs, sheep or goats, horses or other animals, running at large, shall have an earmark or brand different from those of such person's neighbors.

44-7-102 Recording marks and brands.

Such marks or brands shall be recorded in the office of the county clerk of the county in which such animals run; but the same brand or marks shall not be recorded to more than one (1) person in the same county.

44-7-103 Priority of marks and brands.

When a dispute occurs in regard to a brand or mark, the person first recording the same is entitled thereto.

44-7-104 Horses to be branded.

The owner shall brand all horses, from eighteen (18) months old and upwards, with the same brand, and earmark and brand all the owner's cattle from twelve (12) months old and upwards with the same mark or brand.

44-7-105 Deciding dispute as to marks and brands.

If any dispute arise about an earmark or brand, it shall be decided according to entries on the book of the county clerk.

44-7-106 Neat cattle purchased to be branded anew upon purchase.

Any person who buys branded neat cattle from another, or acquires same by other lawful means, shall, within eight (8) months, brand the cattle with the person's own proper brand, in the presence of two (2) credible witnesses, a certificate of which shall be signed by the witnesses.

44-7-107 Altering or defacing marks -- Forfeiture.

Any person who alters or defaces the mark or brand of another, forfeits for each animal on which the mark or brand is altered or defaced, twenty-five dollars (\$25.00) to the owner who sues therefor in six (6) months, and to the owner or any interested third person who sues after six (6) and within twelve (12) months.

44-7-108 Misbranding or mismarking -- Forfeiture.

Any person who misbrands or mismarks any unbranded or unmarked animals not belonging to that person forfeits, as in § 44-7-107, twenty-five dollars (\$25.00) over and above the value of the animal, to be recovered in the same way.

44-7-109 Inspection of record -- Clerk's fee for recording.

The county clerk shall allow all citizens of the county to inspect, without charge, the book in which the marks and brands are recorded; and is entitled to fifty cents (50) for each record of a mark or brand.

44-7-110 Record of livestock brands required.

(a) Every stockyard, slaughterhouse, and packing house licensed to do business under the laws of this state shall maintain for sixty (60) days on file a record of all visible brands on livestock handled or processed on their premises. The list shall be updated every sixty (60) days and inspection shall be made available to persons doing business with those establishments.

(b) In the event brands are unreadable, the stockyard, slaughterhouse, or packing house will record the brand to the best of its ability with a statement declaring the condition of the brand.

(c) Failure to comply with the provisions of this section is a Class A misdemeanor.

TITLE 44 ANIMALS AND ANIMAL HUSBANDRY
CHAPTER 7 MARKS, BRANDS, REGISTRATION AND CERTIFICATION
Part 2-- Registration of Cattle Brands

44-7-201 Definitions.

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

- (1) "Brand" means any recorded identification mark applied to any position on the hide of a live animal by means of heat, acid or chemical, except tattoo marks in the ear or numbers used to keep production records or record of age;
- (2) "Commissioner" means the commissioner of agriculture;
- (3) "Department" means the department of agriculture;
- (4) "Livestock hide dealer" means any dealer or person who buys hides;

(5) "Livestock market" means a place where a person assembles livestock for public sale if such person is required to procure a license or permit from the department to operate such market; and

(6) "Person" means any individual, partnership, corporation or association.

44-7-202 Registration of brands by department of agriculture -- Fees -- Issuance of certificate.

(a) Any owner who uses a brand to identify cattle, hogs, sheep, goats, horses, and other animals belonging to such owner must register the owner's brand by applying to the department for such registration.

(b) The application shall be made on forms prescribed and furnished by the department and shall be accompanied by a fee of ten dollars (\$10.00), and a facsimile of the brand to be registered shall also accompany the application.

(c) All fees collected hereunder for registration, transfer, and reregistration of brands shall be credited to the department and kept in a separate account for the purpose of defraying the cost of administering this part.

(d) If the brand described in the application closely resembles another registered brand previously registered by another owner, the commissioner may reject the application for registration, but in the event the brand does not closely resemble another brand previously registered, the commissioner shall issue to the applicant a certificate of registration.

