

# WASHINGTON BRAND LAWS

## WASHINGTON STATUTES

### TITLE 16. ANIMALS, ESTRAYS, BRANDS AND FENCES

#### CHAPTER 16.57. IDENTIFICATION OF LIVESTOCK

##### 16.57.010. Definitions

For the purpose of this chapter:

- (1) "Department" means the department of agriculture of the state of Washington.
- (2) "Director" means the director of the department or his or her duly authorized representative.
- (3) "Person" means a natural person, individual, firm, partnership, corporation, company, society, and association, and every officer, agent or employee thereof. This term shall import either the singular or the plural as the case may be.
- (4) "Livestock" includes, but is not limited to, horses, mules, cattle, sheep, swine, and goats.
- (5) "Brand" means a permanent fire brand or any artificial mark, other than an individual identification symbol, approved by the director to be used in conjunction with a brand or by itself.
- (6) "Production record brand" means a number brand which shall be used for production identification purposes only.
- (7) "Livestock inspection" or "inspection" means the examination of livestock or livestock hides for brands or any means of identifying livestock or livestock hides including the examination of documents providing evidence of ownership.
- (8) "Individual identification symbol" means a permanent mark placed on a horse for the purpose of individually identifying and registering the horse and which has been approved for use as such by the director.
- (9) "Registering agency" means any person issuing an individual identification symbol for the purpose of individually identifying and registering a horse.
- (10) "Ratite" means, but is not limited to, ostrich, emu, rhea, or other flightless bird used for human consumption, whether live or slaughtered.
- (11) "Microchipping" means the implantation of an identification microchip or similar electronic identification device to establish the identity of an individual animal:
  - (a) In the pipping muscle of a chick ratite or the implantation of a microchip in the tail muscle of an otherwise unidentified adult ratite;
  - (b) In the nuchal ligament of a horse unless otherwise specified by rule of the director; and
  - (c) In locations of other livestock species as specified by rule of the director when requested by an association of producers of that species of livestock.
- (12) "Certificate of permit" means a form prescribed by and obtained from the director that is completed by the owner or a person authorized to act on behalf of the owner to show the ownership of livestock. It is used to document ownership of livestock while in transit within the state or on consignment to any public livestock market, special sale, slaughter plant or certified feed lot. It does not evidence inspection of livestock.
- (13) "Inspection certificate" means a certificate issued by the director or a veterinarian certified by the director documenting the ownership of an animal based on an inspection of the animal. It includes an individual identification certificate.
- (14) "Individual identification certificate" means an inspection certificate that authorizes the livestock owner to transport the animal out of state multiple times within a set period of time.
- (15) "Self-inspection certificate" means a form prescribed by and obtained from the director that is completed and signed by the buyer and seller of livestock to document a change in ownership.
- (16) "Horses" means horses, burros, and mules.

**16.57.015. Livestock identification advisory board--Rule review--Fee setting**

(1) The director shall establish a livestock identification advisory board. The board shall be composed of six members appointed by the director. One member shall represent each of the following groups: Beef producers, public livestock market operators, horse owners, dairy farmers, cattle feeders, and meat processors. As used in this subsection, "meat processor" means a person licensed to operate a slaughtering establishment under chapter 16.49 RCW or the federal meat inspection act (21 U.S.C. Sec. 601 et seq.). In making appointments, the director shall solicit nominations from organizations representing these groups statewide. The board shall elect a member to serve as chair of the board.

(2) The purpose of the board is to provide advice to the director regarding livestock identification programs administered under this chapter and regarding inspection fees and related licensing fees. The director shall consult the board before adopting, amending, or repealing a rule under this chapter or altering a fee under RCW 16.58.050, 16.65.030, 16.65.037, or 16.65.090. If the director publishes in the state register a proposed rule to be adopted under the authority of this chapter and the rule has not received the approval of the advisory board, the director shall file with the board a written statement setting forth the director's reasons for proposing the rule without the board's approval.

(3) The members of the advisory board serve three-year terms. However, the director shall by rule provide shorter initial terms for some of the members of the board to stagger the expiration of the initial terms. The members serve without compensation. The director may authorize the expenses of a member to be reimbursed if the member is selected to attend a regional or national conference or meeting regarding livestock identification. Any such reimbursement shall be in accordance with RCW 43.03.050 and 43.03.060.

**16.57.020. Livestock brands--Director is the recorder--Registration fee**

The director shall be the recorder of livestock brands and such brands shall not be recorded elsewhere in this state. Any person desiring to record a livestock brand shall apply on a form prescribed by the director. The application shall be accompanied by a facsimile of the brand applied for and a one hundred twenty dollar recording fee. The director shall, upon his or her satisfaction that the application and brand facsimile meet the requirements of this chapter and its rules, record the brand.

