
SUBSTITUTE SENATE BILL 5891

State of Washington

58th Legislature

2003 Regular Session

By Senate Committee on Agriculture (originally sponsored by Senators Swecker and Rasmussen)

READ FIRST TIME 03/05/03.

1 AN ACT Relating to livestock identification; amending RCW
2 16.57.010, 16.57.015, 16.57.020, 16.57.023, 16.57.025, 16.57.030,
3 16.57.040, 16.57.050, 16.57.080, 16.57.090, 16.57.100, 16.57.120,
4 16.57.130, 16.57.140, 16.57.150, 16.57.160, 16.57.165, 16.57.170,
5 16.57.180, 16.57.200, 16.57.210, 16.57.220, 16.57.230, 16.57.240,
6 16.57.260, 16.57.270, 16.57.275, 16.57.280, 16.57.290, 16.57.300,
7 16.57.310, 16.57.320, 16.57.330, 16.57.340, 16.57.360, 16.57.370,
8 16.57.400, 16.57.410, 16.58.020, 16.58.030, 16.58.040, 16.58.050,
9 16.58.060, 16.58.070, 16.58.080, 16.58.095, 16.58.100, 16.58.110,
10 16.58.130, 16.58.140, 16.58.150, 16.58.160, 16.58.170, 16.65.010,
11 16.65.015, 16.65.020, 16.65.030, 16.65.037, 16.65.040, 16.65.042,
12 16.65.050, 16.65.080, 16.65.090, 16.65.100, 16.65.140, 16.65.170,
13 16.65.190, 16.65.200, 16.65.235, 16.65.260, 16.65.270, 16.65.280,
14 16.65.300, 16.65.340, 16.65.350, 16.65.380, 16.65.390, 16.65.400,
15 16.65.420, 16.65.424, 16.65.440, and 16.65.445; adding new sections to
16 chapter 16.57 RCW; adding a new section to chapter 16.65 RCW; adding a
17 new section to chapter 42.17 RCW; creating a new section; repealing RCW
18 16.57.380, 16.65.110, 16.65.422, and 16.65.423; prescribing penalties;
19 providing effective dates; and declaring an emergency.

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

1 NEW SECTION. **Sec. 1.** The legislature finds that new federal
2 country of origin labeling requirements, long-term national strategies
3 for monitoring and reporting animal diseases, and potential food safety
4 requirements for homeland security need to be evaluated. The
5 legislature finds that while livestock identification laws used
6 primarily for theft prevention are being updated, the affected industry
7 with assistance from the department of agriculture should consider
8 whether the current livestock identification system will help to
9 satisfy these emerging requirements or needs to be adapted.

10 The department shall form an advisory committee representing all
11 major sectors of the livestock industry to which federal country of
12 origin labeling requirements will apply. The committee shall evaluate
13 what mechanisms may need to be established by the public, the private
14 sector, or both to comply with the federal country of origin labeling
15 requirements. Included in the topics that should be examined are
16 recordkeeping, identification, and methods of traceability of the
17 origin of various products.

18 Additionally, the committee shall monitor and evaluate any
19 requirements that may be placed on the meat products industry by
20 federal food safety and traceability requirements as part of homeland
21 security measures. Also, the committee shall review the national
22 identification work plan developed by the national food animal
23 identification task force. Participation on the advisory committee by
24 representatives of producers of private sector cultured aquatic
25 products is at the option of organizations representing various
26 segments of that industry.

27 At the discretion of the director, additional segments of the meat
28 products industry such as processors, wholesalers, and retailers may be
29 invited to participate in this or another forum to more comprehensively
30 examine these topics.

31 The department is to hold a minimum of two meetings of the
32 committee and to encourage formation of informal groups involved in the
33 food chain from the farm to the retail counter to develop an efficient
34 strategy for addressing these issues.

35 The department shall submit a written report of the findings and
36 conclusion of the advisory committee to the appropriate committees of
37 the senate and the house of representatives by December 1, 2005.

1 **Sec. 2.** RCW 16.57.010 and 1996 c 105 s 1 are each amended to read
2 as follows:

3 For the purpose of this chapter:

4 (1) "Department" means the department of agriculture of the state
5 of Washington.

6 (2) "Director" means the director of the department or ((a)) his or
7 her duly ((appointed)) authorized representative.

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

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

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

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

19 (7) "~~((Brand))~~ Livestock inspection" or "inspection" means the
20 examination of livestock or livestock hides for brands or any means of
21 identifying livestock or livestock hides (~~(and/or the application of~~
22 ~~any artificial identification such as back tags or ear clips necessary~~
23 ~~to preserve the identity of the livestock or livestock hides examined)~~)
24 including the examination of documents providing evidence of ownership.

25 (8) "Individual identification symbol" means a permanent mark
26 placed on a horse for the purpose of individually identifying and
27 registering the horse and which has been approved for use as such by
28 the director.

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

32 (10) (~~("Poultry" means chickens, turkeys, ratites, and other~~
33 ~~domesticated fowl.~~

34 ~~(11))~~) "Ratite" means, but is not limited to, ostrich, emu, rhea,
35 or other flightless bird used for human consumption, whether live or
36 slaughtered.

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

1 ~~(13))~~ (11) "Microchipping" means the implantation of an
2 identification microchip or similar electronic identification device to
3 establish the identity of an individual animal:

4 (a) In the pipping muscle of a chick ratite or the implantation of
5 a microchip in the tail muscle of an otherwise unidentified adult
6 ratite;

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

9 (c) In locations of other livestock species as specified by rule of
10 the director when requested by an association of producers of that
11 species of livestock.

12 (12) "Certificate of permit" means a form prescribed by and
13 obtained from the director that is completed by the owner or a person
14 authorized to act on behalf of the owner to show the ownership of
15 livestock. It is used to document ownership of livestock while in
16 transit within the state or on consignment to any public livestock
17 market, special sale, slaughter plant or certified feed lot. It does
18 not evidence inspection of livestock.

19 (13) "Inspection certificate" means a certificate issued by the
20 director or a veterinarian certified by the director documenting the
21 ownership of an animal based on an inspection of the animal. It
22 includes an individual identification certificate.

23 (14) "Individual identification certificate" means an inspection
24 certificate that authorizes the livestock owner to transport the animal
25 out of state multiple times within a set period of time.

26 (15) "Self-inspection certificate" means a form prescribed by and
27 obtained from the director that is completed and signed by the buyer
28 and seller of livestock to document a change in ownership.

29 (16) "Horses" means horses, burros, and mules.

30 **Sec. 3.** RCW 16.57.015 and 1993 c 354 s 10 are each amended to read
31 as follows:

32 (1) The director shall establish a livestock identification
33 advisory board. The board shall be composed of six members appointed
34 by the director. One member shall represent each of the following
35 groups: Beef producers, public livestock market operators, horse
36 owners, dairy farmers, cattle feeders, and meat processors. As used in
37 this subsection, "meat processor" means a person licensed to operate a

1 slaughtering establishment under chapter 16.49 RCW or the federal meat
2 inspection act (21 U.S.C. Sec. 601 et seq.). In making appointments,
3 the director shall solicit nominations from organizations representing
4 these groups statewide. The board shall elect a member to serve as
5 chair of the board.

6 (2) The purpose of the board is to provide advice to the director
7 regarding livestock identification programs administered under this
8 chapter and regarding (~~brand~~) inspection fees and related licensing
9 fees. The director shall consult the board before adopting, amending,
10 or repealing a rule under this chapter or altering a fee under RCW
11 16.58.050, (~~16.58.130,~~) 16.65.030, 16.65.037, or 16.65.090. If the
12 director publishes in the state register a proposed rule to be adopted
13 under the authority of this chapter (~~or a proposed rule setting a fee~~
14 ~~under RCW 16.58.050, 16.58.130, 16.65.030, or 16.65.090~~) and the rule
15 has not received the approval of the advisory board, the director shall
16 file with the board a written statement setting forth the director's
17 reasons for proposing the rule without the board's approval.

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

26 **Sec. 4.** RCW 16.57.020 and 1994 c 46 s 7 are each amended to read
27 as follows:

28 The director shall be the recorder of livestock brands and such
29 brands shall not be recorded elsewhere in this state. Any person
30 desiring to (~~register~~) record a livestock brand shall apply on a form
31 prescribed by the director. (~~Such~~) The application shall be
32 accompanied by a facsimile of the brand applied for and a (~~thirty-~~
33 ~~five~~) one hundred twenty dollar recording fee. The director shall,
34 upon his or her satisfaction that the application and brand facsimile
35 meet the requirements of this chapter (~~and/or~~) and its rules
36 (~~adopted hereunder~~), record (~~such~~) the brand.

1 **Sec. 5.** RCW 16.57.023 and 1998 c 263 s 5 are each amended to read
2 as follows:

3 ~~((1))~~ The ~~((board))~~ director may adopt rules establishing
4 criteria and fees for the permanent renewal of brands registered with
5 the department ~~((or with the board))~~ but renewed as livestock heritage
6 brands. Such heritage brands are not intended for use on livestock.

7 ~~((2) If the Washington state livestock identification board with
8 authority and responsibility for administering the livestock
9 identification program is not established by July 31, 1998, the
10 department of agriculture is granted the authorities provided to the
11 board by subsection (1) of this section.))~~

12 **Sec. 6.** RCW 16.57.025 and 1998 c 263 s 6 are each amended to read
13 as follows:

14 ~~((1))~~ The ~~((board))~~ director may enter into agreements with
15 Washington state licensed and accredited veterinarians, who have been
16 certified by the ~~((board))~~ director, to perform livestock inspection.
17 Fees for livestock inspection performed by a certified veterinarian
18 shall be collected by the veterinarian and remitted to the ~~((board))~~
19 director. Veterinarians providing livestock inspection may charge a
20 fee for livestock inspection that is in addition to and separate from
21 fees collected under RCW 16.57.220. The ~~((board))~~ director may adopt
22 rules necessary to implement livestock inspection performed by
23 veterinarians and may adopt fees to cover the cost associated with
24 certification of veterinarians.

