

WYOMING BRAND LAWS

WYOMING STATUTES

TITLE 11. Agriculture, Livestock and Other Animals

CHAPTER 20. Brands

ARTICLE 1. Branding and Ranging

11-20-101 Definitions.

(a) As used in this act:

(i) "Agency" means the corporation, if any, designated by the board as its authorized representative to carry out the functions to be performed by the board and if there is no such agency, then it means the board;

(ii) "Board" means the Wyoming livestock board;

(iii) "Inspectors" means those persons appointed by the agency to execute the duties prescribed by law, rules, regulations and orders for the protection of the livestock industry in Wyoming;

(iv) "Livestock" means cattle, horses, mules, asses and sheep. The board acting in conjunction with the game and fish commission may designate individual bison or identifiable herds of bison as wildlife;

(v) "Stock drover" means any person driving livestock through any county in Wyoming;

(vi) "Stock owner" means any person who owns livestock;

(vii) "This act" means W.S. 11-19-101 through 11-19-506, 11-20-101 through 11-24-115 and 11-30-101 through 11-30-112;

(viii) "Brand" means a brand, mark or other board approved means of identification including any electronic device used for livestock identification.

11-20-102 Stock running at large to be branded.

Every stock owner allowing his livestock over six (6) months old to run at large or mingle with livestock other than his own, shall brand his livestock with his recorded brand.

11-20-103 Brands; application; contents; recording fees; disposition thereof.

(a) Any person desiring to adopt any brand to be used to brand livestock in this state, shall before using the brand make application to the Wyoming livestock board. The application shall:

(i) Contain a facsimile or a description of the brand;

(ii) State the species of livestock for which the brand is to be used;

(iii) State the place on the animal where the brand will be applied, and whether it is to be applied with hot iron, paint, tattoo or other means;

(iv) Repealed by Laws 1996, ch. 25, s 2.

(b) The application shall be accompanied by a recording fee of one hundred dollars (\$100.00) for the first species of livestock and fifty dollars (\$50.00) for each additional species of livestock for which the brand is to be used. A certified copy of the recorded brand shall be given to the owner. All fees collected shall be deposited into the account created by W.S. 11-20-405.

11-20-104 Brands; recording generally.

Upon receipt of the application and fee the brand shall be recorded in the state brand record. If the brand has been previously recorded the executive officer of the board shall suggest a brand that can be recorded. The executive officer of the board shall not record any brand which in his opinion would conflict with any brand of record.

11-20-105 Brands; extension to other species.

If a recorded brand is used exclusively for the identification of a particular species of livestock, the executive officer of the board may record the identical brand in the name of another person to identify his ownership of a species of livestock other than the species for which the brand is presently recorded.

11-20-106 Brands; sheep; districts created; recording thereof.

To increase the quantity of brands which can be effectively used for the identification of sheep, the executive officer of the board may, with the advice of the executive committee of the Wyoming wool growers association, promulgate and enforce rules and regulations necessary to divide the land area of Wyoming into districts. The districts shall be made a part of such brands and recorded in the state record as further identification of sheep.

11-20-107 Brands; records kept by board; inspection thereof.

The board shall keep an accurate record of all certified livestock brands, the names of the owners and their post office addresses, which shall be open to public inspection.

11-20-108 Recorded brand; certified copy deemed prima facie evidence of ownership.

A certified copy of any brand recorded in the office of the board is prima facie evidence of ownership of animals branded therewith for that species of livestock recorded by the board. The brand shall be received as evidence of ownership in all legal proceedings involving title to the animal.

11-20-109 Recorded brand; considered as property; subject to sale; written instrument required; acknowledgment and recording.

Any brand recorded as required by law is the property of the person in whose name it is recorded, and is subject to

sale, assignment, transfer, devise and descent as personal property. Instruments of writing evidencing sale, assignment or transfer shall be acknowledged and recorded in the office of the board. Acknowledgment and recording of such instruments have the same effect as to third parties as the acknowledgment and recording of instruments affecting real estate.

11-20-110 Recorded brand; bill of sale; when title vests.

Any recorded brand may be conveyed to another by a bill of sale executed by the vendor, properly acknowledged, but the conveyance is not complete nor does title to the brand vest in the vendee until the bill of sale is filed for record in the office of the board.

11-20-111 State brand book; contents.

The executive officer of the board shall procure a suitable book, to be known as the state brand book, in which shall be recorded the brand and the definite place of the brand upon the animal, used for the branding of livestock in this state.

11-20-112 Brand book; publication; form and contents; distribution of copies; monthly lists and biennial supplements; costs; disposition of proceeds.