**16.57.023. Permanent renewal of brands--Heritage brands--Fees**

The director may adopt rules establishing criteria and fees for the permanent renewal of brands registered with the department but renewed as livestock heritage brands. Such heritage brands are not intended for use on livestock.

**16.57.025. Livestock inspection--Licensed and accredited veterinarians--Fees**

The director may enter into agreements with Washington state licensed and accredited veterinarians, who have been certified by the director, to perform livestock inspection. Fees for livestock inspection performed by a certified veterinarian shall be collected by the veterinarian and remitted to the director. Veterinarians providing livestock inspection may charge a fee for livestock inspection that is in addition to and separate from fees collected under RCW 16.57.220. The director may adopt rules necessary to implement livestock inspection performed by veterinarians and may adopt fees to cover the cost associated with certification of veterinarians.

**16.57.030. Tattoo brands and marks not recordable--Validation of prior recordings**

The director shall not record tattoo brands or marks for any purpose.

**16.57.040. Production record brands**

The director may provide for the use of production record brands. Numbers for such brands shall be issued at the discretion of the director and shall be placed on livestock immediately below the recorded ownership brand or any other location prescribed by the director.

#### **16.57.050. Use of unrecorded brand prohibited**

No person shall place a brand on livestock for any purpose unless the brand is recorded with the director in the person's name

#### **16.57.060. Brands similar to governmental brands not to be recorded**

No brand shall be recorded for ownership purposes which will be applied in the same location and is similar or identical to a brand used or reserved for ownership or health purposes by a governmental agency or the agent of such an agency.

#### **16.57.070. Conflicting claims to brand**

The director shall determine conflicting claims between applicants to a brand, and in so doing shall consider the priority of applicants.

#### **16.57.080. Brand renewal--Schedule--Fee**

The director shall establish by rule a schedule for the renewal of recorded brands. The fee for renewal of a recorded brand shall be one hundred twenty dollars for each four-year period of brand ownership, except that the director may, in adopting a renewal schedule, provide for the collection of renewal fees on a prorated basis. At least sixty days before the expiration of a recorded brand, the director shall notify by letter the owner of record of the brand that on the payment of the renewal fee the director shall issue proof of payment allowing the brand owner exclusive ownership and use of the brand for the subsequent ownership period. The failure of the owner to pay the renewal fee by the date required by rule shall cause ownership of the brand to expire. For one year following the expiration, the director shall record the brand only to the prior owner upon payment of the renewal fee and a late fee of twenty-five dollars. If the brand is not recorded within one year to the prior owner, the director may issue the brand to any other applicant.

#### **16.57.090. Brand is personal property--Instruments affecting title, recording, effect--Nonliability of director for agents**

A brand is the personal property of the owner of record. Any instrument affecting the title of the brand shall be executed by the recorded owner and acknowledged by a notary public. The director shall record the instrument upon presentation and payment of a recording fee not to exceed twenty-five dollars. The recording shall be constructive notice to all the world of the existence and conditions affecting the title to the brand. A copy of all records concerning the brand, certified by the director, shall be received in evidence to all intent and purposes as the original instrument. The director shall not be personally liable for failure of the director's agents to properly record the instrument.

#### **16.57.100. Right to use brand--Brand as evidence of title**

The right to use a brand shall be evidenced by the original certificate issued by the director showing that the brand is of present record or a certified copy of the record of the brand showing that it is of present record. A healed brand of record on livestock shall be prima facie evidence that the recorded owner of the brand has legal title to the livestock

and is entitled to its possession. The director may require additional proof of ownership for any animal showing more than one healed brand.

#### **16.57.105. Preemptory right to use brand**

Any person having a brand recorded with the department shall have a preemptory right to use such brand and its design under any newly approved method of branding adopted by the director.

#### **16.57.110. Size and characteristics of brand**

No brand shall be placed on livestock that is not permanent in nature and of a size that is not readily visible. The director, in order to assure that brands are readily visible, may prescribe the size of branding irons to be used for ownership brands.

#### **16.57.120. Removal or alteration of brand--Penalty**

No person shall remove or alter a brand of record on livestock without first having secured the written permission of the director. Violation of this section is a gross misdemeanor.

#### **16.57.130. Similar brands not to be recorded**

The director shall not record a brand that is identical to a brand of present record; nor a brand so similar to a brand of present record that it will be difficult to distinguish between the brands when applied to livestock.

#### **16.57.140. Certified copy of record of brand--Fee**

The owner of a brand of record may obtain from the director a certified copy of the record of the owner's brand upon payment of a fee of fifteen dollars..

#### **16.57.150. Brand book**

The director shall publish a book to be known as the "Washington State Brand Book", showing all the brands of record. The book shall contain the name and address of the owners of brands of record and a copy of the livestock identification laws and rules. Supplements to the brand book showing newly recorded brands, amendments, or newly adopted rules, shall be published at the discretion of the director. Whenever the director deems it necessary, the director may publish a new brand book. The director may collect moneys to recover the reasonable costs of publishing and distributing copies of the brand book.

