

**IMPOUNDED LIVESTOCK - SALE BY
COUNTY**

2002 GENERAL SESSION

STATE OF UTAH

Sponsor: Thomas V. Hatch

This act modifies the Agricultural Code to amend the time period within which certain trespassing animals must be claimed prior to the sale of that animal and to provide for the possession, sale, and disposition of impounded livestock by the county.

This act affects sections of Utah Code Annotated 1953 as follows:

AMENDS:

4-25-8, as last amended by Chapter 139, Laws of Utah 1988

ENACTS:

4-25-14, Utah Code Annotated 1953

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **4-25-8** is amended to read:

4-25-8. Owner liable for trespass of animals -- Exception -- Intervention by county representative.

(1) The owner of any neat cattle, horse, ass, mule, sheep, goat, or swine that trespasses upon the premises of another person, except in cases where the premises are not enclosed by a lawful fence in a county or municipality which has adopted a fence ordinance, is liable in a civil action to the owner or occupant of the premises for any damage inflicted by the trespass.

(2) A county representative may intervene to remove the animal and the county is entitled to fair compensation for costs incurred. If the animal is not claimed within [~~one week~~] ten days after written notification is sent to its owner, a county representative may sell the animal to cover costs incurred.

Section 2. Section **4-25-14** is enacted to read:

4-25-14. Impounded livestock -- Determination and location of owner -- Sale -- Disposition of proceeds -- Notice -- Title of purchaser -- Immunity from liability.

(1) As used in this section, "impounded livestock" means cattle, calves, horses, mules,

sheep, goats, hogs, or domesticated elk seized and retained in legal custody.

(2) (a) Each county may:

(i) take physical possession of impounded livestock seized and retained within its boundaries; and

(ii) attempt to determine the name and location of the impounded livestock's owner.

(b) The department shall assist a county who requests help in locating the name and location of the owner or other person responsible for the impounded livestock.

(c) If ownership of the impounded livestock cannot be determined, or, if having determined ownership, neither the county nor the department is able to locate the owner within a reasonable period of time, the impounded livestock, notwithstanding Title 67, Chapter 4a, Unclaimed Property Act, shall be sold at a livestock or other appropriate market, and the proceeds of the sale paid, after the deduction of feed, transportation, and market costs, to the State School Fund created by the Utah Constitution Article X, Section 5, Subsection (1).

(3) Notice of the intended sale of the impounded livestock must be published:

(a) at least ten days prior to the date of sale; and

(b) in a publication with general circulation within the county where the impounded livestock was taken into custody.

(4) The purchaser of impounded livestock sold under this section shall receive title to the impounded livestock free and clear of all claims of the owner or any person claiming title through the owner.

(5) If the county complies with the provisions of this section, it is immune from liability for the sale of impounded livestock sold at a livestock or other appropriate market.