The board shall publish a brand book containing facsimiles or descriptions of all brands recorded in Wyoming together with the owner's name and address. The names and brands shall be arranged in the most convenient form for reference. Copies of the brand book and copies of subsequent supplements shall be given to the agency. At the end of each month, the board shall prepare lists of the brands recorded during that month and shall issue biennial supplements to the brand book which shall supersede and cumulate the monthly lists issued during the biennium. The board may publish and sell brand books, lists and supplements. The proceeds from the sales shall be deposited in the account created by W.S. 11-20-405.

11-20-113 County clerk prohibited from recording brands.

It is unlawful for any county clerk in this state to record any brand or bill of sale of any brand.

11-20-114. Use of unrecorded or abandoned brand prohibited; failure to record deemed abandonment

(a) No person shall claim or own any brand which has not been recorded in the office of the Wyoming livestock board. Failure to record a brand is an abandonment of the same. No person shall claim or use any abandoned brand until after he has caused the same to be recorded as required by law.

(b) Any person violating subsection (a) of this section shall be punished as provided by W.S. 11-1-103.

11-20-115. Rerecording; when required; notice; abandonment

(a) Except as provided by subsection (b) of this section, every tenth year after recording a brand, every owner of a brand shall rerecord the brand, and failure to do so is an abandonment of the brand. At least sixty (60) days preceding the expiration date of the brand, the board shall notify by mail, at the address shown on the brand records, the party

owning the brand that the brand must be rerecorded and if the brand has not been rerecorded within sixty (60) days from the expiration date of the brand will be declared abandoned and will be allowed to other applicants.

(b) Effective January 1, 2005, every owner of a brand shall rerecord the brand. The term of the rerecording period shall not exceed the term established by this section and the method of renewal shall be established by the board. The renewal fee shall be as established by W.S. 11-20-116 and shall be prorated by the board for any renewal less than ten (10) years. The board shall promulgate rules and regulations necessary to carry out the provisions of this section.

(c) After the rerecording periods established by the board under subsection (b) of this section, every owner of a brand shall rerecord the brand every ten (10) years and shall pay the renewal fee specified by W.S. 11-20-116.

11-20-116 Fees for renewal, transfer of ownership or alteration of brand; recording bill of sale deemed renewal.

(a) For renewing any brand previously recorded and issuing a certificate of renewal, the board shall charge eighty dollars (\$80.00). The fee shall cover any additional species of livestock for which the brand was previously recorded.

(b) For recording a bill of sale or other instrument transferring ownership of a recorded brand and issuing a certificate of transfer, fifty dollars (\$50.00) shall be charged for each recorded brand.

(c) The recording of a bill of sale or other instrument transferring ownership of a recorded brand during any renewal period shall not serve as a renewal of the brand. Transfer of ownership and renewal of a brand are separate transactions, for each of which the appropriate fee will be collected.

(d) Repealed by Laws 1996, ch. 25, s 2.

(e) The fees collected pursuant to this section shall be deposited in the account created by W.S. 11-20-405.

11-20-117 Unrecorded duplicate brands prohibited; penalties.

(a) It is unlawful for any person in Wyoming to identify livestock with a brand not recorded in his name when the brand is a duplicate of or in conflict with any brand lawfully recorded in Wyoming for the same species of livestock.

(b) Anyone violating subsection (a) of this section shall be punished as provided in W.S. 11-1-103.

11-20-118 Drover's stock; to be kept separate.

Every stock drover shall keep his livestock separate and distinct from other livestock, and if his livestock becomes mixed with other livestock the stock drover shall forthwith separate the same.

11-20-119 Drover's stock; liability for injury to property; exceptions.

Every stock drover shall prevent his livestock from trespassing upon the property of another and from damaging any irrigating ditch or public works. No drover or other person who in good faith removes or attempts to remove livestock from any road, highway or right-of-way is liable for any civil damages for acts or omissions in good faith.

11-20-120 Driving cattle from home range.

It is unlawful for any person to drive livestock away from its home range without authority from the owner of the

livestock.

11-20-121 Penalties for failure to comply with certain provisions.

Any person violating or failing to comply with the provisions of W.S. 11-20- 102, 11-20-110 or 11-20-118 through 11-20-120 shall be imprisoned in the county jail not exceeding six (6) months, or fined not less than twenty-five dollars (\$25.00) or more than five hundred dollars (\$500.00), or both.

CHAPTER 20. Brands

ARTICLE 2. Inspection for Brands and Ownership

11-20-201 Designation of contract services to implement brand inspection laws; bond required; bond of inspectors; interstate cooperative agreements.

