
HOUSE BILL 2500

State of Washington

64th Legislature

2016 Regular Session

By Representatives Caldier, Blake, Young, Dent, and Wilson

Read first time 01/14/16. Referred to Committee on Agriculture & Natural Resources.

1 AN ACT Relating to creating a preferred alternative for the
2 placement and sale of impounded livestock; and amending RCW
3 16.24.110, 16.24.120, 16.24.130, and 16.24.150.

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

5 **Sec. 1.** RCW 16.24.110 and 1989 c 286 s 11 are each amended to
6 read as follows:

7 Any horses, mules, donkeys, or cattle of any age running at large
8 or trespassing in violation of this chapter (~~((16.24 RCW as now or~~
9 ~~hereafter amended))~~), which are not restrained as provided by RCW
10 16.04.010, are declared to be a public nuisance. The sheriff of the
11 county where an animal is found and the nearest brand inspector shall
12 (~~((have authority to))~~) impound such animals (~~((which are not restrained~~
13 ~~as provided by RCW 16.04.010))~~) in accordance with RCW 16.24.120.

14 **Sec. 2.** RCW 16.24.120 and 2012 c 25 s 5 are each amended to read
15 as follows:

16 (1) Upon taking possession of any livestock at large contrary to
17 the provisions of this chapter, or any unclaimed livestock submitted
18 or impounded, by any person, at any public livestock market or any
19 other facility approved by the director of the department of
20 agriculture, the sheriff or brand inspector (~~((shall cause it to be~~

1 ~~transported to and~~) must impound the animal in accordance with
2 subsection (2) of this section.

3 (2) The sheriff or brand inspector must prioritize placing
4 impounded livestock in the custody of any person meeting the criteria
5 specified in (a) of this subsection. If no suitable placement is
6 available under (a) of this subsection, the animal must be impounded
7 in accordance with (b) of this subsection.

8 (a) A person willing and able to care for an animal impounded
9 under this section may request placement of the animal in the
10 person's custody pending return of the animal to its owner or sale of
11 the animal. The sheriff or brand inspector must grant the placement
12 request if:

13 (i) The person has a suitable facility to house or keep the
14 animal;

15 (ii) The person agrees to provide all appropriate services for
16 the animal, including feeding, watering, and veterinary care, at the
17 person's own expense;

18 (iii) The person allows the county, the department of
19 agriculture, the brand inspector, and others accompanying any county
20 or state official reasonable access to the animal while it is in the
21 person's custody; and

22 (iv) The official or agency designated by the county to
23 administer regulations pertaining to animals or livestock approves
24 placement of the animal with the person. Approval of the placement
25 may not be unreasonably withheld by the official or agency.

26 (b) If no suitable placement is available under (a) of this
27 subsection, the animal must be impounded at the nearest public
28 livestock market licensed under chapter 16.65 RCW or at (~~such place~~
29 as)) any other facility approved by the director of the department of
30 agriculture.

31 (3) If the sheriff has impounded an animal in accordance with
32 this section, (~~he or she shall forthwith~~) the sheriff must notify
33 the nearest brand inspector of the department of agriculture, who
34 (~~shall~~) must examine the animal and, by brand, tattoo, or other
35 identifying characteristic, (~~shall~~) attempt to ascertain the
36 ownership thereof.

37 **Sec. 3.** RCW 16.24.130 and 1995 c 374 s 69 are each amended to
38 read as follows:

1 (1) The brand inspector shall cause to be published once in a
2 newspaper published in the county where ~~((the))~~ an animal impounded
3 in accordance with RCW 16.24.120 was found, a notice of the
4 impounding. If no newspaper is published in the county, copies of the
5 notice must be posted in four commonly frequented places in the
6 county.

7 (2) The notice shall state:

8 ~~((1))~~ (a) A description of the animal, including brand, tattoo,
9 or other identifying characteristics;

10 ~~((2))~~ (b) When and where found;

11 ~~((3))~~ (c) Where impounded; ~~(and~~

12 ~~(4))~~ (d) That if unclaimed, the animal will be sold at a public
13 livestock market sale ~~((or)),~~ at other public sale~~((r))~~ or if
14 applicable, to any person granted custody of the animal under RCW
15 16.24.120(2); and

16 (e) The date of such a sale~~((: PROVIDED, That if no newspaper~~
17 ~~shall be published in such county, copies of the notice shall be~~
18 ~~posted at four commonly frequented places therein))~~.

19 (3) If the animal is marked with a brand or tattoo ~~((which))~~ that
20 is registered with the director of agriculture, the brand inspector,
21 on or before the date of publication or posting of the notice of
22 impoundment, shall send a copy of the notice to the owner of record
23 by registered mail.

24 **Sec. 4.** RCW 16.24.150 and 1995 c 374 s 70 are each amended to
25 read as follows:

26 (1) If no person ~~((shall claim the))~~ claims an impounded animal
27 within ten days after the date of publication or posting of the
28 notice~~((, it shall))~~ of impoundment in accordance with RCW 16.24.130,
29 the animal must be sold:

30 (a) To any person who meets the criteria of subsection (2) of
31 this section;

32 (b) At the next succeeding public livestock market sale to be
33 held at the sales yard where the animal is impounded~~((, provided that~~
34 ~~in the director's discretion the department of agriculture may~~
35 ~~otherwise cause the animal to be sold))~~; or

36 (c) At a public sale as directed by the director of the
37 department of agriculture.

38 (2) Any person who is granted custody of an animal under RCW
39 16.24.120(2)(a) has a right of first refusal to purchase the animal

1 if it is not claimed within ten days after issuance of a notice of
2 impoundment. To exercise the right of first refusal, the person must
3 pay all costs of transportation, advertising, and care of the animal
4 incurred during the animal's impoundment and the value of the animal
5 as determined by the department of agriculture. The right of first
6 refusal must be exercised within ten days or the animal must be sold
7 at public sale as provided in subsection (1)(b) or (c) of this
8 section.

9 ~~((The legislature intends this to be a clarification of existing~~
10 ~~law; therefore, this section shall have retroactive effect as of~~
11 ~~December 1, 1994.))~~

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