
SUBSTITUTE SENATE BILL 6204

State of Washington

55th Legislature

1998 Regular Session

By Senate Committee on Agriculture & Environment (originally sponsored by Senator Morton)

Read first time 02/06/98.

1 AN ACT Relating to livestock identification; amending RCW
2 16.57.010, 16.57.020, 16.57.080, 16.57.275, 16.57.290, 16.57.300,
3 16.57.310, 16.57.320, 16.57.330, 16.57.340, 16.57.370, 16.57.407,
4 16.57.410, 16.58.050, 16.58.095, 16.58.100, and 16.65.037; adding new
5 sections to chapter 16.57 RCW; repealing RCW 16.57.015, 16.57.160,
6 16.57.165, 16.57.170, 16.57.180, 16.57.200, 16.57.210, 16.57.220,
7 16.57.230, 16.57.240, 16.57.260, 16.57.360, 16.57.380, 16.57.400,
8 16.58.120, 16.58.130, 16.65.090, 16.65.100, and 16.65.110; and
9 providing effective dates.

10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

11 **Sec. 1.** RCW 16.57.010 and 1996 c 105 s 1 are each amended to read
12 as follows:

13 ~~((For the purpose of))~~ The definitions in this section apply
14 throughout this chapter((+)) unless the context clearly requires
15 otherwise.

16 (1) "Department" means the department of agriculture of the state
17 of Washington.

18 (2) "Director" means the director of the department or a duly
19 appointed representative.

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

5 (4) "Livestock" includes, but is not limited to, horses, mules,
6 cattle, sheep, swine, goats, poultry and rabbits.

7 (5) "Brand" means a permanent fire brand or any artificial mark,
8 other than an individual identification symbol, approved by the
9 director to be used in conjunction with a brand or by itself.

10 (6) "Production record brand" means a number brand which shall be
11 used for production identification purposes only.

12 (7) "Brand inspection" means the examination of livestock or
13 livestock hides for brands or any means of identifying livestock or
14 livestock hides and/or the application of any artificial identification
15 such as back tags ~~((or))~~, ear clips, tattoos, or microchips as
16 necessary to preserve the identity of the livestock or livestock hides
17 examined.

18 (8) "Individual identification symbol" means a permanent mark
19 placed on ~~((a horse))~~ livestock for the purpose of individually
20 identifying and registering the ~~((horse))~~ livestock and which has been
21 approved for use as such by the director.

22 (9) "Registering agency" means any person issuing an individual
23 identification symbol for the purpose of individually identifying and
24 registering a horse.

25 (10) "Poultry" means chickens, turkeys, ratites, and other
26 domesticated fowl.

27 (11) "Ratite" means, but is not limited to, ostrich, emu, rhea, or
28 other flightless bird used for human consumption, whether live or
29 slaughtered.

30 (12) "Ratite farming" means breeding, raising, and rearing of an
31 ostrich, emu, or rhea in captivity or an enclosure.

32 (13) "Microchipping" means the implantation of an identification
33 microchip or similar electronic identification device to establish the
34 identity of an individual animal:

35 (a) In the pipping muscle of a chick ratite or the implantation of
36 a microchip in the tail muscle of an otherwise unidentified adult
37 ratite;

38 (b) In the nuchal ligament of a horse unless otherwise specified by
39 rule of the director; and

1 (c) In locations of other livestock species as specified by rule of
2 the director when requested by an association of producers of that
3 species of livestock.

4 (14) "Livestock identification agent" means a veterinarian, animal
5 technician, or any person certified and designated by the state
6 veterinarian to verify ownership of livestock.

7 (15) "Certificate of inspection" means a document showing the
8 owner, breed, sex, brand, or other method of identification of the
9 livestock and any other information necessary to establish ownership of
10 livestock.

11 (16) "Beef animal" means any cattle offered for sale, but excluding
12 all female dairy cattle and all male dairy cattle under four months
13 old.