(a) The board may designate an agency or contract for services subject to rules and regulations of the board, to exercise the rights, powers and duties provided by law with respect to inspection of brands and ownership of the animals mentioned herein.

(b) The agency, or the board may contract for inspectors as the board deems necessary to carry out specified duties. The board may contract for inspectors through an individual at-will contract. The board may contract to provide the inspector salary, mileage, per diem and other necessary reimbursable expenses, membership in the state employees' and officials' group insurance plan in accordance with W.S. 9-2-1022(a)(xi)(F)(IV) and 9-3-207, and the state retirement system in accordance with W.S. 9-2-1022(a)(xi)(F)(IV) and 9-3- 412. The board shall be authorized to establish mileage rates without regard to the limitations provided in W.S. 9-3-103. During the time that inspectors are acting within the scope of their duties on behalf or in service of the state in their official capacity, inspectors are covered by the provisions of the Wyoming Governmental Claims Act, W.S. 1-39-101 through 1-39-120 [§§ 1- 39-101 through 1-39-121], and the state self-insurance program, W.S. 1- 41-101 through 1-41-111. It may assign inspectors inside or outside of this state as it deems appropriate. A blanket bond or individual bonds shall be executed to the state with good and sufficient surety in an amount determined by the board, conditioned for the full and faithful performance and discharge of the inspector's duties. The bond shall be approved by and filed in the office of the board.

(c) The board may enter into cooperative agreements wherever economically feasible with the proper authorities of other states for the enforcement and implementation of the Wyoming brand laws. Brand inspections performed in accordance with such a cooperative agreement is a Wyoming brand inspection within the meaning of the brand inspection laws of this state. For purposes of this subsection, the brand inspection need not be performed by a Wyoming brand inspector.

11-20-202 Duties of board; enforcement of provisions.

(a) Inspections for brands and ownership of livestock, wool, pelts, hides or carcasses shall be made by the board or its designated agency. The board shall prepare and provide all forms required for inspections and recording inspections for brands and ownership, and any substitutes or facsimiles are invalid. The agency of the board shall keep on file in its office copies of inspection certificates. The board shall make rules and regulations governing inspections for brands and ownership as necessary, consistent with the laws of Wyoming.

(b) The board shall enforce the brand inspection provisions of this act. No agent of the board exercising ordinary care

and precaution in performing his duties is liable for any damage or loss that may be incurred thereby.

11-20-203. Inspection of brands at time of delivery or removal from county; certificate required; lack thereof

(a) Except as hereafter provided or except as provided in W.S. 11-20-224, it is unlawful for any person, firm, partnership, corporation, or association to sell, change ownership or to remove or cause to be removed in any way from any county in Wyoming to any other county, state or country, any livestock unless each animal has been inspected for brands and ownership at the time of delivery or removal by an authorized Wyoming brand inspector and a proper certificate of inspection or clearance has been issued.

(b) Transporting livestock across state lines without first having had such inspection and having obtained such certificates is prima facie evidence of intent to avoid inspection and to steal, take and carry away the animals and is punishable as provided in W.S. 6-3-402.

11-20-204 Inspector not to inspect his own livestock; penalty.

It is unlawful for any inspector to issue a certificate of inspection covering livestock owned by him or in which he has any financial interest, and any violation of this provision is punishable as a misdemeanor.

11-20-205 Procedures generally; estrays.

(a) Except as otherwise provided, before removing any livestock from any county of Wyoming, the person selling or intending to cause removal shall notify the inspector of the date of the intended removal and the time and place when and where the required inspection for brands and ownership can be made. The inspection shall be made within a reasonable time prior to shipment. The person in charge of the livestock shall hold the livestock at the place designated until the livestock have been inspected and an official certificate of inspection is issued. The person in charge shall render the inspecting officer such assistance as is practicable while the required inspection is being made.

(b) Upon being notified of the intention of any person to remove from the county any livestock when a prior inspection is required by law, the inspector notified shall go to the place designated at the time agreed upon, and make an inspection for brands and ownership of the livestock.

(c) The inspection shall be made by daylight in such manner as to enable the inspecting officer to make a thorough and efficient inspection. The inspector shall list by classes the livestock, showing number of each class and all brands, together with the names of owners of the brands, if known. The inspector may require from the person in charge proof of ownership of the livestock to be removed from the county, by brand record, bill of sale or the affidavits of at least two (2) responsible citizens of the county who are not interested financially in the animals. If ownership of any of the livestock is not claimed by the person intending to remove them from the county, then written authorization from the owner for such removal is required.