25 ~~((2) If the Washington state livestock identification board with
26 authority and responsibility for administering the livestock
27 identification program is not established by July 31, 1998, the
28 department of agriculture is granted all of the authorities provided to
29 the board by subsection (1) of this section.))~~

30 **Sec. 7.** RCW 16.57.030 and 1959 c 54 s 3 are each amended to read
31 as follows:

32 The director shall not record tattoo brands or marks for any
33 purpose ~~((subsequent to the enactment of this chapter. However, all
34 tattoo brands and marks of record on the date of the enactment of this
35 chapter shall be recognized as legal ownership brands or marks))~~.

1 **Sec. 8.** RCW 16.57.040 and 1974 ex.s. c 64 s 1 are each amended to
2 read as follows:

3 The director may provide for the use of production record brands.
4 Numbers for such brands shall be issued at the discretion of the
5 director and shall be placed on livestock immediately below the
6 (~~registered~~) recorded ownership brand or any other location
7 prescribed by the director.

8 **Sec. 9.** RCW 16.57.050 and 1959 c 54 s 5 are each amended to read
9 as follows:

10 No person shall place a brand on livestock for any purpose unless
11 (~~such~~) the brand is recorded with the director in (~~his~~) the
12 person's name.

13 **Sec. 10.** RCW 16.57.080 and 1994 c 46 s 16 are each amended to read
14 as follows:

15 The director shall establish by rule a schedule for the renewal of
16 (~~registered~~) recorded brands. The fee for renewal of (~~the brands~~)
17 a recorded brand shall be (~~no less than twenty five~~) one hundred
18 twenty dollars for each (~~two-year~~) four-year period of brand
19 ownership, except that the director may, in adopting a renewal
20 schedule, provide for the collection of renewal fees on a prorated
21 basis (~~and may by rule increase the registration and renewal fee for~~
22 ~~brands by no more than fifty percent subsequent to a hearing under~~
23 ~~chapter 34.05 RCW and in conformance with RCW 16.57.015~~). At least
24 sixty days before the expiration of a (~~registered~~) recorded brand,
25 the director shall notify by letter the owner of record of the brand
26 that on the payment of the (~~requisite application fee and application~~
27 ~~of~~) renewal fee the director shall issue (~~the~~) proof of payment
28 allowing the brand owner exclusive ownership and use of the brand for
29 the subsequent (~~registration~~) ownership period. The failure of the
30 (~~registered~~) owner to pay the renewal fee by the date required by
31 rule shall cause (~~such owner's~~) ownership of the brand to (~~revert to~~
32 ~~the department. The director may~~) expire. For (~~a period of~~) one
33 year following (~~such reversion, reissue such~~) the expiration, the
34 director shall record the brand only to the prior (~~registered~~) owner
35 upon payment of the (~~registration~~) renewal fee and a late (~~filing~~)
36 fee (~~to be prescribed by the director by rule subsequent to a hearing~~

1 under chapter 34.05 RCW and in conformance with RCW 16.57.015, for
2 renewal subsequent to the regular renewal period. The director may at
3 the director's discretion,) of twenty-five dollars. If ((such)) the
4 brand is not ((reissued)) recorded within one year to the prior
5 ((registered)) owner, the director may issue ((such)) the brand to any
6 other applicant.

7 **Sec. 11.** RCW 16.57.090 and 1994 c 46 s 17 are each amended to read
8 as follows:

9 A brand is the personal property of the owner of record. Any
10 instrument affecting the title of ((such)) the brand shall be
11 ((acknowledged in the presence of)) executed by the recorded owner and
12 acknowledged by a notary public. The director shall record ((such))
13 the instrument upon presentation and payment of a recording fee ((not
14 to exceed fifteen)) of twenty-five dollars ((to be prescribed by the
15 director by rule subsequent to a hearing under chapter 34.05 RCW and in
16 conformance with RCW 16.57.015. Such)). The recording shall be
17 constructive notice to all the world of the existence and conditions
18 affecting the title to ((such)) the brand. A copy of all records
19 concerning the brand, certified by the director, shall be received in
20 evidence to all intent and purposes as the original instrument. The
21 director shall not be personally liable for failure of the director's
22 agents to properly record ((such)) the instrument.

23 **Sec. 12.** RCW 16.57.100 and 1971 ex.s. c 135 s 3 are each amended
24 to read as follows:

25 The right to use a brand shall be evidenced by the original
26 certificate issued by the director showing that the brand is of present
27 record or a certified copy of the record of ((such)) the brand showing
28 that it is of present record. A healed brand of record on livestock
29 shall be prima facie evidence that the recorded owner of ((such)) the
30 brand has legal title to ((such)) the livestock and is entitled to its
31 possession((:—PROVIDED, That)). The director may require additional
32 proof of ownership ((of)) for any animal showing more than one healed
33 brand.

34 **Sec. 13.** RCW 16.57.120 and 1991 c 110 s 2 are each amended to read
35 as follows:

1 No person shall remove or alter a brand of record on livestock
2 without first having secured the written permission of the director.
3 Violation of this section (~~((shall be))~~) is a gross misdemeanor
4 (~~((punishable to the same extent as a gross misdemeanor that is~~
5 ~~punishable under RCW 9A.20.021))~~).

6 **Sec. 14.** RCW 16.57.130 and 1959 c 54 s 13 are each amended to read
7 as follows:

8 The director shall not record a brand that is identical to a brand
9 of present record; nor a brand so similar to a brand of present record
10 that it will be difficult to distinguish between (~~((such))~~) the brands
11 when applied to livestock.

12 **Sec. 15.** RCW 16.57.140 and 1994 c 46 s 18 are each amended to read
13 as follows:

14 The owner of a brand of record may (~~((procure))~~) obtain from the
15 director a certified copy of the record of the owner's brand upon
16 payment of a fee (~~((not to exceed seven dollars and fifty cents to be~~
17 ~~prescribed by the director by rule subsequent to a hearing under~~
18 ~~chapter 34.05 RCW and in conformance with RCW 16.57.015))~~) of fifteen
19 dollars.

20 **Sec. 16.** RCW 16.57.150 and 1974 ex.s. c 64 s 5 are each amended to
21 read as follows:

22 The director shall publish a book to be known as the "Washington
23 State Brand Book", showing all the brands of record. (~~((Such))~~) The book
24 shall contain the name and address of the owners of brands of record
25 and a copy of the (~~((brand))~~) livestock identification laws and
26 (~~((regulations))~~) rules. Supplements to (~~((such))~~) the brand book showing
27 newly recorded brands, amendments, or newly adopted (~~((regulations,))~~)
28 rules shall be published (~~((biennially, or prior thereto))~~) at the
29 discretion of the director(~~((: PROVIDED, That))~~). Whenever (~~((he))~~) the
30 director deems it necessary, the director may (~~((issue))~~) publish a new
31 brand book. The director may collect moneys to recover the reasonable
32 costs of publishing and distributing copies of the brand book.

33 NEW SECTION. **Sec. 17.** A new section is added to chapter 16.57 RCW
34 to read as follows:

1 The director may adopt rules necessary to administer the recording
2 and changing of ownership of brands.

3 **Sec. 18.** RCW 16.57.160 and 1991 c 110 s 3 are each amended to read
4 as follows:

5 The director may ~~((by rule adopted subsequent to a public hearing
6 designate))~~ adopt rules:

7 (1) Designating any point for mandatory ~~((brand))~~ inspection of
8 cattle or horses or the furnishing of proof that cattle or horses
9 passing or being transported through ~~((such))~~ the point~~((s))~~ have been
10 ~~((brand))~~ inspected or identified and are lawfully being ~~((moved.~~
11 Further, the director may stop vehicles carrying cattle to determine if
12 such cattle are identified, branded, or accompanied by the form
13 prescribed by the director under RCW 16.57.240 or a brand certificate
14 issued by the department)) transported;

15 (2) Providing for self-inspection of fifteen head or less of
16 cattle;

17 (3) Providing for issuance of individual horse and cattle
18 identification certificates or other means of horse and cattle
19 identification; and

20 (4) Designating the documents that constitute other satisfactory
21 proof of ownership for cattle and horses. A bill of sale may not be
22 designated as documenting satisfactory proof of ownership for cattle.

23 **Sec. 19.** RCW 16.57.165 and 1971 ex.s. c 135 s 6 are each amended
24 to read as follows:

25 The director may, in order to reduce the cost of ~~((brand))~~
26 inspection to livestock owners, enter into agreements with any
27 qualified county, municipal, or other local law enforcement agency, or
28 qualified individuals for the purpose of performing ~~((brand))~~ livestock
29 inspection in areas where ~~((department brand))~~ inspection by the
30 director may not readily be available.

31 **Sec. 20.** RCW 16.57.170 and 1959 c 54 s 17 are each amended to read
32 as follows:

33 The director may enter at any reasonable time any slaughterhouse or
34 public livestock market to ~~((make an examination of the brands on))~~
35 inspect livestock or hides, and may enter at any reasonable time an

1 establishment where hides are held to (~~examine~~) inspect them for
2 brands or other means of identification. The director may enter any of
3 these premises at any reasonable time to examine all books and records
4 required by law in matters relating to (~~brand inspection or other~~
5 ~~methods of~~) livestock identification. For purposes of this section,
6 "any reasonable time" means during regular business hours or during any
7 working shift.

8 **Sec. 21.** RCW 16.57.180 and 1959 c 54 s 18 are each amended to read
9 as follows:

10 Should the director be denied access to any premises or
11 establishment where (~~such~~) access was sought for the purposes set
12 forth in RCW 16.57.170, (~~he~~) the director may apply to any court of
13 competent jurisdiction for a search warrant authorizing access to
14 (~~such~~) the premises or establishment for (~~said~~) those purposes.
15 The court may upon (~~such~~) application, issue the search warrant for
16 the purposes requested.

17 **Sec. 22.** RCW 16.57.200 and 1959 c 54 s 20 are each amended to read
18 as follows:

19 Any owner or his or her agent shall make (~~the brand or brands on~~)
20 livestock being (~~brand~~) inspected readily (~~visible~~) accessible and
21 shall cooperate with the director to carry out (~~such brand~~) the
22 inspection in a safe and expeditious manner.