14 **Sec. 2.** RCW 16.57.020 and 1994 c 46 s 7 are each amended to read
15 as follows:

16 The director shall be the recorder of livestock brands and such
17 brands shall not be recorded elsewhere in this state. Any person
18 desiring to register a livestock brand shall apply on a form prescribed
19 by the director. Such application shall be accompanied by a facsimile
20 of the brand applied for and a ~~((thirty-five))~~ seventy dollar recording
21 fee. The director shall, upon his or her satisfaction that the
22 application and brand facsimile meet the requirements of this chapter
23 and/or rules adopted hereunder, record such brand ownership. The brand
24 registration is valid for five years.

25 **Sec. 3.** RCW 16.57.080 and 1994 c 46 s 16 are each amended to read
26 as follows:

27 ~~((The director shall establish by rule a schedule for the renewal~~
28 ~~of registered brands.))~~ The initial issuance of a recorded brand shall
29 be accompanied by a notice indicating the term of the brand
30 registration. The department may register a brand for less than five
31 years in order to stagger the number of renewals in any one year to
32 provide for an orderly and manageable workload. The fee for a brand
33 registration issued for a term of less than five years shall be
34 prorated accordingly. The fee for renewal of the brands ~~((shall be no~~
35 ~~less than twenty five dollars for each two-year period of brand~~
36 ~~ownership, except that the director may, in adopting a renewal~~
37 ~~schedule, provide for the collection of renewal fees on a prorated~~

1 ~~basis and may by rule increase the registration and renewal fee for~~
2 ~~brands by no more than fifty percent subsequent to a hearing under~~
3 ~~chapter 34.05 RCW and in conformance with RCW 16.57.015)) is seventy~~
4 dollars. At least sixty days before the expiration of a registered
5 brand, the director shall notify by letter the owner of record of the
6 brand that on the payment of the requisite application fee and
7 application of renewal the director shall issue the proof of payment
8 allowing the brand owner exclusive ownership and use of the brand for
9 the subsequent registration period. The failure of the registered
10 owner to pay the renewal fee by the date required by rule shall cause
11 such owner's brand to revert to the department. The director may for
12 a period of one year following such reversion, reissue such brand only
13 to the prior registered owner upon payment of the registration fee and
14 a late filing fee to be prescribed by the director by rule subsequent
15 to a hearing under chapter 34.05 RCW (~~and in conformance with RCW~~
16 ~~16.57.015)), for renewal subsequent to the regular renewal period. The~~
17 director may at the director's discretion, if such brand is not
18 reissued within one year to the prior registered owner, issue such
19 brand to any other applicant.

20 NEW SECTION. Sec. 4. A new section is added to chapter 16.57 RCW
21 to read as follows:

22 (1) The owner of livestock offered for sale in this state or to be
23 transported out of state may have the livestock inspected for ownership
24 verification by a livestock identification agent. However, the owner
25 of any beef animal must have the beef animal inspected before any
26 change of ownership or movement within or out of this state.

27 (2) The livestock identification agent shall conduct the inspection
28 at the farm, place of business, residence of the livestock owner, at a
29 public livestock market, or at a mutually agreeable location. The
30 livestock identification agent is responsible for verifying ownership
31 of livestock through the use of brand inspection or other approved
32 methods of identification.

33 (3) Upon completion of the inspection, the livestock identification
34 agent shall issue a certificate of inspection stating the time, date,
35 and results of the inspection. The certificate shall be on a form
36 developed by and obtained from the department.

37 (4) Certificates of inspection, or other satisfactory proof of
38 ownership, shall be retained by either the owner, or the person in

1 possession of any livestock, or both. The certificate of inspection
2 shall be in the possession of any person transporting the livestock,
3 and shall be furnished to any peace officer upon demand.

4 (5) No livestock identification agent may inspect livestock which
5 are owned by the agent or owned by the employer of the agent.