(d) Estrays, the ownership of which is unknown, shall not be removed from the county except by order of the inspector in accordance with W.S. 11-24-102.

11-20-206 Certificate of inspection generally; distribution of copies; failure to exhibit; justification to hold vehicle and livestock.

(a) Any inspector, upon completing an inspection of livestock for brands and ownership, shall record the inspection upon a form furnished by the Wyoming livestock board. When completed and signed by him the form is a certificate

of inspection authorizing the removal from the county of the livestock listed. The inspector shall deliver a copy of the certificate to the person in charge of the livestock. If movement is to be by railroad, a copy of the inspection certificate shall be delivered by the person in charge to the railroad agent to be attached to the waybill. If movement is to be by truck, a copy of the certificate shall be delivered by the person in charge of the animals to the driver or person in charge of the truck or trucks, and shall be kept in the latter's possession until the livestock are delivered at the final destination as shown on the certificate of inspection, and shall be exhibited upon request to any person authorized to enforce the brand inspection laws of this state.

(b) Failure or refusal by the driver of any vehicle to exhibit a certificate of inspection or a properly executed shipper's certificate and agreement or permit listing the livestock being transported within the state, is justification for any authorized person to hold the vehicle and the livestock, at the carrier's or the shipper's expense, until the carrier establishes his right to transport the livestock. If the carrier cannot establish his right to transport the livestock within twelve (12) hours, the vehicle and livestock shall be impounded as provided by W.S. 11-20-228, pending complete investigation and disposition as provided by law.

11-20-208 Proof of prior ownership; penalties for furnishing false proof.

(a) When the proof of ownership inspection is used, inspectors shall require proof of ownership of livestock upon change of ownership as provided by W.S. 11-20-203(a) and an instrument evidencing such ownership shall be delivered by the shipper to the inspector who shall attach it to the form and return it to the agency.

(b) The furnishing of false proof of prior ownership is probable cause for investigation of a felony offense being committed. All livestock involved shall be remanded to the custody of the Wyoming livestock board pending the outcome of the investigation and criminal charges, if any. Costs incurred for maintenance of the livestock involved shall be paid by the person who furnished false proof of ownership. Should the investigation show the only offense involved is furnishing false proof of ownership, the person furnishing such false proof shall be fined not less than two hundred dollars (\$200.00) or more than seven hundred fifty dollars (\$750.00) or imprisoned for not more than six (6) months, or both.

11-20-209 When inspection not required.

No inspection for brands and ownership is required for livestock originating in another state, territory or country and being transported through Wyoming by common carrier or contract carrier in interstate commerce, without leaving the custody of the carrier.

11-20-210 When inspection not required; certain importations; compliance with health and quarantine regulations required.

Subject to conditions set forth in this section, no inspection for brands and ownership is required of livestock being imported into Wyoming if the livestock are transported or driven directly from point of entry into Wyoming to a destination within Wyoming and the person in charge of, or having custody of the livestock has in his possession written authority to transport or drive the livestock from the state, territory or country of origin to a destination in Wyoming and written evidence that all health and quarantine regulations of Wyoming have been complied with. Such written evidence shall be shown upon request to any officer authorized to enforce the brand inspection laws.

11-20-211 When inspection not required; contiguous range.

No inspection for brands and ownership is required for livestock being moved to their accustomed range which is on both sides of but contiguous to any county or state line, for the purpose of pasturing or feeding same. The word "contiguous" means actually touching, bordering or abutting upon, and this section shall not be construed to exempt from inspection livestock whose accustomed range is near or in close proximity but not contiguous to a state or county line.

11-20-212 In-state range movement permits.

(a) The board may issue an in-state range movement permit for the movement of livestock from a location in Wyoming to a noncontiguous location in another county provided the applicant and the ranch meet the requirements of this subsection and criteria established by rules of the board. An in-state range movement of livestock within a ten (10) mile radius from a location in Wyoming shall not be required to obtain a permit under this section unless the movement is for the purpose of changing ownership of livestock. The movement shall be for the purpose of pasturing, grazing, feeding the livestock, veterinary care, commercial lease or use or other board approved movement that is considered necessary for normal ranch management operating conditions. The movement shall not be for the purpose of changing ownership. A permit under this section may be issued only to bona fide owners or Wyoming resident lessees of qualified ranch lands headquartered within Wyoming or their authorized employees. As used in this section, a "qualified ranch" means a ranch that has been used for a period of time or purpose specified by the board and which use can be verified by brand inspection records. A permit may be denied by the board after a finding that the person applying for a permit has violated a brand inspection law, including a provision of this section or a board rule or regulation.