#### **16.57.165. Agreements with others to perform brand inspection**

The director may, in order to reduce the cost of inspection to livestock owners, enter into agreements with any qualified county, municipal, or other local law enforcement agency, or qualified individuals for the purpose of performing livestock inspection in areas where inspection by the director may not readily be available.

**16.57.170. Examination of livestock, hides, records**

The director may enter at any reasonable time any slaughterhouse or public livestock market to inspect livestock or hides, and may enter at any reasonable time an establishment where hides are held to inspect them for brands or other means of identification. The director may enter any of these premises at any reasonable time to examine all books and records required by law in matters relating to livestock identification. For purposes of this section, "any reasonable time" means during regular business hours or during any working shift.

**16.57.180. Search warrants**

Should the director be denied access to any premises or establishment where access was sought for the purposes set forth in RCW 16.57.170, the director may apply to any court of competent jurisdiction for a search warrant authorizing access to the premises or establishment for those purposes. The court may upon application, issue the search warrant for the purposes requested.

**16.57.200. Duty of owner or agent on brand inspection**

Any owner or his or her agent shall make livestock being inspected readily accessible and shall cooperate with the director to carry out the inspection in a safe and expeditious manner.

**16.57.210. Arrest without warrant**

The director shall have authority to arrest without warrant anywhere in the state any person found in the act of, or whom the director has reason to believe is guilty of, transporting, holding, selling, or slaughtering stolen livestock. Any person arrested by the director shall be turned over to the county sheriff or other local law enforcement officer where the arrest was made, as quickly as possible.

**16.57.220. Cattle and horses--Brand inspection charge--Lien--Fee schedule**

(1) Except as provided for in RCW 16.65.090 and subsection (2), (3), or (4) of this section, the fee for livestock inspection is eighty-five cents per head for cattle and three dollars and fifty cents for horses or fifteen dollars per hour and the current mileage rate set by the office of financial management, whichever is greater.

(2) When a single inspection certificate issued for thirty or more horses belonging to one person, the fee for livestock inspection is two dollars per head or fifteen dollars per hour and the current mileage rate set by the office of financial management, whichever is greater.

(3) The fee for individual identification certificates is twenty dollars for an annual certificate and sixty dollars for a lifetime certificate or fifteen dollars per head or fifteen dollars per hour and the current mileage rate set by the office of financial management, whichever is greater. However, the fee for an annual certificate listing thirty or more animals belonging to one person is five dollars per head or fifteen dollars per hour and the current mileage rate set by the office of financial management, whichever is greater. A lifetime certificate shall not be issued until the fee has been paid to the director.

(4) The minimum fee for the issuance of an inspection certificate by the director is five dollars. The minimum fee does not apply to livestock consigned to a public livestock market or special sale.

**16.57.?**

- (1) Any inspection fee shall be paid to the department by the owner or person in possession of the livestock unless the inspection is requested by the purchaser and then the fee shall be paid by the purchaser.
- (2) Except as provided by rule, the inspection fee is due and payable at the time inspection is performed and shall be paid upon billing by the department and, if not, constitutes a prior lien on the cattle or cattle hides or horses or horse hides inspected until the fee is paid.
- (3) A late fee of one and one-half percent per month shall be assessed on the unpaid balance against persons more than thirty days in arrears.

**16.57.230. Charges for brand inspection--Actual inspection required**

No person shall collect or make a charge for inspection of livestock unless there has been an actual inspection of the livestock.

**16.57.240. Record of cattle--Requirements--Exception**

- (1) Certificates of permit, inspection certificates, and self-inspection certificates shall show the owner, number, breed, sex, brand, or other method of identification of the cattle or horses and any other necessary information required by the director.
- (2) The director may issue certificate of permit forms to any person on payment of a fee established by rule.
- (3) Certificates of permit, inspection certificates, self-inspection certificates, or other satisfactory proof of ownership shall be kept by the owner and/or person in possession of any cattle and shall be furnished to the director or any peace officer upon demand.
- (4) A self-inspection certificate is not valid if proof of ownership is not provided to the buyer for cattle bearing brands not recorded to the seller.

**16.57.?**

The director or any peace officer may stop vehicles carrying cattle or horses to determine if the livestock being transported are accompanied by a certificate of permit, inspection certificate, self-inspection certificate, or other satisfactory proof of ownership, as determined by the director.

**16.57.260. Removal of cattle or horses from state--Inspection certificate required**

It is unlawful for any person to remove or cause to be removed or accept for removal from this state, any cattle or horses which are not accompanied at all times by an inspection certificate on such cattle or horses, except as provided by rule adopted under this chapter.