6 NEW SECTION. **Sec. 5.** A new section is added to chapter 16.57 RCW
7 to read as follows:

8 It is the duty of the state patrol to check for a valid certificate
9 of inspection or other appropriate proof of ownership for all
10 nonresident livestock at established border crossings between this
11 state and any other state or country.

12 The sheriff of each county of this state shall make the
13 investigation and enforcement of livestock theft a high priority and
14 investigate all complaints of these crimes as soon as practicable.

15 NEW SECTION. **Sec. 6.** A new section is added to chapter 16.57 RCW
16 to read as follows:

17 (1) The director shall establish with the state veterinarian a
18 procedure for brand inspection that relies on livestock identification
19 agents. The director shall develop criteria to determine the
20 eligibility of livestock identification agents, and a certification and
21 training program to ensure that livestock identification agents are
22 trained and competent to perform brand inspection duties.

23 (2) The training program established under subsection (1) of this
24 section shall not be necessary for: (a) Brand inspectors, in good
25 standing, who have been employed by the department within five years of
26 the effective date of this act; or (b) accredited, licensed
27 veterinarians whose practice includes the livestock for which
28 certification is granted. Certification of the persons described in
29 (a) or (b) of this subsection may be granted on application to the
30 department, payment of appropriate fees, and on approval by the state
31 veterinarian.

32 (3) The director shall issue numbered certificate of inspection
33 forms to each livestock identification agent on payment of a fee, set
34 by rule, to cover mailing costs. The director shall maintain a list
35 showing which certificates were provided to each livestock
36 identification agent.

1 (4) The director may adopt rules necessary to implement a brand
2 registration program and a program to certify and train livestock
3 identification agents, and may adopt fees, by rule, to cover the costs
4 associated with a certification and training program.

5 (5) In order to provide a centralized location that is equally
6 accessible from all parts of the state, the director shall establish
7 the office of the livestock identification certification and training
8 program in the city of Ellensburg.

9 (6) The director may receive gifts, grants, endowments, or free or
10 low-cost office space from public or private sources that are made from
11 time to time, in trust or otherwise, for the use and benefit of the
12 purposes of chapter . . . , Laws of 1998 (this act), and spend gifts,
13 grants, endowments, income, or free or low-cost office space from the
14 public or private sources according to their terms, unless the receipt
15 of the gifts, grants, endowments, or free or low-cost office space
16 violates RCW 42.17.710.

17 **Sec. 7.** RCW 16.57.275 and 1967 c 240 s 37 are each amended to read
18 as follows:

19 Any cattle carcass, or primal part thereof, of any breed or age
20 being transported in this state from other than a state or federal
21 licensed and inspected slaughterhouse or common carrier hauling for
22 such slaughterhouse, shall be accompanied by a certificate of
23 ((~~permit~~)) inspection signed by the owner of such carcass or primal
24 part thereof and, if such carcass or primal part is delivered to a
25 facility custom handling such carcasses or primal part thereof, such
26 certificate of ((~~permit~~)) inspection shall be deposited with the owner
27 or manager of such custom handling facility and such certificate of
28 ((~~permit~~)) inspection shall be retained for a period of one year and be
29 made available to the department for inspection during reasonable
30 business hours. The owner of such carcass or primal part thereof shall
31 mail a copy of the ((~~said~~)) certificate of ((~~permit~~)) inspection to the
32 department within ten days of said transportation.

