
HOUSE BILL 1093

State of Washington

62nd Legislature

2011 Regular Session

By Representatives Haigh and Blake

Read first time 01/11/11. Referred to Committee on Agriculture & Natural Resources.

1 AN ACT Relating to eliminating the brand inspection requirements
2 for horses; amending RCW 16.57.160, 16.57.220, 16.57.240, 16.57.245,
3 16.57.260, 16.57.267, 16.57.280, 16.57.290, 16.57.300, 16.57.400,
4 16.57.015, and 9.16.010; reenacting and amending RCW 16.57.010; adding
5 a new section to chapter 16.57 RCW; and repealing RCW 16.57.410.

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

7 **Sec. 1.** RCW 16.57.010 and 2010 c 66 s 5 are each reenacted and
8 amended to read as follows:

9 The definitions in this section apply throughout this chapter
10 unless the context clearly requires otherwise.

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

14 (2) "Certificate of permit" means a form prescribed by and obtained
15 from the director that is completed by the owner or a person authorized
16 to act on behalf of the owner to show the ownership of livestock. It
17 is used to document ownership of livestock while in transit within the
18 state or on consignment to any public livestock market, special sale,

1 slaughter plant or certified feed lot. It does not evidence inspection
2 of livestock.

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

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

7 (5) "Horses" means horses, burros, and mules.

8 (6) "Individual identification certificate" means an inspection
9 certificate that authorizes the livestock owner to transport the animal
10 out of state multiple times within a set period of time.

11 (7) "Individual identification symbol" means a permanent mark
12 placed on a horse for the purpose of individually identifying and
13 registering the horse and which has been approved for use as such by
14 the director.

15 (8) "Inspection certificate" means a certificate issued by the
16 director or a veterinarian certified by the director documenting the
17 ownership of an animal based on an inspection of the animal. It
18 includes an individual identification certificate.

19 (9) "Livestock" includes, but is not limited to, (~~horses,~~) mules,
20 cattle, sheep, swine, and goats. However, "livestock" does not include
21 horses.

22 (10) "Livestock inspection" or "inspection" means the examination
23 of livestock or livestock hides for brands or any means of identifying
24 livestock or livestock hides including the examination of documents
25 providing evidence of ownership.

26 (11) "Microchipping" means the implantation of an identification
27 microchip or similar electronic identification device to establish the
28 identity of an individual animal:

29 (a) In the pipping muscle of a chick ratite or the implantation of
30 a microchip in the tail muscle of an otherwise unidentified adult
31 ratite;

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

34 (c) In locations of other livestock species as specified by rule of
35 the director when requested by an association of producers of that
36 species of livestock.

37 (12) "Person" means a natural person, individual, firm,

1 partnership, corporation, company, society, and association, and every
2 officer, agent or employee thereof. This term shall import either the
3 singular or the plural as the case may be.

4 (13) "Production record brand" means a number brand which shall be
5 used for production identification purposes only.

6 (14) "Ratite" means, but is not limited to, ostrich, emu, rhea, or
7 other flightless bird used for human consumption, whether live or
8 slaughtered.

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

12 (16) "Self-inspection certificate" means a form prescribed by and
13 obtained from the director that was completed and signed by the buyer
14 and seller of livestock to document a change in ownership before June
15 10, 2010.

16 **Sec. 2.** RCW 16.57.160 and 2010 c 66 s 6 are each amended to read
17 as follows:

18 (1) The director may adopt rules:

19 (a) Designating any point for mandatory inspection of cattle (~~or~~
20 ~~horses~~) or the furnishing of proof that cattle (~~or horses~~) passing
21 or being transported through the point have been inspected or
22 identified and are lawfully being transported;

23 (b) Providing for issuance of individual (~~horse and~~) cattle
24 identification certificates or other means of (~~horse and~~) cattle
25 identification; and

26 (c) Designating the documents that constitute other satisfactory
27 proof of ownership for cattle (~~and horses~~). A bill of sale may not
28 be designated as documenting satisfactory proof of ownership (~~for~~
29 ~~cattle~~).

30 (2) A self-inspection certificate may be accepted as satisfactory
31 proof of ownership for cattle if the director determines that the self-
32 inspection certificate, together with other available documentation,
33 sufficiently establishes ownership. Self-inspection certificates
34 completed after June 10, 2010, are not satisfactory proof of ownership
35 (~~for cattle~~).

1 **Sec. 3.** RCW 16.57.220 and 2010 c 66 s 7 are each amended to read
2 as follows:

3 (1) Except as provided for in RCW 16.65.090 and otherwise in this
4 section, the fee for livestock inspection is one dollar and sixty cents
5 per head for cattle (~~and three dollars and fifty cents for horses~~) or
6 the time and mileage fee, whichever is greater.