**16.57.?**

It is unlawful for any person to fail to present an animal for inspection at any mandatory inspection point designated by the director by rule under this chapter.

**16.57.270. Unlawful to refuse assistance in establishing identity of livestock**

It is unlawful for any person moving or transporting livestock in this state to refuse to assist the director or any peace officer in establishing the identity and ownership of the livestock being moved or transported.

#### **16.57.275. Transporting cattle carcass or primal part--Certificate of permit required**

Any cattle carcass, or primal part thereof, of any breed or age being transported in this state from other than a state or federal licensed and inspected slaughterhouse or common carrier hauling for the slaughterhouse, shall be accompanied by a certificate of permit signed by the owner of the carcass or primal part thereof and, if the carcass or primal part is delivered to a facility custom handling the carcasses or primal parts thereof, the certificate of permit shall be deposited with the owner or manager of the custom handling facility and the certificate of permit shall be retained for a period of one year and be made available to the department for inspection during regular business hours or any working shift.

#### **16.57.280. Possession of livestock marked with another's brand-- Penalty**

No person shall knowingly have possession of any livestock cattle or horse marked with a recorded brand of another person unless the:

- (1) Cattle or horse lawfully bears the person's own healed recorded brand; or
- (2) Cattle or horse is accompanied by a certificate of permit from the owner of the recorded brand ; or
- (3)Cattle or horse is accompanied by an inspection certificate; or
- (4) Cattle is accompanied by a self-inspection certificate; or
- (5) Horse is accompanied by a bill of sale from the previous owner; or
- (6) Cattle or horse is accompanied by other satisfactory proof of ownership as designated in rule.

A violation of this section constitutes a gross misdemeanor.

#### **16.57.290. Unbranded and undocumented cattle and horses-- Disposition**

All cattle and horses that are not accompanied by a certificate of permit, inspection certificate, self-inspection certificate, or other satisfactory proof of ownership when offered for sale and presented for inspection by the director, shall be impounded. If theft is suspected, the director shall immediately initiate an investigation. If theft is not suspected, the animal shall be sold and the proceeds retained by the director or the director's representative, unless other satisfactory proof of ownership is presented showing the person presenting them to be lawfully in possession. Upon the sale of the cattle or horses, the director shall give the purchasers an inspection certificate for the cattle or horses documenting their ownership.

#### **16.57.300. Unbranded and undocumented cattle and horses--Disposition of sale proceeds**

Except under section 37 of this act, the proceeds from the sale of cattle and horses when impounded under RCW 16.57.290, after paying the cost thereof, shall be paid to the director, who shall make a record showing the brand or marks or other method of identification of the animals and the amount realized from the sale thereof. However, the proceeds from a sale of the cattle or horses at a licensed public livestock market shall be held by the licensee for a reasonable period not to exceed thirty days to permit the consignor to establish ownership or the right to sell the cattle

or horses. If the consignor fails to establish legal ownership or the right to sell the cattle or horses, the proceeds shall be paid to the director to be disposed of as any other estray proceeds.

### **16.57.?**

The proceeds from the sale of dairy breed cattle when impounded under RCW 16.57.290, and after paying the cost thereof, shall be paid to the seller if:

- (1) The cattle bears a brand that is not recorded in this state or any state where a reciprocal agreement is in place as provided under RCW 16.57.340;
- (2) There is no evidence of theft;
- (3) The director has posted the brand for at least ninety days at each licensed public livestock market in this state and any other state where the director provides for livestock inspection; and
- (4) No other person has established legal ownership of the cattle with the director.

The proceeds from the sale shall be held by the director until paid to the seller or other person as specified by the director. However, the proceeds from a sale of the cattle at a licensed public livestock market shall be held by the licensee.

### **16.57.310. Notice of sale--Claim on proceeds**

When a person has been notified by registered mail that animals bearing the person's recorded brand have been sold by the director, the person shall present to the director a claim on the proceeds within thirty days from the receipt of the notice or the director may decide that no claim exists.

### **16.57.320. Disposition of proceeds of sale when no proof of ownership-- Penalty for accepting proceeds after sale, trade, etc**

If, after the expiration of one year from the date of sale, the person presenting the animals for inspection has not provided the director with satisfactory proof of ownership, the proceeds from the sale shall be paid on the claim of the owner of the recorded brand. However, it shall be a gross misdemeanor for the owner of the recorded brand to knowingly accept such funds after he or she has sold, bartered or traded such animals to the claimant or any other person.

### **16.57.330. Disposition of proceeds of sale when no claim made**

If, after the expiration of one year from the date of sale, no claim under RCW 16.57.310 is made or no satisfactory proof of ownership is provided under RCW 16.57.320, the money shall be credited to the department to be expended in carrying out the provisions of this chapter.