33 **Sec. 8.** RCW 16.57.290 and 1995 c 374 s 53 are each amended to read
34 as follows:

35 All unbranded cattle and horses and those bearing brands not
36 recorded, in the current edition of this state's brand book, which are
37 not accompanied by a certificate of ((~~permit~~)) inspection, and those

1 bearing brands recorded, in the current edition of this state's brand
2 book, which are not accompanied by a certificate of ~~((permit))~~
3 inspection signed by the owner of the brand when presented for
4 inspection by the ~~((director))~~ livestock identification agent, shall be
5 impounded and sold by the ~~((director or the director's representative))~~
6 sheriff, unless other satisfactory proof of ownership is presented
7 showing the person presenting them to be lawfully in possession in a
8 timely manner. Upon the sale of such cattle or horses, the ~~((director~~
9 ~~or the director's representative))~~ sheriff shall give the purchasers a
10 bill of sale therefor, or, if theft is suspected, the cattle or horses
11 may be impounded by the ~~((director or the director's representative))~~
12 sheriff.

13 **Sec. 9.** RCW 16.57.300 and 1989 c 286 s 24 are each amended to read
14 as follows:

15 The proceeds from the sale of cattle and horses as provided for
16 under RCW 16.57.290, after paying the cost thereof, shall be paid to
17 the ~~((director))~~ sheriff of the county of jurisdiction, who shall make
18 a record showing the brand or marks or other method of identification
19 of the animals and the amount realized from the sale thereof. However,
20 the proceeds from a sale of such cattle or horses at a licensed public
21 livestock market shall be held by the licensee for a reasonable period
22 not to exceed thirty days to permit the consignor to establish
23 ownership or the right to sell such cattle or horses. If such
24 consignor fails to establish legal ownership or the right to sell such
25 cattle or horses, such proceeds shall be paid to the ~~((director to be~~
26 ~~disposed of as any other stray proceeds))~~ sheriff.

27 **Sec. 10.** RCW 16.57.310 and 1959 c 54 s 31 are each amended to read
28 as follows:

29 When a person has been notified by registered mail that animals
30 bearing his or her recorded brand have been sold by the ~~((director))~~
31 sheriff of the county of jurisdiction, he or she shall present to the
32 ~~((director))~~ sheriff a claim on the proceeds within ten days from the
33 receipt of the notice or the ~~((director))~~ sheriff may decide that no
34 claim exists.

35 **Sec. 11.** RCW 16.57.320 and 1991 c 110 s 6 are each amended to read
36 as follows:

1 If, after the expiration of one year from the date of sale, the
2 person presenting the animals for inspection has not provided the
3 ~~((director))~~ sheriff of the county of jurisdiction with satisfactory
4 proof of ownership, the proceeds from the sale shall be paid on the
5 claim of the owner of the recorded brand. However, it shall be a gross
6 misdemeanor for the owner of the recorded brand to knowingly accept
7 such funds after he or she has sold, bartered, or traded such animals
8 to the claimant or any other person. A gross misdemeanor under this
9 section is punishable to the same extent as a gross misdemeanor that is
10 punishable under RCW 9A.20.021.

11 **Sec. 12.** RCW 16.57.330 and 1959 c 54 s 33 are each amended to read
12 as follows:

13 If, after the expiration of one year from the date of sale, no
14 claim is made, the money shall be credited to the ~~((department of
15 agriculture))~~ sheriff of the county of jurisdiction to be expended in
16 carrying out the provisions of ~~((this chapter))~~ RCW 16.57.290 through
17 16.57.340.

18 **Sec. 13.** RCW 16.57.340 and 1959 c 54 s 34 are each amended to read
19 as follows:

20 The ~~((director))~~ sheriff of the county of jurisdiction shall have
21 the authority to enter into reciprocal agreements with any or all
22 states to prevent the theft, misappropriation, or loss of
23 identification of livestock. The ~~((director))~~ sheriff may declare any
24 livestock which is shipped or moved into this state from such states
25 estrays if such livestock is not accompanied by the proper official
26 brand certificate or other such certificates required by the law of the
27 state of origin of such livestock. The ~~((director))~~ sheriff may hold
28 such livestock subject to all costs of holding or sell such livestock
29 and send the funds, after the deduction of the cost of such sale, to
30 the proper authority in the state of origin of such livestock.