23 **Sec. 23.** RCW 16.57.210 and 1959 c 54 s 21 are each amended to read
24 as follows:

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

32 **Sec. 24.** RCW 16.57.220 and 1997 c 356 s 3 are each amended to read
33 as follows:

34 (~~The director shall cause a charge to be made for all brand~~

1 inspection of cattle and horses required under this chapter and rules
2 adopted hereunder. Such charges shall be paid to the department by the
3 owner or person in possession unless requested by the purchaser and
4 then such brand inspection shall be paid by the purchaser requesting
5 such brand inspection. Except as provided by rule, such inspection
6 charges shall be due and payable at the time brand inspection is
7 performed and shall be paid upon billing by the department and if not
8 shall constitute a prior lien on the cattle or cattle hides or horses
9 or horse hides brand inspected until such charge is paid. The director
10 in order to best utilize the services of the department in performing
11 brand inspection may establish schedules by days and hours when a brand
12 inspector will be on duty to perform brand inspection at established
13 inspection points. The fees for brand inspection performed at
14 inspection points according to schedules established by the director
15 shall be sixty cents per head for cattle and not more than two dollars
16 and forty cents per head for horses as prescribed by the director
17 subsequent to a hearing under chapter 34.05 RCW and in conformance with
18 RCW 16.57.015. Fees for brand inspection of cattle and horses at
19 points other than those designated by the director or not in accord
20 with the schedules established by the director shall be based on a fee
21 schedule not to exceed actual net cost to the department of performing
22 the brand inspection service. For the purpose of this section, actual
23 costs shall mean fifteen dollars per hour and the current mileage rate
24 set by the office of financial management.)

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

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

34 (3) The fee for individual identification certificates is twenty
35 dollars for an annual certificate and sixty dollars for a lifetime
36 certificate or fifteen dollars per hour and the current mileage rate
37 set by the office of financial management, whichever is greater.
38 However, the fee for an annual certificate listing thirty or more

1 animals belonging to one person is five dollars per head or fifteen
2 dollars per hour and the current mileage rate set by the office of
3 financial management, whichever is greater. A lifetime certificate
4 shall not be issued until the fee has been paid to the director.

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

8 NEW SECTION. Sec. 25. A new section is added to chapter 16.57 RCW
9 to read as follows:

10 (1) Any inspection fee shall be paid to the department by the owner
11 or person in possession of the livestock unless the inspection is
12 requested by the purchaser and then the fee shall be paid by the
13 purchaser.

14 (2) Except as provided by rule, the inspection fee is due and
15 payable at the time inspection is performed and shall be paid upon
16 billing by the department and, if not, constitutes a prior lien on the
17 cattle or cattle hides or horses or horse hides inspected until the fee
18 is paid.

19 (3) A late fee of one and one-half percent per month shall be
20 assessed on the unpaid balance against persons more than thirty days in
21 arrears.

22 **Sec. 26.** RCW 16.57.230 and 1995 c 374 s 50 are each amended to
23 read as follows:

24 No person shall collect or make a charge for ~~((brand))~~ inspection
25 of livestock unless there has been an actual ~~((brand))~~ inspection of
26 ~~((such))~~ the livestock.

27 **Sec. 27.** RCW 16.57.240 and 1995 c 374 s 51 are each amended to
28 read as follows:

29 ~~((Any person purchasing, selling, holding for sale, trading,~~
30 ~~bartering, transferring title, slaughtering, handling, or transporting~~
31 ~~cattle shall keep a record on forms prescribed by the director. Such~~
32 ~~forms)) (1) Certificates of permit, inspection certificates, and self-~~
33 inspection certificates shall show the owner, number, ~~((specie))~~ breed,
34 sex, brand, or other method of identification of ~~((such))~~ the cattle or
35 horses and any other necessary information required by the director.

1 (~~The original shall be kept for a period of three years or shall be~~
2 ~~furnished to the director upon demand or as prescribed by rule, one~~
3 ~~copy shall accompany the cattle to their destination and shall be~~
4 ~~subject to inspection at any time by the director or any peace officer~~
5 ~~or member of the state patrol: PROVIDED, That in the following~~
6 ~~instances only, cattle may be moved or transported within this state~~
7 ~~without being accompanied by an official certificate of permit, brand~~
8 ~~inspection certificate, bill of sale, or self-inspection slip:~~

9 ~~(1) When such cattle are moved or transported upon lands under the~~
10 ~~exclusive control of the person moving or transporting such cattle;~~

11 ~~(2) When such cattle are being moved or transported for temporary~~
12 ~~grazing or feeding purposes and have the registered brand of the person~~
13 ~~having or transporting such cattle.))~~

14 (2) The director may issue certificate of permit forms to any
15 person on payment of a fee established by rule.

16 (3) Certificates of permit, inspection certificates, self-
17 inspection certificates, or other satisfactory proof of ownership shall
18 be kept by the owner and/or person in possession of any cattle and
19 shall be furnished to the director or any peace officer upon demand.

20 (4) A self-inspection certificate is not valid if proof of
21 ownership is not provided to the buyer for cattle bearing brands not
22 recorded to the seller.

23 NEW SECTION. Sec. 28. A new section is added to chapter 16.57 RCW
24 to read as follows:

25 Cattle may not be moved or transported within this state without
26 being accompanied by a certificate of permit, inspection certificate,
27 self-inspection certificate, or other satisfactory proof of ownership,
28 except:

29 (1) When the cattle are moved or transported upon lands under the
30 exclusive control of the person moving or transporting the cattle; or

31 (2) When the cattle are being moved or transported for temporary
32 grazing or feeding purposes and have the recorded brand of the person
33 having or transporting the cattle.

34 Certificates of permit, inspection certificates, self-inspection
35 certificates, or other satisfactory proof of ownership accompanying
36 cattle being moved or transported within this state shall be subject to
37 inspection at any time by the director or any peace officer.

1 NEW SECTION. **Sec. 29.** A new section is added to chapter 16.57 RCW
2 to read as follows:

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

8 **Sec. 30.** RCW 16.57.260 and 1981 c 296 s 19 are each amended to
9 read as follows:

10 It (~~shall be~~) is unlawful for any person to remove or cause to be
11 removed or accept for removal from this state, any cattle or horses
12 which are not accompanied at all times by an (~~official brand~~)
13 inspection certificate (~~issued by the director~~) on such cattle or
14 horses, except as provided (~~in RCW 16.57.160~~) by rule adopted under
15 this chapter.

16 NEW SECTION. **Sec. 31.** A new section is added to chapter 16.57 RCW
17 to read as follows:

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

21 **Sec. 32.** RCW 16.57.270 and 1959 c 54 s 27 are each amended to read
22 as follows:

23 It (~~shall be~~) is unlawful for any person moving or transporting
24 livestock in this state to refuse to assist the director or any peace
25 officer in establishing the identity and ownership of (~~such~~) the
26 livestock being moved or transported.

27 **Sec. 33.** RCW 16.57.275 and 1967 c 240 s 37 are each amended to
28 read as follows:

29 Any cattle carcass, or primal part thereof, of any breed or age
30 being transported in this state from other than a state or federal
31 licensed and inspected slaughterhouse or common carrier hauling for
32 (~~such~~) the slaughterhouse, shall be accompanied by a certificate of
33 permit signed by the owner of (~~such~~) the carcass or primal part
34 thereof and, if (~~such~~) the carcass or primal part is delivered to a

1 facility custom handling (~~((such))~~) the carcasses or primal parts
2 thereof, (~~((such))~~) the certificate of permit shall be deposited with the
3 owner or manager of (~~((such))~~) the custom handling facility and (~~((such))~~)
4 the certificate of permit shall be retained for a period of one year
5 and be made available to the department for inspection during
6 (~~((reasonable business hours. The owner of such carcass or primal part~~
7 ~~thereof shall mail a copy of the said certificate of permit to the~~
8 ~~department within ten days of said transportation))~~) regular business
9 hours or any working shift.

10 **Sec. 34.** RCW 16.57.280 and 1995 c 374 s 52 are each amended to
11 read as follows:

12 No person shall knowingly have (~~((unlawful))~~) possession of any
13 (~~((livestock))~~) cattle or horse marked with a recorded brand (~~((or~~
14 ~~tattoo))~~) of another person unless the:

15 (1) (~~((Such livestock))~~) Cattle or horse lawfully bears the person's
16 own healed recorded brand; or

17 (2) (~~((Such livestock))~~) Cattle or horse is accompanied by a
18 certificate of permit from the owner of the recorded brand (~~((or~~
19 ~~tattoo))~~); or

20 (3) (~~((Such livestock))~~) Cattle or horse is accompanied by (~~((a~~
21 ~~brand))~~) an inspection certificate; or

22 (4) (~~((Such))~~) Cattle is accompanied by a self-inspection (~~((slip))~~)
23 certificate; or

24 (5) (~~((Such livestock))~~) Horse is accompanied by a bill of sale from
25 the previous owner; or

26 (6) Cattle or horse is accompanied by (~~((a bill of sale from the~~
27 ~~previous owner or))~~) other satisfactory proof of ownership as designated
28 in rule.

29 A violation of this section constitutes a gross misdemeanor
30 (~~((punishable to the same extent as a gross misdemeanor that is~~
31 ~~punishable under RCW 9A.20.021))~~).

32 **Sec. 35.** RCW 16.57.290 and 1995 c 374 s 53 are each amended to
33 read as follows:

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

1 recorded, in the current edition of this state's brand book, which are
2 not accompanied by a certificate of permit signed by the owner of the
3 brand)) All cattle and horses that are not accompanied by a certificate
4 of permit, inspection certificate, self-inspection certificate, or
5 other satisfactory proof of ownership when offered for sale and
6 presented for inspection by the director, shall be ((sold)) impounded.
7 If theft is suspected, the director shall immediately initiate an
8 investigation. If theft is not suspected, the animal shall be sold and
9 the proceeds retained by the director ((or the director's
10 representative, unless other satisfactory proof of ownership is
11 presented showing the person presenting them to be lawfully in
12 possession)). Upon the sale of ((such)) the cattle or horses, the
13 director ((or the director's representative)) shall give the purchasers
14 ((a bill of sale therefor, or, if theft is suspected, the cattle or
15 horses may be impounded by the director or the director's
16 representative)) an inspection certificate for the cattle or horses
17 documenting their ownership.