### **16.57.340. Reciprocal agreements--When livestock from another state an estray, sale**

The director has the authority to enter into reciprocal agreements with any or all states to prevent the theft, misappropriation, or loss of identification of livestock. The director may declare any livestock which is shipped or moved into this state from those states estrays if the livestock is not accompanied by the proper inspection certificate or other certificates required by the law of the state of origin of the livestock. The director may hold the livestock subject to all costs of holding or sell the livestock and send the funds, after the deduction of the cost of the sale, to the proper



authority in the state of origin of such the livestock.

#### **16.57.350. Rules--Enforcement of chapter**

The director may adopt such rules as are necessary to carry out the purposes of this chapter. It shall be the duty of the director to enforce and carry out the provisions of this chapter and/or rules adopted hereunder. No person shall interfere with the director when he or she is performing or carrying out duties imposed on him or her by this chapter and/or rules adopted hereunder.

#### **16.57.360. Civil infractions**

The department is authorized to issue notices of and enforce civil infractions in the manner prescribed under chapter 7.80 RCW.

The violation of any provision of this chapter and/or rules adopted under this chapter shall constitute a class I civil infraction as provided under chapter 7.80 RCW unless otherwise specified herein.

#### **16.57.370. Disposition of fees**

All fees collected under the provisions of this chapter shall be deposited by the director to be used only for the enforcement in an account in the agricultural local fund and used to carry out the purposes of this chapter.

#### **16.57.380. Horses--Mandatory brand inspection points--Powers of director**

The director may by rule adopted subsequent to a public hearing designate any point for mandatory brand inspection of horses or the furnishing of proof that horses passing or being transported through such points have been brand inspected and are lawfully being moved. Further, the director may stop vehicles carrying horses to determine if such horses are identified or branded.

#### **16.57.400. Horse and cattle identification--Exemption from brand inspection- -Fees**

Horses and cattle may be identified by individual identification certificates or other means of identification authorized by the director. The certificates or other means of identification are valid only for the use of the owner in whose name it is issued.

Horses and cattle identified pursuant to this section are only subject to inspection when the animal is consigned for sale.

#### **16.57.405. Microchip in a horse--Removal with intent to defraud--Gross misdemeanor**

A person who removes or causes to be removed a microchip implanted in a horse, or who removes or causes to be removed a microchip from one horse and implants or causes it to be implanted in another horse, with the intent to defraud a subsequent purchaser, is guilty of a gross misdemeanor.

#### **16.57.407. Microchip in a horse--Authority to investigate removal**

The department has the authority to conduct an investigation of an incident where scars or other marks indicate that a microchip has been removed from a horse.

#### **16.57.410. Horses--Registering agencies--Records--Identification symbol inspections--Rules**

(1) No person may act as a registering agency without a permit issued by the director. The director may issue a permit to any person to act as a registering agency for the purpose of issuing permanent identification symbols for horses in a manner prescribed by the director. Application for a permit, or the renewal thereof by January 1 of each year, shall be on a form prescribed by the director, and accompanied by the proof of registration to be issued, any other documents required by the director, and a fee of two hundred and fifty dollars.

(2) Each registering agency shall maintain a permanent record for each individual identification symbol. The record shall include, but need not be limited to, the name, address, and phone number of the horse owner and a general description of the horse. A copy of each permanent record shall be forwarded to the director, if requested by the director.

(3) Horses shall be examined for individual identification symbols when presented for inspection .

(4) The director shall adopt rules necessary to administer this section.

## **WASHINGTON ADMINISTRATIVE CODE**

### **TITLE 16. AGRICULTURE, DEPARTMENT OF CHAPTER 16-607. INSPECTION AND IDENTIFICATION OF LIVESTOCK**

#### **16-607-005. Definitions**

(1) **'Association of livestock breeders'** means any properly incorporated association whose membership is made up of livestock breeders.

(2) **'Brand'** means a permanent fire brand, or any artificial mark, other than an individual identification symbol, approved by the director to be used in conjunction with a brand or by itself.

(3) **'Brand inspection'** or **'livestock inspection'** means the examination of livestock or livestock hides for brands or any means of identifying livestock or livestock hides including the examination of documents providing evidence of ownership.

(4) **'Certificate of permit'** or **'transportation permit'** means a form prescribed by and obtained from the director that is completed by the owner or a person authorized to act on behalf of the owner to show the ownership of livestock. It does not evidence inspection of livestock.

(5) **'Collecting point'** means livestock inspection points designated by the Washington state beef commission to collect beef commission assessment payments directly from cattle producers and remit to the Washington state beef commission.

(6) **'Department'** means the department of agriculture of the state of Washington.

(7) **'Director'** means the director of the department or his/her duly authorized representative.