31 **Sec. 14.** RCW 16.57.370 and 1959 c 54 s 37 are each amended to read
32 as follows:

33 ~~((All))~~ Fees collected by the department under the provisions of
34 this chapter shall be ~~((retained and))~~ deposited ~~((by the director to
35 be used only for the enforcement))~~ in an account in the agricultural
36 local fund and used to carry out the purposes of this chapter.

1 **Sec. 15.** RCW 16.57.407 and 1996 c 105 s 3 are each amended to read
2 as follows:

3 The ((department)) sheriff of the county of jurisdiction has the
4 authority to conduct an investigation of an incident where scars or
5 other marks indicate that a microchip has been removed from a horse or
6 where desecration of an existing brand has occurred.

7 **Sec. 16.** RCW 16.57.410 and 1993 c 354 s 11 are each amended to
8 read as follows:

9 (1) No person may act as a registering agency without a permit
10 issued by the department. The director may issue a permit to any
11 person or organization to act as a registering agency for the purpose
12 of issuing permanent identification symbols for horses in a manner
13 prescribed by the director. Application for such permit, or the
14 renewal thereof by January 1st of each year, shall be on a form
15 prescribed by the director, and accompanied by the proof of
16 registration to be issued, any other documents required by the
17 director, and a fee of one hundred dollars.

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

24 (3) Individual identification symbols shall be inspected as
25 required for brands under ((RCW 16.57.220 and 16.57.380)) this chapter.
26 Any ((horse)) livestock presented for inspection and bearing such a
27 symbol, but not accompanied by proof of registration and certificate of
28 ((permit)) inspection, shall be sold as provided under RCW 16.57.290
29 through 16.57.330.

30 (4) The director shall adopt such rules as are necessary for the
31 effective administration of this section pursuant to chapter 34.05 RCW.

32 **Sec. 17.** RCW 16.58.050 and 1997 c 356 s 5 are each amended to read
33 as follows:

34 The application for an annual license to engage in the business of
35 operating one or more certified feed lots shall be accompanied by a
36 license fee of ((six hundred)) fifty dollars. Upon approval of the
37 application by the director and compliance with the provisions of this

1 chapter and rules adopted hereunder, the applicant shall be issued a
2 license or a renewal thereof.

3 **Sec. 18.** RCW 16.58.095 and 1991 c 109 s 11 are each amended to
4 read as follows:

5 All cattle entering or reentering a certified feed lot must be
6 inspected for brands upon entry, unless they are accompanied by a
7 ~~((brand inspection))~~ certificate of inspection issued in accordance
8 with chapter 16.57 RCW, or comparable proof of ownership issued by
9 ~~((the director, or any other))~~ an agency authorized in any state or
10 Canadian province by law to issue such a certificate. Licensees shall
11 report a discrepancy between cattle entering or reentering a certified
12 feed lot and the ~~((brand inspection))~~ certificate of inspection
13 accompanying the cattle to the ~~((nearest brand inspector))~~ department
14 immediately. A discrepancy may require an inspection of all the cattle
15 entering or reentering the lot, except as may otherwise be provided by
16 rule.

17 **Sec. 19.** RCW 16.58.100 and 1979 c 81 s 3 are each amended to read
18 as follows:

19 The director ~~((shall))~~ may each year conduct audits of the cattle
20 received, fed, handled, and shipped by the licensee at each certified
21 feed lot. Such audits shall be for the purpose of determining if such
22 cattle correlate with the ~~((brand inspection))~~ certificates of
23 inspection issued in their behalf and that the certificate of assurance
24 furnished the director by the licensee correlates with his assurance
25 that brand inspected cattle were not commingled with uninspected
26 cattle.

27 **Sec. 20.** RCW 16.65.037 and 1997 c 356 s 9 are each amended to read
28 as follows:

29 (1) Upon the approval of the application by the director and
30 compliance with the provisions of this chapter, the applicant shall be
31 issued a license or renewal thereof. Any license issued under the
32 provisions of this chapter shall only be valid at the location and for
33 the sales day or days for which the license was issued.