(b) The fee imposed by W.S. 11-20-402 shall be collected at the time of the issuance of the permit under this section. If a change of ownership occurs before the livestock is returned to the county of origin pursuant to a permit issued under this section, the owner shall notify a brand inspector for an inspection of the livestock and shall pay all fees imposed under W.S. 11-6-210 and 11-20-401.

(c) Each permit issued under this section shall be good for the calendar year in which it is issued unless sooner revoked for cause by the board. Permits shall be nontransferable. A permit may be suspended or revoked by the board after a finding that the person to whom the permit is granted has violated a brand inspection law, including a provision of this section or a board rule or regulation. If there are written complaints from three (3) or more affected parties to the board concerning the use of the permit, the board shall investigate the complaints and take appropriate action.

(d) The board shall promulgate rules and regulations necessary to carry out the provisions of this section.

(e) Unless specifically reauthorized by the legislature prior to July 1, 2005, rules and regulations promulgated by the board pursuant to this section prior to July 1, 2005 shall on, and after, July 1, 2005 be void.

11-20-214 Brand inspector may inspect at his discretion; voluntary inspections.

(a) A brand inspector may inspect livestock being transported, trailed, pastured or confined at his discretion, to determine ownership, without an inspection fee.

(b) Any person may request an inspection for brands and ownership of livestock in his possession at any time. The inspection fee prescribed by W.S. 11-20-401 shall be collected by the brand inspector.

11-20-215 Shipment by railroad; written permission of inspector required before moving; issuance; contents; copy to be filed with inspector.

(a) With the approval of an inspector and subject to conditions set forth in this section, livestock intended for shipment

by railroad may be transported or driven from the county of origin to a railroad shipping point or stockyards without inspection for brands and ownership at point of origin. If the shipment is then consigned to an open market where Wyoming brand inspection is maintained, it may go forward under a shipper's certificate and agreement, as provided in W.S. 11-20-218. If the shipment is consigned to some point where Wyoming brand inspection is not maintained, the livestock, upon arrival at the railroad shipping point or stockyards, must be inspected for brands and ownership by an authorized inspector.

(b) Before moving any livestock under the provisions of this section, the shipper or his authorized agent shall secure from the inspector written permission. Permission shall be made in duplicate on a form approved by the Wyoming livestock board and shall specify the date when the livestock are to reach the railroad shipping point or stockyards, the class and approximate number of each class of animals, the brands and names of owners of the brands, if known, and the method of transportation to be used. The permission must be signed by the issuing officer.

(c) A copy of the written permission shall be kept on file in the office of the inspector. The original shall be given to the shipper or his agent to be kept in his possession until the livestock have reached the railroad shipping point or stockyards, and shall be shown upon request to any person authorized to enforce the brand inspection laws.

11-20-216 Procurement, form, contents and validity of truck-fleet shipment permit.

When a shipment of livestock is to be made in more than one (1) truck and the entire shipment is listed on one (1) certificate of inspection, or one (1) shipper's certificate and agreement, or on any single permit required by law, the person in charge of the shipment shall obtain a truck-fleet shipment permit. The board shall prepare the form and contents of the permit. The permit is valid only for the shipment specified and on the date or dates shown.

11-20-217 Certificates and agreements in lieu of inspection; generally; shipper's demand for inspection; penalty.

(a) Subject to conditions set forth in this section, no prior inspection for brands and ownership is required of horses, mules, cattle or sheep being or about to be transported to any open market where Wyoming brand inspection is maintained whether within or outside Wyoming.

(b) In lieu of an official inspection for brands and ownership, the person proposing to remove livestock from any county of Wyoming to any such open market shall fill out and sign a certificate on a form approved by the board. The form shall include an agreement providing that the livestock listed on the certificate will not be diverted en route from the destination shown unless and until an inspection for brands and ownership has been made by an authorized Wyoming brand inspector, unless the diversion is to an open market where Wyoming brand inspection is maintained or where a brand inspection is made which substantially complies with the brand inspection laws of this state pursuant to an agreement entered into under W.S. 11-20-201(c). It shall further provide that in case of diversion of all or any part of the shipment the livestock diverted will be held at some convenient place, separate and apart from other livestock, until inspected, and the shipper will pay the necessary expenses incurred by the inspector and the legal inspection fees. The board shall establish a fee to be charged for use of the form authorized by this section. The fee for this form shall not exceed one dollar (\$1.00) per head. The form authorized by this section shall not be issued until all fees required by W.S. 11-6-210 have been paid in full and may be collected at the time the form is issued by the issuing party. A blanket bond or individual bonds shall be executed to the state with good and sufficient surety in an amount determined by the board, conditioned for the full and faithful performance of any issuer of the forms and collecting of fees pursuant to this section.