18 **Sec. 36.** RCW 16.57.300 and 1989 c 286 s 24 are each amended to
19 read as follows:

20 Except under section 37 of this act, the proceeds from the sale of
21 cattle and horses ((as provided for)) when impounded under RCW
22 16.57.290, after paying the cost thereof, shall be paid to the
23 director, who shall make a record showing the brand or marks or other
24 method of identification of the animals and the amount realized from
25 the sale thereof. However, the proceeds from a sale of ((such)) the
26 cattle or horses at a licensed public livestock market shall be held by
27 the licensee for a reasonable period not to exceed thirty days to
28 permit the consignor to establish ownership or the right to sell
29 ((such)) the cattle or horses. If ((such)) the consignor fails to
30 establish legal ownership or the right to sell ((such)) the cattle or
31 horses, ((such)) the proceeds shall be paid to the director to be
32 disposed of as any other estray proceeds.

33 NEW SECTION. **Sec. 37.** A new section is added to chapter 16.57 RCW
34 to read as follows:

35 The proceeds from the sale of dairy breed cattle when impounded

1 under RCW 16.57.290, and after paying the cost thereof, shall be paid
2 to the seller if:

3 (1) The cattle bears a brand that is not recorded in this state or
4 any state where a reciprocal agreement is in place as provided under
5 RCW 16.57.340;

6 (2) There is no evidence of theft;

7 (3) The director has posted the brand for at least ninety days at
8 each licensed public livestock market in this state and any other state
9 where the director provides for livestock inspection; and

10 (4) No other person has established legal ownership of the cattle
11 with the director.

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

16 **Sec. 38.** RCW 16.57.310 and 1959 c 54 s 31 are each amended to read
17 as follows:

18 When a person has been notified by registered mail that animals
19 bearing ~~((his))~~ the person's recorded brand have been sold by the
20 director, ~~((he))~~ the person shall present to the director a claim on
21 the proceeds within ~~((ten))~~ thirty days from the receipt of the notice
22 or the director may decide that no claim exists.

23 **Sec. 39.** RCW 16.57.320 and 1991 c 110 s 6 are each amended to read
24 as follows:

25 If, after the expiration of one year from the date of sale, the
26 person presenting the animals for inspection has not provided the
27 director with satisfactory proof of ownership, the proceeds from the
28 sale shall be paid on the claim of the owner of the recorded brand.
29 However, it shall be a gross misdemeanor for the owner of the recorded
30 brand to knowingly accept such funds after he or she has sold, bartered
31 or traded such animals to the claimant or any other person. ~~((A gross
32 misdemeanor under this section is punishable to the same extent as a
33 gross misdemeanor that is punishable under RCW 9A.20.021.))~~

34 **Sec. 40.** RCW 16.57.330 and 1959 c 54 s 33 are each amended to read
35 as follows:

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

6 **Sec. 41.** RCW 16.57.340 and 1959 c 54 s 34 are each amended to read
7 as follows:

8 The director (~~(shall have)~~) has the authority to enter into
9 reciprocal agreements with any or all states to prevent the theft,
10 misappropriation, or loss of identification of livestock. The director
11 may declare any livestock which is shipped or moved into this state
12 from (~~(such)~~) those states estrays if (~~(such)~~) the livestock is not
13 accompanied by the proper (~~(official brand)~~) inspection certificate or
14 other (~~(such)~~) certificates required by the law of the state of origin
15 of (~~(such)~~) the livestock. The director may hold (~~(such)~~) the
16 livestock subject to all costs of holding or sell (~~(such)~~) the
17 livestock and send the funds, after the deduction of the cost of
18 (~~(such)~~) the sale, to the proper authority in the state of origin of
19 (~~(such)~~) the livestock.

20 **Sec. 42.** RCW 16.57.360 and 1991 c 110 s 7 are each amended to read
21 as follows:

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

24 The violation of any provision of this chapter and/or rules (~~(and~~
25 ~~regulations)~~) adopted (~~(hereunder)~~) under this chapter shall constitute
26 a class I civil infraction as provided under chapter 7.80 RCW unless
27 otherwise specified herein.

28 **Sec. 43.** RCW 16.57.370 and 1959 c 54 s 37 are each amended to read
29 as follows:

30 All fees collected under the provisions of this chapter shall be
31 (~~(retained and)~~) deposited (~~(by the director to be used only for the~~
32 ~~enforcement)~~) in an account in the agricultural local fund and used to
33 carry out the purposes of this chapter.

1 **Sec. 44.** RCW 16.57.400 and 1994 c 46 s 20 are each amended to read
2 as follows:

3 ~~((The director may provide by rules and regulations adopted~~
4 ~~pursuant to chapter 34.05 RCW for the issuance of)) Horses and cattle~~
5 ~~may be identified by individual ((horse and cattle)) identification~~
6 ~~certificates or other means of ((horse and cattle)) identification~~
7 ~~((deemed appropriate)) authorized by the director. ((Such)) The~~
8 ~~certificates or other means of identification ((shall be)) are valid~~
9 ~~only for the use of the ((horse and cattle)) owner in whose name it is~~
10 ~~issued.~~

11 Horses and cattle identified pursuant to ~~((the provisions of))~~ this
12 section ~~((and the rules and regulations adopted hereunder shall not~~
13 ~~be)) are only subject to ~~((brand))~~ inspection ~~((except when sold at~~
14 ~~points provided for in RCW 16.57.380. The director shall charge a fee~~
15 ~~for the certificates or other means of identification authorized~~
16 ~~pursuant to this section and no identification shall be issued until~~
17 ~~the director has received the fee. The schedule of fees shall be~~
18 ~~established in accordance with the provisions of chapter 34.05 RCW))~~
19 ~~when the animal is consigned for sale.~~~~

20 **Sec. 45.** RCW 16.57.410 and 1993 c 354 s 11 are each amended to
21 read as follows:

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

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

1 (3) Horses shall be examined for individual identification symbols
2 ~~((shall be inspected as required for brands under RCW 16.57.220 and~~
3 ~~16.57.380. Any horse))~~ when presented for inspection ~~((and bearing~~
4 ~~such a symbol, but not accompanied by proof of registration and~~
5 ~~certificate of permit, shall be sold as provided under RCW 16.57.290~~
6 ~~through 16.57.330)).~~

7 (4) The director shall adopt ~~((such))~~ rules ~~((as are))~~ necessary
8 ~~((for the effective administration of))~~ to administer this section
9 ~~((pursuant to chapter 34.05 RCW)).~~

10 **Sec. 46.** RCW 16.58.020 and 1971 ex.s. c 181 s 2 are each amended
11 to read as follows:

12 For the purpose of this chapter:

13 (1) "Certified feed lot" means any place, establishment, or
14 facility commonly known as a commercial feed lot, cattle feed lot, or
15 the like, which complies with all of the requirements of this chapter,
16 and any ~~((regulations))~~ rules adopted ~~((pursuant to the provisions of))~~
17 under this chapter and which holds a valid license from the director
18 ~~((as hereinafter provided)).~~

19 (2) "Department" means the department of agriculture of the state
20 of Washington.

21 (3) "Director" means the director of the department or his or her
22 duly authorized representative.

23 (4) "Licensee" means any persons licensed under the provisions of
24 this chapter.

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

29 (6) "Livestock inspection" or "inspection" means the examination of
30 livestock or livestock hides for brands or any means of identifying
31 livestock or livestock hides including the examination of documents
32 providing evidence of ownership.

33 (7) "Change of ownership" means the transfer of ownership from one
34 person to another by the sale of livestock. It does not mean: A
35 change in partners within a partnership; a change in members within an
36 association or a society; or the sale of stock within a corporation,
37 company, or association.

1 (8) "Direct to slaughter" means the delivery of livestock to a
2 slaughter plant within ten days of the sale of the cattle to the
3 slaughter plant.

4 **Sec. 47.** RCW 16.58.030 and 1971 ex.s. c 181 s 3 are each amended
5 to read as follows:

6 The director may adopt ~~((such))~~ those rules ~~((and regulations))~~ as
7 are necessary to carry out the purpose of this chapter. ~~((The adoption~~
8 ~~of such rules shall be subject to the provisions of this chapter and~~
9 ~~rules and regulations adopted hereunder.))~~ No person shall interfere
10 with the director when he or she is performing or carrying out any
11 duties imposed upon ~~((him))~~ the director by this chapter or rules ~~((and~~
12 ~~regulations))~~ adopted ~~((hereunder))~~ under this chapter.

13 **Sec. 48.** RCW 16.58.040 and 1971 ex.s. c 181 s 4 are each amended
14 to read as follows:

15 ~~((On or after August 9, 1971,))~~ Any person desiring to engage in
16 the business of operating one or more certified feed lots shall obtain
17 an annual license from the director for ~~((such))~~ that purpose. The
18 application for a license shall be on a form prescribed by the director
19 and shall include the following:

- 20 (1) The number of certified feed lots the applicant intends to
21 operate and their exact location and mailing address;
- 22 (2) The legal description of the land on which the certified feed
23 lot will be situated;
- 24 (3) A complete description of the facilities used for feeding and
25 handling of cattle at each certified feed lot;
- 26 (4) The estimated number of cattle which can be handled for feeding
27 purposes at each ~~((such))~~ certified feed lot; and
- 28 (5) Any other information necessary to carry out the purpose and
29 provisions of this chapter and rules ~~((or regulations))~~ adopted
30 ~~((hereunder))~~ under this chapter.

31 **Sec. 49.** RCW 16.58.050 and 1997 c 356 s 5 are each amended to read
32 as follows:

33 (1) The application for an annual license to engage in the business
34 of operating one or more certified feed lots shall be accompanied by a
35 license fee of ~~((six))~~ eight hundred fifty dollars.

1 (2) Upon approval of the application by the director and compliance
2 with the provisions of this chapter and rules adopted (~~hereunder~~)
3 under this chapter, the applicant shall be issued a license or ((a))
4 license renewal (~~thereof~~). The director shall conduct an inspection
5 of all cattle and their corresponding ownership documents prior to
6 issuing an original license. The inspection fee is the higher of the
7 current inspection fee per head of cattle or time and mileage as set
8 forth in RCW 16.57.220.