(8) **'Farmers cooperative association'** means any properly incorporated cooperative association whose membership is made up of livestock producers. This does not include livestock youth organizations such as 4-H,

**FFA, or other junior livestock groups.**

(9) 'Individual identification symbol' means a permanent mark placed on a horse for the purpose of individually identifying and registering the horse and which has been approved for use as such by the director.

(10) 'Inspection certificate' means a certificate issued by the director or a veterinarian certified by the director documenting the ownership of an animal based on an inspection of the animal. It includes an individual identification certificate.

(11) 'Licensee' means any person licensed to operate a market under chapter 16.65 RCW.

(12) 'Livestock' means all cattle, horses, burros, and mules of whatever species, breed or age.

(13) 'Lot' means livestock of one ownership.

(14) 'Market' means public livestock market as defined in RCW 16.65.010(1).

(15) 'Person' means a natural person, individual, firm, partnership, corporation, company, society, and association, and every officer, agent or employee thereof. This term shall import either the singular or the plural as the case may be.

(16) 'Production record brand' means a number brand that is used for production identification purposes only.

(17) 'Purchase invoice' means the invoice issued by a public livestock market to the purchaser of cattle or horses consigned to the market.

(18) 'Self-inspection certificate' means a form prescribed by and obtained from the director that is used for self-inspection of cattle or horses and is signed by the buyer and seller of the cattle or horses.

**16-607-010. The livestock identification advisory board.**

(1) The livestock identification advisory board established in RCW 16.57.015 is composed of six members appointed by the director. The advisory board shall meet at least once annually with the director to perform its advisory functions. Additional meetings may be convened at the request of the director or a majority of the membership.

(2) Advisory board members must be residents of the state of Washington and actively engaged in the industry they represent. The director is an ex-officio member of the advisory board.

(3) Advisory board members serve three-year terms. Terms commence July 1 and expire June 30.

(4) Positions are numbered one through six as follows:

(a) Position one - beef producers;

(b) Position two - public livestock market operators;

(c) Position three - horse owners;

(d) Position four - dairy farmers;

(e) Position five - cattle feeders; and

(f) Position six - meat processors.

(5) On initial appointment, positions one and four serve a one-year term; positions two and five serve a two-year term; and positions three and six serve a three-year term.

(6) Vacancies in membership may be filled by the director for the remainder of an unexpired term. Current members of the advisory board and presidents of affected statewide industry groups may submit names to the director for consideration in filling vacancies.

(7) The director shall solicit nominations to fill an expiring position from affected statewide industry groups. Nominations from industry groups shall be submitted to the director for consideration prior to May 1 of the year the term expires.

**16-607-015. Official forms.**

(1) Official forms prescribed by the director under the provisions of RCW 16.57.240 include the certificate of permit, livestock inspection certificate and self-inspection certificate. The forms include the owner's name, number, breed, sex, brand or other method of identification of livestock and other information deemed necessary by the department.

(2) Books of the certificate of permit are obtained from the department upon payment of one dollar.

### **16-607-025. Point of inspection--Horses.**

All horses shall be inspected for brands or other proof of ownership at the following points:

- (1) Prior to being moved out of state, except as provided in WAC 16-607- 035.
- (2) Prior to sale at any public livestock market.
- (3) Prior to sale at any special open consignment horse sale as defined in RCW 16.65.010.
- (4) Prior to sale at any special sale where horses of more than one owner are offered for sale on an occasional and seasonal basis either by private treaty or auction.

### **16-607-035. Out-of-state inspection procedure.**

- (1) All cattle and horses shall be inspected by the department or a certified veterinarian for brands or other proof of ownership prior to being moved out of state, except as provided in WAC 16-607-035(2) or when accompanied by a purchase invoice issued by a public livestock market.
- (2) Livestock may be moved out of state without prior livestock inspection when they are destined for a public livestock market or slaughterplant in another state where brand inspection is performed by the department or an agent pursuant to an agreement with the other state. The livestock moving out-of- state to those public livestock markets or slaughterplants must be accompanied by a certificate of permit showing that the livestock are directly destined for and transported to the out-of-state inspection point. The certificate of permit is not valid for transportation to any other inspection point or beyond the inspection point.

### **16-607-050. Livestock inspection procedures--Private treaty sales.**

Livestock inspection of cattle required under WAC 16-607-020(5) may be conducted by the department, by veterinarians certified by the department, or by the buyer and seller.

- (1) Inspection by the department is on request and is provided at the discretion of the director.
- (2) Livestock inspection of cattle required under WAC 16-607-020(5) conducted by the buyer and seller is documented using self-inspection certificates obtained from the department.
- (3) Self-inspection certificates must be fully completed and signed by the buyer and seller. The original shall be provided to the buyer and accompany the cattle and the seller shall retain a copy.
- (4) Proof of ownership must be provided to the buyer for all livestock bearing brands not recorded to the seller.
- (5) The cost of self-inspection certificates includes the current cattle inspection fee and the assessment for the National Beef Promotion and Research Act. The department will remit assessments collected to the Washington state beef commission.