(c) Except on demand of the shipper, the inspector is not required to inspect any horses, mules, cattle or sheep, consigned directly to any open market where Wyoming brand inspection is maintained. If the shipper demands a prior inspection, the inspection shall be made and the legal inspection fee charged and collected. Inspection at point of origin does not exempt the shipment from inspection for brands and ownership, nor the shipper from payment of inspection fees at the open market destination.

(d) The form authorized by this section may be denied, suspended or revoked by the board after proper hearing as provided by the Wyoming Administrative Procedure Act, and a finding that the person to whom the permit is granted has violated any of the brand inspection laws.

11-20-218 Certificates and agreements in lieu of inspection; to whom copies furnished; numbering and accounting; purpose.

Copies of the approved form for the certificate and agreement shall be furnished by the Wyoming livestock board to agents of railroads operating in Wyoming and to inspectors. The forms shall be serially numbered and each railroad agent and inspector shall account for all forms issued to him. These forms shall be used for no other purpose than to clear shipments of horses, mules, cattle or sheep consigned to an open market where Wyoming brand inspection is maintained.

11-20-219 Certificates and agreements in lieu of inspection; filing and distribution of copies.

(a) After a certificate and agreement listing a shipment of horses, mules, cattle or sheep to be transported by common or contract carrier has been filled out, signed and witnessed, a copy shall accompany the shipment.

(b) A copy of the certificate and agreement listing horses, mules, cattle or sheep to be transported by private carrier shall be retained by the owner or his agent until the animals have been delivered at the destination shown and shall then be delivered by him to the Wyoming brand inspector at the destination.

(c) A copy of the certificate and agreement listing horses, mules, cattle or sheep being transported shall be shown upon request, to any person authorized to enforce the brand inspection laws.

11-20-220 Diverted shipments; notice thereof.

Should any shipment or any part of a shipment of horses, mules, cattle or sheep listed on a certificate and agreement consigned to an open market be diverted en route from the destination shown, the railroad, trucking firm, trucker or private carrier transporting the shipment shall notify the Wyoming brand inspector at the original destination and the agency that such diversion has been ordered and made. The notice shall be sent within twenty-four (24) hours after diversion is ordered. If the diversion is ordered and made before the shipment leaves Wyoming, the required inspection for brands and ownership shall be made by any Wyoming brand inspector. If the shipment has left Wyoming, the inspection shall be made by a brand inspector having authority to inspect Wyoming livestock outside the state.

11-20-221 Common carriers not to receive livestock for transportation without certificate.

Except as otherwise provided, it is unlawful for any railroad, trucker or other common or contract carrier, or any person to receive for transportation or to transport any horses, mules, cattle or sheep from any county in Wyoming to any other county, state, territory or country, until furnished with an official certificate of inspection, filled out and signed by an authorized inspector, showing the horses, mules, cattle or sheep to be transported have been inspected for brands and ownership.

11-20-224 Permanent brand inspection certificate; application; surrender to board.

The owner of livestock used for rodeo, show, racing, pleasure or Wyoming farm or ranch work purposes may obtain a permanent brand inspection certificate authorizing movement of the livestock intrastate or interstate, valid for the life of the livestock or until a change of ownership takes place, upon approval of a proper application in writing by an authorized Wyoming brand inspector. The application shall contain, or be accompanied by, valid proof of ownership of the livestock by the applicant, and shall state a thorough physical description including all brands carried by the livestock and all distinguishing marks or markings. The possession of a valid permanent brand inspection certificate shall constitute prima facie evidence of ownership. Upon any change in ownership, the owner shall transfer in writing the permanent brand inspection certificate to the new owner who shall obtain an inspection within seven (7) days of the transfer, or the certificate is void and shall be immediately surrendered to the board.

11-20-225 Annual horse brand inspection certificate; surrender to board; fee.

(a) The owner of a horse or livestock used for rodeo, show, racing, pleasure or farm or ranch work in Wyoming which is permanently and individually identified may obtain an annual brand inspection certificate, authorizing movement from county to county within Wyoming, valid for one (1) year from date of issuance unless sooner terminated by a change in ownership of the horse described therein. Upon any change of ownership the certificate is void and must be immediately surrendered to the board.

(b) Repealed by Laws 2001, ch. 26, § 2.

(c) For each permit issued under this section there shall be charged an inspection fee established by W.S. 11-20-402(a)(vi).