(e) In the event the department denies registration of a brand, for any reason, the registration fee of ten dollars (\$10.00) shall be returned to the applicant.

(f) A person having a brand duly registered with the department may transfer the brand to another by notifying the department of the transfer and giving the date of transfer and the name of the transferee. Upon receipt of the notice, and a transfer fee of one dollar (\$1.00), the transfer of the registration shall be noted in the register of brands showing that the brand has been transferred and giving the name of the transferee. The transferred brand shall not be used by the new owner until the department notifies the transferee that the transfer has been noted on its register.

44-7-203 Copy of certificate evidence of registration.

In all suits at law or in equity, or in any criminal proceedings involving the title or right of possession of branded cattle, hogs, sheep, goats, horses, and other animals, a copy of the certificate of the brand registration, verified by the affidavit of the commissioner, shall be received in evidence by the court as evidence of the registration of such brand in accordance with the requirements of this part.

44-7-204 Reregistration of brands periodically -- Fee -- Forfeiture upon failure.

Every five (5) years, all brands shall be reregistered with the department. At least ninety (90) days prior to the date for reregistration of all brands, the department shall notify all persons having brands registered as to the date by which the brand must be reregistered. On or before the reregistration date, the person in whose name the brand is registered shall pay to the department a reregistration fee of two dollars (\$2.00), and shall furnish such additional information as the department may require on forms furnished by the department. If any person having a registered brand fails to reregister the brand in such person's name, the brand shall be forfeited and shall be available for registration in the name of another person.

44-7-205 Register of brands -- Publication.

The department shall maintain a complete register of all brands, showing the name and address of the owner, and shall, in accordance with the rules, regulations, policies and procedures of the state publications committee, publish and distribute copies of the register in booklet form, and supplemental copies thereof, to every livestock market and county clerk in the state. Copies of the register of brands may be furnished to other persons requesting them at a price to be determined by the commissioner.

44-7-206 Copies of register to be available for inspection.

Every operator of a livestock market where cattle, hogs, sheep, goats, horses, and other animals are sold shall keep a copy of the register of brands in such person's place of business where it will be accessible for public inspection.

44-7-207 Rules and regulations promulgated by commissioner.

The commissioner has the authority to promulgate such rules and regulations as are reasonably necessary to carry out the intent and purpose of this part so as to facilitate the tracing and identification of cattle, hogs, sheep, goats, horses, and other animals, and afford protection against stealing and unlawful dealing in cattle, hogs, sheep, goats, horses, and other animals.

44-7-208 Unlawful to use unregistered brand or deface brand.

It is unlawful for:

- (1) Any person to use any brand for branding cattle, hogs, sheep, goats, horses, and other animals, unless the brand is registered with the department;
- (2) Any person to obliterate, alter or deface the brand of any animals; or
- (3) Any person operating or owning a livestock market to fail to keep a copy of the register of brands furnished to such person by the department in a place easily accessible to interested parties.

44-7-209 Violation of this part a misdemeanor.

A person who violates any of the provisions of this part commits a Class C misdemeanor.

TITLE 44 ANIMALS AND ANIMAL HUSBANDRY CHAPTER 7 MARKS, BRANDS, REGISTRATION AND CERTIFICATION Part 3-- Registration of Stallions

44-7-301 Pedigreed jacks or bulls for breeding to be registered -- Clerk's fee.

The pedigree of any jack or bull, claimed to be pedigreed livestock and used for public breeding, shall be filed and registered with the county clerk, under oath that the same is genuine, and the county clerk shall record the pedigree in a well-bound book to be kept in county clerk's office for that purpose, and the county clerk shall be allowed the sum of

fifty cents (50 cents) as fee for filing, recording, and making three (3) certified copies of the pedigree aforementioned.

44-7-302 Pedigrees to be posted.

The owner of such pedigreed stock shall, during breeding seasons, have posted conspicuously in three (3) different places in the county in which the owner lives, or in which the animal is being used for breeding purposes, a certified copy of the pedigree recorded as provided in § 44-7-301.

44-7-303 False pedigree posted or recorded a misdemeanor.

Any person who knowingly records or posts any false or fraudulent pedigree commits a Class C misdemeanor

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