### **16-607-055. Review of complaints and procedures.**

- (1) The department may review or investigate verified complaints filed regarding ownership disputes.
- (2) The department will regularly evaluate inspection procedures and recordkeeping at established livestock inspection points through unscheduled visits during normal business hours.

### **16-607-060. Certification of veterinarians to issue inspection certificates.**

The director may certify veterinarians licensed and accredited in Washington state to issue inspection certificates for livestock.

- (1) No veterinarian may issue an inspection certificate unless that individual has met the certification requirements and paid the certification fee.

(2) Application for certification is on a form prescribed by the director. The application will include the following information:

- (a) The full name and principal business address of the individual applying for certification.
  - (b) The applicant's Washington state veterinary license number.
  - (c) The geographic area in which the applicant will provide service.
  - (d) A statement regarding the applicant's experience with large animals, especially cattle and horses.
  - (e) Whether the applicant is requesting certification to issue inspection certificates for cattle or horses or both.
  - (f) The signature of the veterinarian requesting certification.
  - (g) Any other reasonable information the department finds necessary to carry out the purpose of this chapter.
- (3) The fee for certification is thirty-five dollars. If more than three applicants are employed by the same veterinary hospital there shall be a maximum certification fee of one hundred dollars for all veterinarians employed by that facility. Each hospital will submit a list of veterinarians to be certified. The certification expires on the third December 31st following the date of issuance.
- (4) All veterinarians applying for certification must complete training provided by the department. Training will include but not be limited to the reading of printed brands and brands or other marks on live animals, completion of official documents and review of satisfactory ownership documents. The department will provide a copy of the most current brand book and any supplements issued to date to each person certified.
- (5) The department will maintain a list of veterinarians certified to perform livestock inspection. The list is available upon request to interested persons.
- (6) Inspections by veterinarians certified by the department are conducted upon request and provided at the discretion of the veterinarian.
- (7) Certified veterinarians must submit required inspection fees to the department with copies of each certificate issued. An additional fee may be charged that is separate from fees collected under RCW 16.57.220 and WAC 16-607-065.
- (8) The department may withdraw or deny approval of certified veterinarians to perform livestock inspection under the following circumstances:
- (a) For knowingly making false or inaccurate statements regarding qualifications on an application.
  - (b) For knowingly making or acquiescing in false or inaccurate statements on livestock inspection certificates as to the date or location of the inspection, marks or brands on the livestock inspected, owner's name or any other statement material to the livestock inspected.

### **16-607-065. Inspection fees.**

- (1) The fee for livestock inspection is sixty cents per head for cattle and two dollars and forty cents per head for horses, except as provided for in subsection (4) of this section.
- (2) The fee for individual identification certificates is seven dollars and fifty cents for an annual certificate and fifteen dollars for a lifetime certificate, except as provided for in subsection (5) of this section.
- (3) There is a minimum fee of two dollars and fifty cents for the issuance of any inspection certificate by the director except for those issued at a public livestock market sale or special sale approved by the director.
- (4) When inspection is performed by the department, the fee is sixty cents per head for cattle and two dollars and forty cents per head for horses or fifteen dollars per hour and the current mileage rate set by the office of financial management, whichever is greater, except as provided for in RCW 16.65.090.
- (5) When individual identification certificates are issued by the department, the fee for an annual certificate is seven dollars and fifty cents and fifteen dollars for a lifetime certificate or fifteen dollars per hour and the current mileage rate set by the office of financial management, whichever is greater.
- (6) All inspection performed on an hourly basis by the department begins at the time the inspector leaves his or her official station to the point of inspection and ends upon return to his or her official station.
- (7) Veterinarians certified by the department may charge an additional fee that is separate from livestock inspection fees.

**16-607-070. Renewal of registered brands.**

Owners of registered brands must file for renewal of registration by December 31st of odd-numbered years. A late filing fee of ten dollars shall accompany any renewals filed after December 31st of odd-numbered years.

**16-607-075. Recording fees.**

The fee for recording any instrument affecting the title of a brand is fifteen dollars. The fee for obtaining a certified copy of the record of a brand by the owner of the brand is seven dollars and fifty cents.

**16-607-080. Identification by freeze branding.**

The technique of identifying livestock by freeze branding may be used for complying with the requirements of chapter 16.57 RCW and chapter 16-607 WAC.

**16-607-120. Livestock inspection procedures--Public livestock markets.**

(1) It is the responsibility of the licensee to identify each head of cattle and horses consigned to a market by placing a numbered tag or other method of identification as approved by the director on each animal before the animals are inspected. The director may exempt from individual identification requirements certain lots of one-brand or no-brand cattle. The licensee or any consignor shall, at the request of the director, make visible any brand on any animal. The licensee is responsible for the moving and yarding of livestock necessary for inspection.