9 **Sec. 50.** RCW 16.58.060 and 1991 c 109 s 10 are each amended to
10 read as follows:

11 (~~The director shall establish by rule an expiration date or dates~~
12 ~~for all certified feed lot licenses. License fees shall be prorated~~
13 ~~where necessary to accommodate staggering of expiration dates of a~~
14 ~~license or licenses.)) Certified feed lot licenses expire on June 30th
15 following the date of issuance. If ((an application for renewal of a
16 certified feed lot license is not received by the department per the
17 date required by rule or should)) a person fails, refuses, or neglects
18 to apply for renewal of a ((preexisting)) license ((on or before the
19 date of expiration)) by June 30th, ((that)) the person's license shall
20 expire. To reinstate a license, the person shall be assessed ((an
21 additional)) a late fee of twenty-five dollars which shall be added to
22 the regular license fee and shall be paid before the director may issue
23 a license to the applicant.~~

24 **Sec. 51.** RCW 16.58.070 and 1989 c 175 s 54 are each amended to
25 read as follows:

26 The director is authorized to deny, suspend, or revoke a license in
27 (~~accord~~) accordance with the provisions of chapter 34.05 RCW if he or
28 she finds that there has been a failure to comply with any requirement
29 of this chapter or rules (~~and regulations~~) adopted (~~hereunder~~)
30 under this chapter. Hearings for the revocation, suspension, or denial
31 of a license shall be subject to the provisions of chapter 34.05 RCW
32 (~~concerning adjudicative proceedings~~).

33 **Sec. 52.** RCW 16.58.080 and 1971 ex.s. c 181 s 8 are each amended
34 to read as follows:

35 Every certified feed lot shall be equipped with a facility or a

1 livestock pen, approved by the director as to location and construction
2 within the ((said)) feed lot so that necessary ((brand)) livestock
3 inspection can be carried on in a proper, expeditious and safe manner.
4 Each licensee shall furnish the director with sufficient help necessary
5 to carry out ((brand)) inspections in the manner set forth above.

6 **Sec. 53.** RCW 16.58.095 and 1991 c 109 s 11 are each amended to
7 read as follows:

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

18 **Sec. 54.** RCW 16.58.100 and 1979 c 81 s 3 are each amended to read
19 as follows:

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

28 **Sec. 55.** RCW 16.58.110 and 1991 c 109 s 12 are each amended to
29 read as follows:

30 All certified feed lots shall furnish the director with records as
31 requested by ((him from time to time)) the director on a monthly basis
32 on all cattle entering or on feed in ((said)) the certified feed lots
33 and dispersed therefrom. These records must include a copy of each
34 inspection certificate received and an itemized listing of all cattle
35 entering and leaving the feed lot. All ((such)) requested records

1 shall be subject to examination by the director for the purpose of
2 maintaining the integrity of the identity of all (~~such~~) the cattle.
3 The director may make the examinations only during regular business
4 hours or any working shift except in an emergency to protect the
5 interest of the owners of (~~such~~) the cattle.

6 **Sec. 56.** RCW 16.58.130 and 1997 c 356 s 7 are each amended to read
7 as follows:

8 Each licensee shall pay to the director a fee of (~~twelve~~)
9 seventeen cents for each head of cattle handled through the licensee's
10 feed lot. Payment of (~~such~~) the fee shall be made by the licensee on
11 a monthly basis. Failure to pay as required shall be grounds for
12 suspension or revocation of a certified feed lot license. (~~Further,~~)
13 The director shall not renew a certified feed lot license if a licensee
14 has failed to make prompt and timely payments.

15 **Sec. 57.** RCW 16.58.140 and 1979 c 81 s 5 are each amended to read
16 as follows:

17 All fees provided for in this chapter shall be (~~retained by the~~
18 ~~director for the purpose of~~) deposited in an account in the
19 agricultural local fund and used for enforcing and carrying out the
20 purpose and provisions of this chapter or chapter 16.57 RCW.

21 **Sec. 58.** RCW 16.58.150 and 1971 ex.s. c 181 s 15 are each amended
22 to read as follows:

23 No (~~brand~~) inspection shall be required when cattle are moved or
24 transferred from one certified feed lot to another (~~or the transfer of~~
25 ~~cattle~~) when they are accompanied by satisfactory proof of ownership
26 and there is no change of ownership or from a certified feed lot to a
27 point within this state, or out of state where this state maintains
28 (~~brand~~) inspection, for the purpose of immediate slaughter. Any
29 change of ownership within a certified feed lot requires a livestock
30 inspection unless the cattle are sent direct to slaughter. An
31 inspection fee as provided for in RCW 16.57.220 is payable to the
32 director by the seller of the cattle or through the licensee as an
33 agent. Upon notice by the director to suspend a license under this
34 section, a person may request a hearing under chapter 34.05 RCW.

1 **Sec. 59.** RCW 16.58.160 and 1991 c 109 s 15 are each amended to
2 read as follows:

3 The director may, when a certified feed lot's conditions become
4 such that the integrity of reports or records of the cattle (~~(therein)~~)
5 in that feed lot becomes doubtful, immediately suspend (~~(such)~~) the
6 certified feed lot's license until such time as the director can
7 conduct an investigation to (~~carry out the purpose of this chapter~~)
8 verify the condition of reports or records.

9 Upon notice by the director to suspend a license under this
10 section, a person may request a hearing under chapter 34.05 RCW.

11 **Sec. 60.** RCW 16.58.170 and 1971 ex.s. c 181 s 17 are each amended
12 to read as follows:

13 Any person who violates the provisions of this chapter or any rule
14 (~~(or regulation)~~) adopted (~~(hereunder)~~) under this chapter shall be
15 guilty of a misdemeanor and shall be guilty of a gross misdemeanor for
16 any second or subsequent violation: PROVIDED, That any offense
17 committed more than five years after a previous conviction shall be
18 considered a first offense.

19 NEW SECTION. **Sec. 61.** A new section is added to chapter 16.65 RCW
20 to read as follows:

21 The purpose of this chapter is to ensure the orderly marketing of
22 livestock, to ensure the financial stability of public livestock
23 markets, and to protect persons who consign livestock to markets and
24 sales.

25 **Sec. 62.** RCW 16.65.010 and 1983 c 298 s 1 are each amended to read
26 as follows:

27 For the purposes of this chapter:

28 (1) The term "public livestock market" means any place,
29 establishment or facility commonly known as a "public livestock
30 market", "livestock auction market", "livestock sales ring", yards
31 selling on commission, or the like, conducted or operated for
32 compensation or profit as a public livestock market, consisting of pens
33 or other enclosures, and their appurtenances in which livestock is
34 received, held, sold, kept for sale or shipment. The term does not

1 include the operation of a person licensed under this chapter to
2 operate a special open consignment horse sale.

3 (2) "Department" means the department of agriculture of the state
4 of Washington.

5 (3) "Director" means the director of the department or his or her
6 duly authorized representative.

7 (4) "Licensee" means any person licensed under the provisions of
8 this chapter.

9 (5) "Livestock" includes horses, mules, burros, cattle, sheep,
10 swine, and goats.

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

15 (7) "Stockyard" means any place, establishment, or facility
16 commonly known as a stockyard consisting of pens or other enclosures
17 and their appurtenances in which livestock services such as feeding,
18 watering, weighing, sorting, receiving and shipping are offered to the
19 public: PROVIDED, That stockyard shall not include any facilities
20 where livestock is offered for sale at public auction, feed lots, or
21 quarantined registered feed lots.

22 (8) "Packer" means any person engaged in the business of
23 slaughtering, manufacturing, preparing meat or meat products for sale,
24 marketing meat, meat food products or livestock products.

25 (~~(9) ("Deputy state veterinarian" means a graduate veterinarian
26 authorized to practice in the state of Washington and appointed or
27 deputized by the director as his duly authorized representative.~~

28 ~~(10))~~ "Special open consignment horse sale" means a sale conducted
29 by a person other than the operator of a public livestock market which
30 is limited to the consignment of horses and donkeys only for sale on an
31 occasional and seasonal basis.

32 (10) "Livestock inspection" or "inspection" means the examination
33 of livestock or livestock hides for brands or any means of identifying
34 livestock or livestock hides including the examination of documents
35 providing evidence of ownership.

36 **Sec. 63.** RCW 16.65.015 and 1983 c 298 s 2 are each amended to read
37 as follows:

1 (1) Except under subsection (2) of this section, this chapter does
2 not apply to:

3 ~~((1))~~ (a) A farmer selling his or her own livestock ~~((on the~~
4 ~~farmer's own premises by auction or any other method))~~.

5 ~~((2))~~ (b) A farmers' cooperative association or an association of
6 livestock breeders when any class of their own livestock is assembled
7 and offered for sale at a special sale ~~((on an occasional and seasonal~~
8 ~~basis))~~ under the association's management and responsibility ~~((, and~~
9 ~~the special sale has been approved by the director in writing.~~
10 ~~However, the special sale shall be subject to brand and health~~
11 ~~inspection requirements as provided in this chapter for sales at public~~
12 ~~livestock markets))~~.

13 (c) A youth livestock organization such as 4-H, FFA, or other
14 junior livestock group, when any class of livestock owned by the youth
15 members is assembled and offered for sale at a special sale under the
16 organization's management and responsibility.

17 (2) Any farmer, farmers' cooperative association, livestock
18 breeders' association, or youth livestock organization under subsection
19 (1) of this section, may, upon obtaining a permit from the director,
20 conduct a public sale of his or her or its members livestock on an
21 occasional or seasonal basis. Application for the permit shall be in
22 writing to the director for his or her approval at least fifteen days
23 before the proposed public sale is scheduled to be held. The
24 application must be complete and accompanied by a nonrefundable fee of
25 fifty dollars for each sale, except that the fee is waived for youth
26 livestock organizations. The sale is subject to the livestock and
27 health inspection requirements as provided in this chapter for sales at
28 public livestock markets, unless otherwise prescribed by rule.