34 (2) The license fee shall be based on the average gross sales
35 volume per official sales day of that market:

1 (a) Markets with an average gross sales volume up to and including
2 ten thousand dollars, a one hundred twenty dollar fee;

3 (b) Markets with an average gross sales volume over ten thousand
4 dollars and up to and including fifty thousand dollars, a two hundred
5 forty dollar fee; and

6 (c) Markets with an average gross sales volume over fifty thousand
7 dollars, a three hundred sixty dollar fee.

8 ~~((The fees for public market licenses shall be set by the director
9 by rule subsequent to a hearing under chapter 34.05 RCW and in
10 conformance with RCW 16.57.015.))~~

11 (3) Any applicant operating more than one public livestock market
12 shall make a separate application for a license to operate each such
13 public livestock market, and each such application shall be accompanied
14 by the appropriate application fee.

15 NEW SECTION. **Sec. 21.** The following acts or parts of acts are
16 each repealed:

17 (1) RCW 16.57.015 and 1993 c 354 s 10;

18 (2) RCW 16.57.160 and 1991 c 110 s 3, 1981 c 296 s 16, 1971 ex.s.
19 c 135 s 4, & 1959 c 54 s 16;

20 (3) RCW 16.57.165 and 1971 ex.s. c 135 s 6;

21 (4) RCW 16.57.170 and 1959 c 54 s 17;

22 (5) RCW 16.57.180 and 1959 c 54 s 18;

23 (6) RCW 16.57.200 and 1959 c 54 s 20;

24 (7) RCW 16.57.210 and 1959 c 54 s 21;

25 (8) RCW 16.57.220 and 1997 c 356 s 3, 1997 c 356 s 2, & 1995 c 374
26 s 49;

27 (9) RCW 16.57.230 and 1995 c 374 s 50 & 1959 c 54 s 23;

28 (10) RCW 16.57.240 and 1995 c 374 s 51, 1991 c 110 s 4, 1985 c 415
29 s 8, 1981 c 296 s 18, & 1959 c 54 s 24;

30 (11) RCW 16.57.260 and 1981 c 296 s 19 & 1959 c 54 s 26;

31 (12) RCW 16.57.360 and 1991 c 110 s 7 & 1959 c 54 s 36;

32 (13) RCW 16.57.380 and 1991 c 110 s 8, 1981 c 296 s 22, & 1974
33 ex.s. c 38 s 1;

34 (14) RCW 16.57.400 and 1994 c 46 s 20, 1993 c 354 s 9, 1981 c 296
35 s 23, & 1974 ex.s. c 38 s 3;

36 (15) RCW 16.58.120 and 1991 c 109 s 13 & 1971 ex.s. c 181 s 12;

1 (16) RCW 16.58.130 and 1997 c 356 s 7, 1997 c 356 s 6, 1994 c 46 s
2 24, 1994 c 46 s 15, 1993 c 354 s 4, 1991 c 109 s 14, 1979 c 81 s 4, &
3 1971 ex.s. c 181 s 13;

4 (17) RCW 16.65.090 and 1997 c 356 s 11, 1997 c 356 s 10, 1994 c 46
5 s 22, 1994 c 46 s 13, 1993 c 354 s 2, 1983 c 298 s 8, 1971 ex.s. c 192
6 s 3, & 1959 c 107 s 9;

7 (18) RCW 16.65.100 and 1983 c 298 s 9 & 1959 c 107 s 10; and

8 (19) RCW 16.65.110 and 1959 c 107 s 11.

9 NEW SECTION. **Sec. 22.** (1) Sections 1 through 3, 5, and 7 through
10 21 of this act take effect July 1, 1998.

11 (2) Sections 4 and 6 of this act take effect December 1, 1998.

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