11-20-226 Certificates to be signed and in possession.

The inspection certificate and movement permit issued pursuant to W.S. 11-20-224 or 11-20-225 is not valid unless signed by an authorized representative of the board and by the permit holder. The certificate must be in the possession of the person transporting the horse and must be shown on request to any person authorized to enforce the brand inspection laws. Each certificate shall be executed in triplicate, one (1) copy to be forwarded by the inspector to the board, one (1) copy to be retained by the inspector and the original to be retained by the certificate holder.

11-20-227 Fraudulent use of inspection certificate and movement permit; penalties.

Fraudulent use of an inspection certificate and movement permit issued pursuant to W.S. 11-20-224 or 11-20-225 is punishable by a fine of not more than one hundred dollars (\$100.00) or by imprisonment for not more than thirty (30) days, or both. The fraudulent use of an inspection certificate and movement permit issued pursuant to W.S. 11-20-224 or 11-20-225 is probable cause to investigate the commission of a felony, and the provisions of W.S. 11-20-228 may be invoked pending the outcome of the investigation and court proceedings, if any.

11-20-228 Impounding of vehicles; lien.

Any vehicle used in the transportation of livestock in violation of this act may be impounded pending determination of the violation by a court. Upon conviction of the owner of the vehicle, or the owner of the livestock being transported, any expense incurred by an authorized officer for towing the vehicle or for feed and care of the livestock is a lien upon the vehicle or livestock until the expenses are paid in full.

11-20-229 Penalties for violation of certain provisions.

Any violation of the provisions of W.S. 11-20-202 through 11-20-226 for which there is no specific penalty prescribed is punishable as provided in W.S. 11-1- 103.

CODE OF WYOMING RULES**AGENCY 051. LIVESTOCK BOARD****SUB-AGENCY 000. GENERAL****CHAPTER 009. BRAND INSPECTION FEE RULES AND REGULATIONS****WCWR 051-000-009 § 1 (1996)**

Section 1. Authority.

Pursuant to the authority vested in the Wyoming Livestock Board by virtue of W.S. 11-18-103(v), W.S. 11-20-201 through W.S. 11-20-229 and W.S. 11-20-401 through W.S. 11-20-408 the following rules and regulations are hereby promulgated.

WCWR 051-000-009 § 2 (1996)

Section 2. Purpose.

The purpose of these rules is to define the terms and procedures for implementing the sections of House Enrolled Act 47 effective July 1, 1990, and House Bill 81 effective July 1, 1994, House Bill 243 effective February 27, 1995 and House Bill 258 effective February 24, 1995 which pertain to establishing fees to fund brand inspection and predator control. These rules specifically do not address state and district predator boards which are addressed in county rules.

WCWR 051-000-009 § 3 (1996)

Section 3. Definitions.

For the purposes of implementing the brand inspection program, the definitions in WS § 11-20-101 and the following definitions are applicable:

- (a) Bona Fide Owner--one who possesses a bill of sale, a sale barn receipt of ownership, a brand evidencing ownership, or other proof of ownership for livestock.
- (b) Bona Fide Wyoming Resident--a United States citizen who has been a resident of Wyoming and domiciled in Wyoming for not less than one (1) year and who has not claimed residency elsewhere for any purpose during that one (1) year period. Having a Wyoming mailing address shall not alone prove Wyoming residency. "Resident" also includes any legal alien who has resided continuously in Wyoming for at least one (1) year.
- (c) Commercial Feedlot--a confined dry lot area for feeding of cattle, bison, or sheep on concentrated feed with no facilities for pasturing or grazing.
- (d) Board --The Wyoming Livestock Board; State Agency 051.
- (e) Brand Inspection Forms--
A Form--A document created by the Board and used for intrastate and/or interstate movement of livestock; also issued

when a change of ownership occurs. The blue copy of this form is considered title to the livestock as described on the form.

B Form--A document created by the Board and issued at licensed Wyoming livestock markets as title and clearance to destination. The blue copy of this form is considered title to the livestock as described on the form.

D Form--A document created by the Board and issued for intrastate and interstate movement of hides.

G Form--A document created by the Board and issued for the intrastate movement of livestock to a Wyoming livestock market, and for interstate movement of cattle and horses to South Dakota markets (Sturgis, St. Onge and Belle Fourche).

H Form--A document created by the Board and issued for intrastate movement of work, show or rodeo stock for one year from the date of issue.

L Form--A document created by the Board and issued as a permanent or lifetime inspection to the owner of livestock used for rodeo, show, racing, pleasure or Wyoming farm or ranch work. The blue copy of this form is considered title to the livestock as described on the form and is void upon change of ownership.