29 **Sec. 64.** RCW 16.65.020 and 1983 c 298 s 5 are each amended to read
30 as follows:

31 Public livestock markets and special open consignment horse sales
32 shall be under the direction and supervision of the director, and the
33 director ~~((, but not his duly authorized representative,))~~ may adopt
34 ~~((such))~~ those ~~((and regulations))~~ rules as are necessary to carry out
35 the purpose of this chapter. It shall be the duty of the director to
36 enforce and carry out the provisions of this chapter and rules ~~((and~~
37 ~~regulations))~~ adopted ~~((hereunder))~~ under this chapter. No person

1 shall interfere with the director when he or she is performing or
2 carrying out any duties imposed (~~((upon him))~~) by this chapter or rules
3 (~~((and regulations))~~) adopted (~~((hereunder))~~) under this chapter.

4 **Sec. 65.** RCW 16.65.030 and 1995 c 374 s 54 are each amended to
5 read as follows:

6 (1) (~~((On and after June 10, 1959,))~~) No person shall operate a
7 public livestock market without first having obtained a license from
8 the director. Application for (~~((such))~~) a license shall be in writing
9 on forms prescribed by the director, and shall include the following:

10 (a) A nonrefundable original license application fee of (~~((fifteen~~
11 ~~hundred))~~) two thousand dollars.

12 (b) A legal description of the property upon which the public
13 livestock market shall be located.

14 (c) A complete description and blueprints or plans of the public
15 livestock market physical plant, yards, pens, and all facilities the
16 applicant proposes to use in the operation of such public livestock
17 market.

18 (d) (~~((A detailed statement showing all the assets and liabilities~~
19 ~~of the applicant which must reflect a sufficient net worth to construct~~
20 ~~or operate a public livestock market.))~~) A financial statement, audited
21 by a certified or licensed public accountant, to determine whether or
22 not the applicant meets the minimum net worth requirements, established
23 by the director by rule, to construct and/or operate a public livestock
24 market. If the applicant is a subsidiary of a larger company,
25 corporation, society, or cooperative association, both the parent
26 company and the subsidiary company must submit a financial statement
27 to determine whether or not the applicant meets the minimum net worth
28 requirements. All financial statement information required by this
29 subsection is confidential information and not subject to public
30 disclosure.

31 (e) The schedule of rates and charges the applicant proposes to
32 impose on the owners of livestock for services rendered in the
33 operation of such livestock market.

34 (f) The weekly or monthly sales day or days on which the applicant
35 proposes to operate his or her public livestock market sales and the
36 class of livestock that may be sold on these days.

1 (g) Projected source and quantity of livestock(~~(, by county,)~~)
2 anticipated to be handled.

3 (h) Projected (~~(income and expense statements for)~~) gross dollar
4 volume of business to be carried on, at, or through the public
5 livestock market during the first year's operation.

6 (i) Facts upon which (~~(are)~~) is based the conclusion that the trade
7 area and the livestock industry will benefit because of the proposed
8 market.

9 (j) (~~(Such)~~) Other information as the director may (~~(reasonably)~~)
10 require by rule.

11 (2) (~~(The director shall, after public hearing as provided by~~
12 ~~chapter 34.05 RCW, grant or deny an application for original license~~
13 ~~for a public livestock market after considering evidence and testimony~~
14 ~~relating to all of the requirements of this section and giving~~
15 ~~reasonable consideration at the same hearing to:~~

16 ~~(a) Benefits to the livestock industry to be derived from the~~
17 ~~establishment and operation of the public livestock market proposed in~~
18 ~~the application; and~~

19 ~~(b) The present market services elsewhere available to the trade~~
20 ~~area proposed to be served.~~

21 ~~(3) Applications for renewal under RCW 16.65.040 shall include all~~
22 ~~information under subsection (1) of this section, except subsection~~
23 ~~(1)(a) of this section.)~~ If the director determines that the applicant
24 meets all the requirements of subsection (1) of this section, the
25 director shall conduct a public hearing as provided by chapter 34.05
26 RCW, and shall grant or deny an application for original license for a
27 public livestock market after considering evidence and testimony
28 relating to the requirements of this section and giving reasonable
29 consideration to:

30 (a) Benefits to the livestock industry to be derived from the
31 establishment and operation of the public livestock market proposed in
32 the application;

33 (b) The geographical area that will be affected;

34 (c) The conflict, if any, with sales days already allocated in the
35 area;

36 (d) The amount and class of livestock available for marketing in
37 the area;

38 (e) Buyers available to the proposed market; and

1 (f) Any other conditions affecting the orderly marketing of
2 livestock.

3 (3) Before a license is issued to operate a public livestock
4 market, the applicant must:

5 (a) Execute and deliver to the director a surety bond as required
6 under RCW 16.65.200;

7 (b) Provide evidence of a custodial account, as required under RCW
8 16.65.140, for the consignor's proceeds;

9 (c) Pay the appropriate license fee; and

10 (d) Provide other information required under this chapter and rules
11 adopted under this chapter.

12 **Sec. 66.** RCW 16.65.037 and 1997 c 356 s 9 are each amended to read
13 as follows:

14 ~~(1) ((Upon the approval of the application by the director and~~
15 ~~compliance with the provisions of this chapter, the applicant shall be~~
16 ~~issued a license or renewal thereof.))~~ Any license issued under the
17 provisions of this chapter shall only be valid at the location and for
18 the sales day or days for which the license was issued.

19 (2) The license fee shall be based on the average gross sales
20 volume per official sales day of ~~((that))~~ a market~~((÷~~

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

23 ~~(b) Markets with an average gross sales volume over ten thousand~~
24 ~~dollars and up to and including fifty thousand dollars, a two hundred~~
25 ~~forty dollar fee; and~~

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

28 ~~The fees for public market licenses shall be set by the director by~~
29 ~~rule subsequent to a hearing under chapter 34.05 RCW and in conformance~~
30 ~~with RCW 16.57.015))~~ in the previous twelve months or, for a new
31 market, the projected average gross sales per official sales day of the
32 market during its first year's operation.

33 (a) The license fee for markets with an average gross sales volume
34 up to and including ten thousand dollars is one hundred fifty dollars.

35 (b) The license fee for markets with an average gross sales volume
36 over ten thousand dollars and up to and including fifty thousand
37 dollars is three hundred dollars.

1 (c) The license fee for markets with an average gross sales volume
2 over fifty thousand dollars is four hundred fifty dollars.

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

7 **Sec. 67.** RCW 16.65.040 and 1983 c 298 s 6 are each amended to read
8 as follows:

9 (1) All public livestock market licenses provided for in this
10 chapter (~~shall~~) expire on March 1st subsequent to the date of issue.

11 (2) Application for renewal of a public livestock market license
12 shall be in writing on forms prescribed by the director, and shall
13 include:

14 (a) All information under RCW 16.65.030(1) (d), (e), and (f);

15 (b) The gross dollar volume of business carried on, at, or through
16 the applicant's public livestock market in the twelve-month period
17 prior to the application for renewal of the license;

18 (c) Other information as the director may require by rule; and

19 (d) The appropriate license fee.

20 (3) If any person (~~who~~) fails, refuses, or neglects to apply for
21 a renewal of a preexisting license (~~on or before the date of~~
22 expiration)) by March 1st, the person's license shall expire. To
23 reinstate a license, the person shall pay a penalty of twenty-five
24 dollars, which shall be added to the regular license fee, before
25 (~~such~~) the license may be (~~renewed~~) reinstated by the director.

26 **Sec. 68.** RCW 16.65.042 and 1983 c 298 s 3 are each amended to read
27 as follows:

28 (1) A person shall not operate a special open consignment horse
29 sale without first obtaining a license from the director. The
30 application for the license shall include:

31 (~~(a) (A detailed statement showing all of the assets and~~
32 ~~liabilities of the applicant;~~

33 ~~(b))~~ (b) The schedule of rates and charges the applicant proposes to
34 impose on the owners of horses for services rendered in the operation
35 of the horse sale;

1 ~~((e))~~ (b) The specific date and exact location of the proposed
2 sale;
3 ~~((d))~~ (c) Projected quantity and approximate value of horses to
4 be handled; and
5 ~~((e))~~ (d) Such other information as the director may reasonably
6 require.

7 (2) The application shall be accompanied by a license fee of one
8 hundred dollars. Upon the approval of the application by the director
9 and compliance with this chapter, the applicant shall be issued a
10 license. A special open consignment horse sale license is valid only
11 for the specific date or dates and exact location for which the license
12 was issued.

13 **Sec. 69.** RCW 16.65.050 and 1959 c 107 s 5 are each amended to read
14 as follows:

15 All fees provided for under this chapter shall be ~~((retained by the~~
16 ~~director))~~ deposited in an account in the agricultural local fund and
17 used for ~~((the purpose of))~~ enforcing and carrying out the purpose and
18 provisions of this chapter and chapter 16.57 RCW.

19 **Sec. 70.** RCW 16.65.080 and 1985 c 415 s 9 are each amended to read
20 as follows:

21 (1) The director ~~((is authorized to))~~ may deny, suspend, or revoke
22 a license ~~((in the manner prescribed herein,))~~ when ~~((there are~~
23 ~~findings by))~~ the director finds that ~~((any))~~ a licensee (a) has ~~((been~~
24 ~~guilty of fraud or misrepresentation as to))~~ misrepresented titles,
25 charges, numbers, brands, weights, proceeds of sale, or ownership of
26 livestock; (b) has attempted payment to a consignor or the department
27 by a check the licensee knows not to be backed by sufficient funds to
28 cover such check; (c) has violated any of the provisions of this
29 chapter or rules ~~((and regulations))~~ adopted ~~((hereunder))~~ under this
30 chapter; (d) has violated any laws of the state that require ~~((health~~
31 ~~or brand))~~ inspection of livestock for health or ownership purposes;
32 (e) has violated any condition of the bond, as provided in this
33 chapter. ~~((However, the director may deny a license if the applicant~~
34 ~~refuses to accept the sales day or days allocated to him under the~~
35 ~~provisions of this chapter.))~~

1 ~~((In all proceedings for revocation, suspension, or denial of~~
2 ~~a license the licensee or applicant shall be given an opportunity to be~~
3 ~~heard in regard to such revocation, suspension or denial of a license.~~
4 ~~The director shall give the licensee or applicant twenty days' notice~~
5 ~~in writing and such notice shall specify the charges or reasons for~~
6 ~~such revocation, suspension or denial. The notice shall also state the~~
7 ~~date, time and place where such hearing is to be held. Such hearings~~
8 ~~shall be held in the city where the licensee has his principal place of~~
9 ~~business, or where the applicant resides, unless some other place be~~
10 ~~agreed upon by the parties, and the defendant may be represented by~~
11 ~~counsel.))~~ Upon notice by the director to deny, revoke, or suspend a
12 license, a person may request a hearing under chapter 34.05 RCW.