(2) No person shall remove any cattle or horses from the premises of any market without first obtaining a release from the licensee. The licensee or any agent or employee of the licensee shall not allow the removal of any cattle or horses from the premises of the market without first obtaining a livestock inspection clearance for the cattle or horses to be removed. The purchase invoice with specific livestock identification information drawn and written thereon, when stamped by the department, serves as the inspection clearance. The department is responsible for adding livestock identification information to purchase invoices and ensuring the accuracy of such information on any stamped invoice. The department will be available at the market at all reasonable business hours on sale days to carry out these duties. The purchaser may request that the director issue a separate livestock inspection certificate at no additional cost which shall be furnished in lieu of livestock identification information on the purchase invoice.

(3) Whenever any cattle or horses are offered for sale at a market and not sold, the identical animals may be offered for sale at the same market within eight days of the original inspection date without being required to pay a second livestock inspection fee, upon presentation of satisfactory proof that inspection fees previously were paid. The unsold cattle or horses must be presented for inspection without any animals having been taken from, or other animals having been added to, such lot or group of livestock and must be retained on the premises where first offered for sale within the time limit specified above.

**16-607-125. Public livestock market livestock inspection facilities.**

Livestock inspection facilities at public livestock markets shall be approved by the director and shall consist of:

(1) A chute which has a solid base on each side of sufficient strength to contain cattle and horses at least twenty-four inches in height, but no more than thirty-six inches in height. Above the base on each side, the chute shall have wire cables extended along its entire length separated by six-inch intervals to a height of at least six feet. The cables shall be attached to a vertical post every sixteen feet, alternated with a pipe or stay every eight feet for support and to ensure that the cables are maintained in a tight condition. The brand chute shall be kept well lit with shop, spot, or floodlights on both sides of the chute at a height of five feet above the highest cable. The lighting shall extend for a distance of three-fourths of the length of the chute beginning at the head of the chute;

- (2) An electrical outlets for clippers at chutes;
- (3) A livestock inspection area kept free of any leaking or water build-up of any kind and well covered by adequate roofing;
- (4) A work area for livestock inspectors on each side of the chute which shall be protected from cattle and horses being unloaded or moved by fencing or any other permanent structure allowing at least thirty inches of work space along the length of the chute.
- (5) An office in the livestock inspection area with dimensions of at least eight feet by ten feet. The office shall contain adequate heating and a counter approximately eighteen inches in width at a standing work level.

#### **16-607-130. Public livestock market scale installation regulations.**

- (1) Approaches and accessibility for testing shall consist of:
  - (a) A convenient unobstructed hard surfaced approach to the livestock scale at the scale deck level when the scale is inaccessible for a test truck; and
  - (b) Doors and passageways which are a minimum of six feet in width.
- (2) A scale deck shall be constructed preferably of reinforced concrete with 'Z' bar coping. If cleats are used which are more than three-fourths inch in thickness, such cleats shall be hinged or readily removable, otherwise a satisfactory covering for such cleats must be provided to allow for proper testing.
- (3) The stock rack shall be securely fastened to the scale deck. There shall be a minimum clearance of three inches between the rack and surrounding dead construction. Adequate space and visibility shall be provided so that interested parties may observe the weighing operation. All dial scales used by the licensee shall be of adequate size to be readily visible to all interested parties and shall be equipped with a mechanical weight recorder. All beam scales used by the licensee shall be equipped with a balance indicator, a weigh beam and a mechanical weight recorder, all readily visible to all interested parties.
- (4) The pit and foundation shall be of monolithic construction. Coping iron shall be required on all corners adjacent to the deck. The pit shall be six feet in depth, dry and readily accessible for inspection. Electrical lighting facilities for inspection shall be provided. Exception to the six-foot depth may be allowed, upon approval of the director, when conditions are sufficiently adverse. However, a minimum of two feet clearance shall always be provided between the lowest scale lever and the pit floor.
- (5) The recording element shall be adequately housed for protection against wind and weather.
- (6) No scales are required at markets licensed to handle horses and mules only unless animals are to be sold by weight. When animals are sold by weight, the scale requirements as shown previously shall apply.

#### **16-607-135. Sale day.**

In any case where a licensed operator of a public livestock market fails to conduct a sale on a sale day which has been allocated to the licensee by the director more than six times in any twelve-month period, the allocation of that sale day is subject to change or revocation. Any change or revocation of an allocated sale day shall be considered in an administrative hearing conducted under the provisions of chapter 34.05 RCW.

#### **16-607-140. Special sale approval.**

Application for approval of a special sale shall be made at least fifteen days in advance of the proposed sale. Approval is subject to the discretion of the director.

**Amended in 1998, 2003.**

**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](#)