WCWR 051-000-009 § 4 (1996)

Section 4. Predatory Animal Control Fees.

(a) Except for out-of-state sheep and cattle consigned for immediate sale 9-1 in a licensed or exempted market facility and out-of-state sheep and cattle entering a commercial feedlot, the predatory animal control fee shall be:

(i) \$.80 per head for sheep, or as excepted in subsection (a).

(a) \$.60 per head for sheep in Albany, Big Horn, Campbell, Converse, Goshen, Laramie, Lincoln, Park, Platte, Sweetwater and Washakie Counties.

(ii) \$.20 per head for cattle.

(b) The predator control fee shall not be collected more than once every 12 months regardless of ownership on any cattle or sheep inspected.

WCWR 051-000-009 § 5 (1996)

Section 5. Bonding.

(a) Any agent empowered or directed to collect funds under WS § 11-6-210, WS § 11-20-201, WS § 11-20-203, WS § 11-20-212, WS § 11-20-217, WS § 11-20-222, WS § 11-20-223, WS § 11-20-224, WS § 11-20-225, WS § 11-20-401 and WS § 11-20-402, shall execute to the state a blanket bond or individual bonds with good and sufficient surety in an amount determined by the board.

WCWR 051-000-009 § 6 (1996)

Section 6. General Brand Inspection Fee.

(a) Pursuant to WS § 11-20-401(a), the general brand inspection fee is:

(i) One dollar (\$1.00) for all cattle inspected on A and B forms except those which qualify for the G form authorized by WS § 11-20-217 and the accustomed range permits authorized by WS § 11-20-212 and WS § 11-20-223.

(ii) Twenty cents (\$.20) per head on all sheep inspected on A and B forms except unbranded and undocked lambs running with their mothers or as excepted in subsection (a).

(a) Sheep leaving a commercial feedlot, which have already been brand inspected in the past 120 days, or for which out of state change of ownership can be documented in the last 120 days, will be charged five cents (\$.05) per head.

(iii) Five dollars (\$5.00) per head for the first ten head of horses inspected on the A and B forms and one dollar

(\$1.00) for each additional horse inspected at the same time and place.

(iv) Three dollars (\$3.00) surcharge per inspection except when no mileage is incurred by the brand inspector or the inspection is done at an approved licensed livestock market.

(b) Pursuant to WS § 11-20-402(a), the general brand inspection fee is:

(i) Twelve dollars (\$12.00) for each L Form issued pursuant to WS § 11-20- 224.

(ii) Five dollars (\$5.00) per animal for each H Form for the first ten (10) head inspected and one dollar (\$1.00) for each additional head inspected pursuant to WS § 11-20-225.

(iii) Three dollars (\$3.00) surcharge per inspection except when no mileage is incurred by the brand inspector or the inspection is done at an approved licensed livestock market.

WCWR 051-000-009 § 7 (1996)

Section 7. Certificates and agreements in lieu of inspection.

(a) Pursuant to WS § 11-20-217, the fee is:

(i) Fifty cents (\$.50) for cattle moving interstate to approved South Dakota livestock markets (Sturgis, St. Onge and Belle Fourche).

(ii) Fifty cents (\$.50) for horses moving interstate to approved South Dakota livestock markets (Sturgis, St. Onge and Belle Fourche).

WCWR 051-000-009 § 8 (1996)

Section 8. Accustomed Range Permits.

(a) Pursuant to WS § 11-20-212, the fee for an intrastate accustomed range permit is twenty five dollars (\$25.00).

(b) Pursuant to WS § 11-20-223 interstate accustomed range permit inspection fees are:

(i) Twenty five cents (\$.25) per head for cattle and horses greater than six months of age.

(ii) Five cents (\$.05) per head for sheep greater than six months of age.

WCWR 051-000-009 § 9 (1996)

Section 9. Revocation of Accustomed Range Permit.

(a) If a brand inspector determines a permit holder is violating WS § 11- 20-212 (intrastate) or WS § 11-20-223 (interstate) he may refer the matter to the Livestock Board for a hearing on the possible revocation or suspension of the permit as authorized in WS § 16-3-107 through WS § 16-3-115.

(b) If the Board determines that the public health, safety or welfare imperatively requires emergency action against the permit holder they may immediately revoke or suspend the permit and proceed with a hearing authorized by WS § 16-3-107 through WS § 16-3-115.

Amended in 1996, 2000, 2001, 2002.

Reviewed by AAHS in July 2001.

Reviewed and updated by AAHS in May 2003.

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