13 (3) The director may issue subpoenas to compel the attendance of
14 witnesses, and/or the production of books or documents anywhere in the
15 state. The applicant or licensee shall have opportunity to be heard,
16 and may have such subpoenas issued as he or she desires. Subpoenas
17 shall be served in the same manner as in civil cases in the superior
18 court. Witnesses shall testify under oath which may be administered by
19 the director. Testimony shall be recorded, and may be taken by
20 deposition under such rules as the director may prescribe.

21 ~~((4) The director shall hear and determine the charges, make~~
22 ~~findings and conclusions upon the evidence produced, and file them in~~
23 ~~his office, together with a record of all of the evidence, and serve~~
24 ~~upon the accused a copy of such findings and conclusions.))~~

25 **Sec. 71.** RCW 16.65.090 and 1997 c 356 s 11 are each amended to
26 read as follows:

27 The director shall provide for ~~((brand))~~ livestock inspection.
28 When ~~((such brand))~~ livestock inspection is required the licensee shall
29 collect from the consignor and pay to the department an inspection fee,
30 as provided by law, ~~((a fee for brand inspection))~~ for each animal
31 ~~((consigned to the public livestock market or special open consignment~~
32 ~~horse sale))~~ inspected. However, if in any one sale day the total fees
33 collected for ~~((brand))~~ inspection do not exceed ~~((seventy-two))~~ one
34 hundred dollars, then ~~((such))~~ the licensee shall pay ~~((seventy-two))~~
35 one hundred dollars for ~~((such brand))~~ the inspection ~~((or as much~~
36 ~~thereof as the director may prescribe))~~ services.

1 **Sec. 72.** RCW 16.65.100 and 1983 c 298 s 9 are each amended to read
2 as follows:

3 The licensee of each public livestock market or special open
4 consignment horse sale shall collect from any purchaser of livestock
5 requesting ~~((brand))~~ inspection a fee as provided by law for each
6 animal inspected. ~~((Such))~~ This fee shall be in addition to the fee
7 charged to the consignor for ~~((brand))~~ inspection and shall not apply
8 to the minimum fee chargeable to the licensee.

9 **Sec. 73.** RCW 16.65.140 and 1971 ex.s. c 192 s 4 are each amended
10 to read as follows:

11 Each licensee shall establish a custodial account for consignor's
12 proceeds. All funds derived from the sale of livestock handled on a
13 commission or agency basis shall be deposited in that account.
14 ~~((Such))~~ The account shall be drawn on only for the payment of net
15 proceeds to the consignor, or ~~((such))~~ other person or persons of whom
16 ~~((such))~~ the licensee has knowledge is entitled to ~~((such))~~ the
17 proceeds, and to obtain from ~~((such))~~ those proceeds only the sums due
18 the licensee as compensation for ~~((his))~~ the services as are set out in
19 ~~((his))~~ the posted tariffs, and for ~~((such))~~ the sums as are necessary
20 to pay all legal charges against the consignment of livestock which the
21 licensee in ~~((his))~~ the capacity as agent is required to pay for on
22 behalf of the consignor or shipper. The licensee in each case shall
23 keep ~~((such))~~ those accounts and records that will at all times
24 disclose the names of the consignors and the amount due and payable to
25 each from the funds in the custodial account for consignor's proceeds.
26 The licensee shall maintain the custodial account for consignor's
27 proceeds in a manner that will expedite examination by the director and
28 reflect compliance with the requirements of this section.

29 **Sec. 74.** RCW 16.65.170 and 1967 c 192 s 1 are each amended to read
30 as follows:

31 The licensee shall keep accurate records which shall be available
32 for inspection to all parties directly interested therein, and ~~((such))~~
33 the records shall contain the following information:

34 (1) The date on which each consignment of livestock was received
35 and sold.

- 1 (2) The name and address of the buyer and seller of ((~~such~~)) the
2 livestock.
- 3 (3) The number and species of livestock received and sold.
- 4 (4) The marks and brands on ((~~such~~)) the livestock ((~~as supplied by~~
5 ~~a brand inspector~~)).
- 6 (5) All statements of warranty or representations of title material
7 to, or upon which, any ((~~such~~)) sale is consummated.
- 8 (6) The gross selling price of ((~~such~~)) the livestock with a
9 detailed list of all charges deducted therefrom.
- 10 ((~~Such~~)) These records shall be kept by the licensee for one year
11 subsequent to the receipt of such livestock.

12 **Sec. 75.** RCW 16.65.190 and 1983 c 298 s 12 are each amended to
13 read as follows:

14 No person shall ((~~hereafter~~)) operate a public livestock market or
15 special open consignment horse sale unless ((~~such~~)) that person has
16 filed a schedule with the application for license to operate ((~~such~~))
17 a public livestock market or special open consignment horse sale.
18 ((~~Such~~)) The schedule shall show all rates and charges for stockyard
19 services to be furnished ((~~by such person~~)) at ((~~such~~)) the public
20 livestock market or special open consignment horse sale.

21 (1) Schedules shall be posted conspicuously at the public livestock
22 market or special open consignment horse sale, and shall plainly state
23 all ((~~such~~)) rates and charges in such detail as the director may
24 require, and shall state any rules ((~~and regulations~~)) which in any
25 manner change, affect, or determine any part of the aggregate of
26 ((~~such~~)) the rates or charges, or the value of the stockyard services
27 furnished. The director may determine and prescribe the form and
28 manner in which ((~~such~~)) the schedule shall be prepared, arranged, and
29 posted.

30 (2) No changes shall be made in rates or charges so filed and
31 published except after thirty days' notice to the director and to the
32 public filed and posted as ((~~aforsaid~~)) set forth under this section,
33 which shall plainly state the changes proposed to be made and the time
34 ((~~such~~)) the changes will go into effect.

35 (3) No licensee shall charge, demand, or collect a greater or a
36 lesser or a different compensation for ((~~such~~)) a service than the
37 rates and charges specified in the schedule filed with the director and

1 in effect at the time; nor shall a licensee refund or remit in any
2 manner any portion of the rates or charges so specified (but this shall
3 not prohibit a cooperative association of producers from properly
4 returning to its members, on a patronage basis, its excess earnings on
5 their livestock); nor shall a licensee extend to any person at ((such))
6 a public livestock market or special open consignment horse sale any
7 stockyard services except ((such)) as are specified in ((such)) the
8 schedule.

9 **Sec. 76.** RCW 16.65.200 and 1983 c 298 s 13 are each amended to
10 read as follows:

11 Before the license is issued to operate a public livestock market
12 or special open consignment horse sale, the applicant shall execute and
13 deliver to the director a surety bond in a sum as herein provided for,
14 executed by the applicant as principal and by a surety company
15 qualified and authorized to do business in this state as surety.
16 ((Said)) The bond shall be a standard form and approved by the director
17 as to terms and conditions. ((Said)) The bond shall be conditioned
18 that the principal will not commit any fraudulent act and will comply
19 with the provisions of this chapter and the rules ((and/or
20 regulations)) adopted ((hereunder.—Said)) under this chapter. The
21 bond shall be to the state in favor of every consignor and/or vendor
22 creditor whose livestock was handled or sold through or at the
23 licensee's public livestock market or special open consignment horse
24 sale: PROVIDED, That if ((such)) the applicant is bonded as a market
25 agency under the provisions of the packers and stockyards act, (7
26 U.S.C. 181) as amended, on March 20, 1961, in a sum equal to or greater
27 than the sum required under the provisions of this chapter, and
28 ((such)) the applicant furnishes the director with a bond approved by
29 the United States secretary of agriculture ((naming the department as
30 trustee)), the director may accept ((such)) the bond and its method of
31 termination in lieu of the bond provided for herein and issue a license
32 if ((such)) the applicant meets all the other requirements of this
33 chapter.

34 The total and aggregate liability of the surety for all claims upon
35 the bond shall be limited to the face of ((such)) the bond. Every bond
36 filed with and approved by the director shall, without the necessity of
37 periodic renewal, remain in force and effect until ((such time as)) the

1 license of the licensee is revoked for cause or otherwise canceled.
2 The surety on a bond, as provided herein, shall be released and
3 discharged from all liability to the state accruing on (~~such~~) the
4 bond upon compliance with the provisions of RCW 19.72.110 concerning
5 notice and proof of service, (~~as enacted or hereafter amended,~~) but
6 this shall not operate to relieve, release, or discharge the surety
7 from any liability already accrued or which shall accrue (due and to
8 become due hereunder) before the expiration period provided for in RCW
9 19.72.110 concerning notice and proof of service (~~as enacted or~~
10 ~~hereafter amended~~), and unless the principal shall before the
11 expiration of (~~such~~) this period, file a new bond, the director shall
12 (~~forthwith~~) immediately cancel the principal's license.

13 **Sec. 77.** RCW 16.65.235 and 1973 c 142 s 3 are each amended to read
14 as follows:

15 In lieu of the surety bond required under the provisions of this
16 chapter, an applicant or licensee may file with the director a deposit
17 consisting of cash or other security acceptable to the director. The
18 director may adopt rules (~~and regulations~~) necessary for the
19 administration of such security.

20 **Sec. 78.** RCW 16.65.260 and 1983 c 298 s 14 are each amended to
21 read as follows:

22 In case of failure by a licensee to pay amounts due a vendor or
23 consignor creditor whose livestock was handled or sold through or at
24 the licensee's public livestock market or special open consignment
25 horse sale, as evidenced by a verified complaint filed with the
26 director, the director may proceed (~~forthwith~~) immediately to
27 ascertain the names and addresses of all vendor or consignor creditors
28 of (~~such~~) the licensee, together with the amounts due and owing to
29 them and each of them by (~~such~~) the licensee, and shall request all
30 (~~such~~) vendor and consignor creditors to file a verified statement of
31 their respective claims with the director. (~~Such~~) This request shall
32 be addressed to each known vendor or consignor creditor at his or her
33 last known address.