7 (2) When cattle are identified with the owner's brand or other form
8 of identification specified by the director by rule, the fee for
9 livestock inspection is one dollar and ten cents per head or the time
10 and mileage fee, whichever is greater.

11 (3) No inspection fee is charged for a calf that is inspected
12 before moving out-of-state under an official temporary grazing permit
13 if the calf is part of a cow-calf unit and the calf is identified with
14 the owner's Washington-recorded brand or other form of identification
15 specified by the director by rule.

16 (4) The fee for inspection of cattle at a processing plant with a
17 daily capacity of no more than five hundred head of cattle where the
18 United States department of agriculture maintains a meat inspection
19 program is four dollars per head.

20 ~~(5) ((When a single inspection certificate issued for thirty or
21 more horses belonging to one person, the fee for livestock inspection
22 is two dollars per head or the time and mileage fee, whichever is
23 greater.~~

24 ~~(6))~~ The fee for individual identification certificates is twenty
25 dollars for an annual certificate and sixty dollars for a lifetime
26 certificate or the time and mileage fee, whichever is greater.
27 However, the fee for an annual certificate listing thirty or more
28 animals belonging to one person is five dollars per head or the time
29 and mileage fee, whichever is greater. A lifetime certificate shall
30 not be issued until the fee has been paid to the director.

31 ~~((7))~~ (6) The minimum fee for the issuance of an inspection
32 certificate by the director is five dollars. The minimum fee does not
33 apply to livestock consigned to a public livestock market or special
34 sale or inspected at a cattle processing plant.

35 ~~((8))~~ (7) For purposes of this section, "the time and mileage
36 fee" means seventeen dollars per hour and the current mileage rate set
37 by the office of financial management.

1 **Sec. 4.** RCW 16.57.240 and 2010 c 66 s 8 are each amended to read
2 as follows:

3 (1) Certificates of permit, inspection certificates, and self-
4 inspection certificates meeting the requirements of RCW 16.57.160 shall
5 show the owner, number, breed, sex, brand, or other method of
6 identification of the cattle (~~(or horses)~~) and any other necessary
7 information required by the director.

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

10 (3) Certificates of permit, inspection certificates, self-
11 inspection certificates meeting the requirements of RCW 16.57.160, or
12 other satisfactory proof of ownership shall be kept by the owner and/or
13 person in possession of any cattle and shall be furnished to the
14 director or any peace officer upon demand.

15 (4) A self-inspection certificate meeting the requirements of RCW
16 16.57.160 is not valid if proof of ownership had not been provided by
17 the seller to the buyer for cattle bearing brands not recorded to the
18 seller.

19 **Sec. 5.** RCW 16.57.245 and 2010 c 66 s 10 are each amended to read
20 as follows:

21 The director or any peace officer may stop vehicles carrying cattle
22 (~~(or horses)~~) to determine if the (~~(livestock)~~) cattle being
23 transported are accompanied by a certificate of permit, inspection
24 certificate, self-inspection certificate meeting the requirements of
25 RCW 16.57.010, or other satisfactory proof of ownership, as determined
26 by the director.

27 **Sec. 6.** RCW 16.57.260 and 2003 c 326 s 30 are each amended to read
28 as follows:

29 Except as provided by rule adopted under this chapter, it is
30 unlawful for any person to remove or cause to be removed or accept for
31 removal from this state, any cattle (~~(or horses)~~) which are not
32 accompanied at all times by an inspection certificate (~~(on such cattle~~
33 ~~or horses, except as provided by rule adopted under this chapter)~~).

34 **Sec. 7.** RCW 16.57.267 and 2003 c 326 s 31 are each amended to read
35 as follows:

1 It is unlawful for any person to fail to present (~~(an animal)~~)
2 livestock for inspection at any mandatory inspection point designated
3 by the director by rule under this chapter.

4 **Sec. 8.** RCW 16.57.280 and 2010 c 66 s 11 are each amended to read
5 as follows:

6 (1) No person shall knowingly have possession of any cattle (~~(or~~
7 ~~horse)~~) marked with a recorded brand of another person unless the
8 cattle:

9 (a) (~~(Cattle or horse)~~) Lawfully bears the person's own healed
10 recorded brand;

11 (b) (~~(Cattle or horse)~~) Is accompanied by a certificate of permit
12 from the owner of the recorded brand;

13 (c) (~~(Cattle or horse)~~) Is accompanied by an inspection
14 certificate;

15 (d) (~~(Cattle)~~) Are accompanied by a self-inspection certificate
16 meeting the requirements of RCW 16.57.010; or

17 (e) (~~(Horse is accompanied by a bill of sale from the previous~~
18 ~~owner; or~~

19 ~~(f) Cattle or horse is))~~ Are accompanied by other satisfactory
20 proof of ownership as designated in rule.