34 **Sec. 79.** RCW 16.65.270 and 1959 c 107 s 27 are each amended to
35 read as follows:

1 If a vendor or consignor creditor so addressed fails, refuses or
2 neglects to file in the office of the director his or her verified
3 claim as requested by the director within sixty days from the date of
4 such request, the director shall (~~thereupon~~) be relieved of further
5 duty or action (~~hereunder~~) on behalf of (~~said~~) the producer or
6 consignor creditor.

7 **Sec. 80.** RCW 16.65.280 and 1959 c 107 s 28 are each amended to
8 read as follows:

9 Where by reason of the absence of records, or other circumstances
10 making it impossible or unreasonable for the director to ascertain the
11 names and addresses of all (~~said~~) vendor and consignor creditors, the
12 director, after exerting due diligence and making reasonable inquiry to
13 secure (~~said~~) the information from all reasonable and available
14 sources, may make demand on (~~said~~) the bond on the basis of
15 information then in his or her possession, and thereafter shall not be
16 liable or responsible for claims or the handling of claims which may
17 subsequently appear or be discovered.

18 **Sec. 81.** RCW 16.65.300 and 1959 c 107 s 30 are each amended to
19 read as follows:

20 Upon the refusal of the surety company to pay the demand, the
21 director may (~~thereupon~~) bring an action on the bond in behalf of
22 (~~said~~) vendor and consignor creditors. Upon any action being
23 commenced on (~~said~~) the bond, the director may require the filing of
24 a new bond. Immediately upon the recovery in any action on (~~such~~)
25 the bond (~~such~~) the licensee shall file a new bond. Upon failure to
26 file the (~~same~~) new bond within ten days, (~~in either case,~~) such a
27 failure shall constitute grounds for the suspension or revocation of
28 (~~his~~) the license.

29 **Sec. 82.** RCW 16.65.340 and 1967 c 192 s 2 are each amended to read
30 as follows:

31 The director shall, when livestock is sold, traded, exchanged, or
32 handled at or through a public livestock market, require such testing,
33 treating, identifying, examining and record keeping of such livestock
34 by a (~~deputy~~) Washington state licensed and accredited veterinarian
35 employed by the market as in the director's judgment may be necessary

1 to prevent the spread of brucellosis, tuberculosis, paratuberculosis,
2 (~~hog cholera~~) pseudorabies, or any other infectious, contagious, or
3 communicable disease among the livestock of this state. The state
4 veterinarian or his or her authorized representative may conduct
5 additional testing and examinations for the same purpose.

6 **Sec. 83.** RCW 16.65.350 and 1959 c 107 s 35 are each amended to
7 read as follows:

8 ~~((1) The director shall perform all tests and make all~~
9 ~~examinations required under the provisions of this chapter and rules~~
10 ~~and regulations adopted hereunder: PROVIDED, That veterinary~~
11 ~~inspectors of the United States department of agriculture may be~~
12 ~~appointed by the director to make such examinations and tests as are~~
13 ~~provided for in this chapter without bond or compensation, and shall~~
14 ~~have the same authority and power in this state as a deputy state~~
15 ~~veterinarian.~~

16 ~~(2))~~ The director shall ~~((have the responsibility for the~~
17 ~~direction and control of))~~ adopt rules regarding sanitary practices
18 ~~((and))~~ health practices and standards, and ~~((for))~~ the examination of
19 animals at public livestock markets. ~~((The deputy state veterinarian~~
20 ~~at any such public livestock market shall notify the licensee or his~~
21 ~~managing agent, in writing, of insanitary practices or conditions.~~
22 ~~Such deputy state veterinarian shall notify the director if the~~
23 ~~improper sanitary practices or conditions are not corrected within the~~
24 ~~time specified. The director shall investigate and upon finding such~~
25 ~~report correct shall take appropriate action to hold a hearing on the~~
26 ~~suspension or revocation of the licensee's license.))~~

27 **Sec. 84.** RCW 16.65.380 and 1959 c 107 s 38 are each amended to
28 read as follows:

29 Public livestock market facilities shall include adequate space and
30 facilities necessary for ~~((deputy))~~ market, federal, or state
31 veterinarians to properly carry out their functions as prescribed by
32 law and rules ~~((and regulations))~~ adopted ~~((hereunder))~~ under law or as
33 prescribed by applicable federal law or regulation.

34 **Sec. 85.** RCW 16.65.390 and 1959 c 107 s 39 are each amended to
35 read as follows:

1 Public livestock market facilities shall include space and
2 facilities necessary for ~~((brand))~~ livestock inspectors and
3 veterinarians to properly carry out their duties, as provided by law
4 and rules ~~((and regulations))~~ adopted ~~((hereunder))~~ under law, in a
5 safe and expeditious manner.

6 **Sec. 86.** RCW 16.65.400 and 1983 c 298 s 15 are each amended to
7 read as follows:

8 (1) Each public livestock market licensee shall maintain and
9 operate approved weighing facilities for the weighing of livestock at
10 such licensee's public livestock market.

11 (2) All dial scales used by the licensee shall be of adequate size
12 to be readily visible to all interested parties and shall be equipped
13 with a mechanical weight recorder.

14 (3) All beam scales used by the licensee shall be equipped with a
15 balance indicator, a weigh beam and a mechanical weight recorder, all
16 readily visible to all interested parties.

17 (4) All scales used by the licensee shall be checked for balance at
18 short intervals during the process of selling and immediately prior to
19 the beginning of each sale day.

20 (5) The scale ticket shall have the weights mechanically imprinted
21 upon ~~((such))~~ the tickets when the weigh beam is in balance during the
22 process of weighing, and shall be issued in triplicate, for all
23 livestock weighed at a public livestock market. A copy of ~~((such))~~ the
24 weight tickets shall be issued to the buyer and seller of the livestock
25 weighed.

26 **Sec. 87.** RCW 16.65.420 and 1991 c 17 s 3 are each amended to read
27 as follows:

28 (1) Any application ~~((for sales days or days for a new salesyard,~~
29 ~~and any application))~~ for a change of sales day or days or additional
30 sales day or days for an existing ~~((yard))~~ salesyard shall be subject
31 to approval by the director, subsequent to a hearing ~~((as provided for~~
32 ~~in this chapter))~~ and the director is hereby authorized to ~~((allocate))~~
33 approve these ~~((dates and type))~~ days and class of livestock which may
34 be sold on these ~~((dates))~~ days. In considering the ~~((allocation))~~
35 approval or denial of ~~((such))~~ these sales days, the director shall

1 give appropriate consideration, among other relevant factors, to the
2 following:

- 3 (a) The geographical area which will be affected;
- 4 (b) The conflict, if any, with sales days already allocated in the
5 area;
- 6 (c) The amount and class of livestock available for marketing in
7 the area;
- 8 (d) Buyers available to such market;
- 9 (e) Any other conditions affecting the orderly marketing of
10 livestock.

11 (2) No special sales shall be conducted by the licensee unless the
12 licensee has applied to the director in writing fifteen days prior to
13 such proposed sale (~~and such sale date shall be approved at the~~
14 ~~discretion of the director~~). Each application must be accompanied by
15 a nonrefundable fee of fifty dollars.

16 (3) In any case that a licensee fails to conduct sales on the sales
17 days allocated to the licensee, the director shall, subsequent to a
18 hearing, be authorized to revoke an allocation for nonuse. The rate of
19 usage required to maintain an allocation shall be established by rule.

20 **Sec. 88.** RCW 16.65.424 and 1963 c 232 s 19 are each amended to
21 read as follows:

22 The director (~~shall have~~) has the authority to grant a licensee
23 an additional sales day₁ or days₁ limited to the sale of horses and/or
24 mules and may if requested grant the licensee, by permit, the authority
25 to have the sale at premises other than at his or her public livestock
26 market if the facilities are approved by the director as being adequate
27 for the protection of the health and safety of (~~such~~) the horses
28 and/or mules. For the purpose of such limited sale the facility
29 requirements of RCW 16.65.360 shall not be applicable.

30 **Sec. 89.** RCW 16.65.440 and 1959 c 107 s 44 are each amended to
31 read as follows:

32 Any person who (~~shall~~) violates any provisions or requirements of
33 this chapter or rules (~~and regulations~~) adopted by the director
34 (~~pursuant to~~) under this chapter (~~shall be deemed~~) is guilty of a
35 gross misdemeanor(~~and any subsequent violation thereafter shall be~~
36 ~~deemed a gross misdemeanor~~)).

1 **Sec. 90.** RCW 16.65.445 and 1989 c 175 s 55 are each amended to
2 read as follows:

3 The director shall hold public hearings upon ((a)) any proposal to
4 ((~~promulgate~~)) adopt any new or amended ((~~regulations~~)) rules and all
5 hearings for the denial, revocation, or suspension of a license issued
6 under this chapter or in any other adjudicative proceeding, and shall
7 comply in all respects with chapter 34.05 RCW, the Administrative
8 Procedure Act.

9 NEW SECTION. **Sec. 91.** A new section is added to chapter 42.17 RCW
10 to read as follows:

11 Financial statements provided under RCW 16.65.030(1)(d) are exempt
12 from disclosure under this chapter.

13 NEW SECTION. **Sec. 92.** The following acts or parts of acts are
14 each repealed:

15 (1) RCW 16.57.380 (Horses--Mandatory brand inspection points--
16 Powers of director) and 1991 c 110 s 8, 1981 c 296 s 22, & 1974 ex.s.
17 c 38 s 1;

18 (2) RCW 16.65.110 (Charge for examining, testing, inoculating,
19 etc.--Minimum fee) and 1959 c 107 s 11;

20 (3) RCW 16.65.422 (Special sales of purebred livestock) and 1963 c
21 232 s 17; and

22 (4) RCW 16.65.423 (Limited public livestock market license, sale of
23 horses and/or mules--Sales days) and 1983 c 298 s 16 & 1963 c 232 s 18.

24 NEW SECTION. **Sec. 93.** This act is necessary for the immediate
25 preservation of the public peace, health, or safety, or support of the
26 state government and its existing public institutions, and takes effect
27 July 1, 2003, except for sections 4 and 10 of this act which take
28 effect January 1, 2004.

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