21 (2) A violation of this section constitutes a gross misdemeanor.

22 **Sec. 9.** RCW 16.57.290 and 2010 c 66 s 12 are each amended to read
23 as follows:

24 All cattle (~~(and horses)~~) that are not accompanied by a certificate
25 of permit, inspection certificate, self-inspection certificate meeting
26 the requirements of RCW 16.57.160, or other satisfactory proof of
27 ownership when offered for sale and presented for inspection by the
28 director, shall be impounded. If theft is suspected, the director
29 shall immediately initiate an investigation. If theft is not
30 suspected, the animal shall be sold and the proceeds retained by the
31 director. Upon the sale of the cattle (~~(or horses)~~), the director
32 shall give the purchasers an inspection certificate for the cattle (~~(or~~
33 ~~horses)~~) documenting their ownership.

34 **Sec. 10.** RCW 16.57.300 and 2003 c 326 s 36 are each amended to
35 read as follows:

1 Except under RCW 16.57.303, the proceeds from the sale of cattle
2 (~~and horses~~) when impounded under RCW 16.57.290, after paying the
3 cost (~~thereof~~) of impoundment, shall be paid to the director, who
4 shall make a record showing the brand or marks or other method of
5 identification of the animals and the amount realized from the sale
6 (~~thereof~~). However, the proceeds from a sale of the cattle (~~or~~
7 ~~horses~~) at a licensed public livestock market shall be held by the
8 licensee for a reasonable period not to exceed thirty days to permit
9 the consignor to establish ownership or the right to sell the cattle
10 (~~or horses~~). If the consignor fails to establish legal ownership or
11 the right to sell the cattle (~~or horses~~), the proceeds shall be paid
12 to the director to be disposed of as any other stray proceeds.

13 **Sec. 11.** RCW 16.57.400 and 2003 c 326 s 44 are each amended to
14 read as follows:

15 (~~Horses and~~) Cattle may be identified by individual
16 identification certificates or other means of identification authorized
17 by the director. The certificates or other means of identification are
18 valid only for the use of the owner in whose name it is issued.

19 (~~Horses and~~) Cattle identified pursuant to this section are only
20 subject to inspection when the animal is consigned for sale.

21 NEW SECTION. **Sec. 12.** A new section is added to chapter 16.57 RCW
22 to read as follows:

23 Any requirements of this chapter relating to brands, brand
24 inspection, or other ownership inspection requirements do not apply to
25 the ownership or movement of horses. The department may not require
26 the owner or possessor of a horse to present the horse for a brand
27 inspection upon movement, sale, importation into Washington,
28 exportation out of Washington, or under any other circumstances.

29 **Sec. 13.** RCW 16.57.015 and 2003 c 326 s 3 are each amended to read
30 as follows:

31 (1) The director shall establish a livestock identification
32 advisory board. The board shall be composed of (~~six~~) five members
33 appointed by the director. One member shall represent each of the
34 following groups: Beef producers, public livestock market operators,
35 (~~horse owners,~~) dairy farmers, cattle feeders, and meat processors.

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

7 (2) The purpose of the board is to provide advice to the director
8 regarding livestock identification programs administered under this
9 chapter and regarding inspection fees and related licensing fees. The
10 director shall consult the board before adopting, amending, or
11 repealing a rule under this chapter or altering a fee under RCW
12 16.58.050, 16.65.030, 16.65.037, or 16.65.090. If the director
13 publishes in the state register a proposed rule to be adopted under the
14 authority of this chapter and the rule has not received the approval of
15 the advisory board, the director shall file with the board a written
16 statement setting forth the director's reasons for proposing the rule
17 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. 14.** RCW 9.16.010 and 1992 c 7 s 3 are each amended to read as
27 follows:

28 Every person who shall willfully deface, obliterate, remove, or
29 alter any mark or brand placed by or with the authority of the owner
30 thereof on any shingle bolt, log or stick of timber, or on any (~~horse,~~
31 ~~mare, gelding,~~) mule, cow, steer, bull, sheep, goat or hog, shall be
32 punished by imprisonment in a state correctional facility for not more
33 than five years, or by imprisonment in the county jail for not more
34 than one year, or by a fine of not more than one thousand dollars, or
35 by both fine and imprisonment.

1 NEW SECTION. **Sec. 15.** RCW 16.57.410 (Horses--Registering
2 agencies--Permit required--Fee--Records--Identification symbol
3 inspections--Rules) and 2003 c 326 s 45, 1993 c 354 s 11, 1989 c 286 s
4 25, & 1981 c 296 s 35 are each repealed.

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