

BRAND INSPECTION AMENDMENTS

2006 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: David Ure

Senate Sponsor: _____

LONG TITLE

General Description:

This bill amends the Utah Livestock Brand and Anti-theft Act to exempt registered horse transfers from the brand inspection requirement in certain transfer of ownership situations.

Highlighted Provisions:

This bill:

- defines private treaty transaction and register;
 - amends livestock brand inspection provisions to exempt registered horse transfers from the brand inspection requirement in certain transfer of ownership situations;
- and
- provides rulemaking authority to the Department of Agriculture and Food to establish standards for identification of horses in transfer of ownership transactions.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

4-24-2, as last amended by Chapter 302, Laws of Utah 1997

4-24-11, as last amended by Chapter 302, Laws of Utah 1997



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

Section 1. Section **4-24-2** is amended to read:

4-24-2. Definitions.

As used in this chapter:

(1) "Brand" means any identifiable mark applied to livestock which is intended to show ownership.

(2) "Carcass" means any part of the body of an animal, including but not limited to hides, entrails, and edible meats.

(3) "Domesticated elk" shall have the meaning as defined in Section 4-39-102.

(4) "Hide" means any skins or wool removed from livestock.

(5) "Livestock" means cattle, calves, horses, mules, sheep, goats, hogs, or domesticated elk.

(6) (a) "Livestock market" means a public market place consisting of pens or other enclosures where cattle, calves, horses, or mules are received on consignment and kept for subsequent sale, either through public auction or private sale.

(b) "Livestock market" does not mean:

(i) a place used solely for liquidation of livestock by a farmer, dairyman, livestock breeder, or feeder who is going out of business; or

(ii) a place where an association of livestock breeders under its own management, offers registered livestock or breeding sires for sale and assumes all responsibility for the sale, guarantees title to the livestock or sires sold, and arranges with the department for brand inspection of all animals sold.

(7) "Mark" means any dulap, waddle, or cutting and shaping of the ears or brisket area of livestock which is intended to show ownership.

(8) "Private treaty transaction" means the transfer of ownership of livestock by agreement or contract other than at a livestock market.

(9) "Registered" means livestock that is listed with an established registration organization for that breed of livestock.

[~~(8)~~] (10) "Slaughterhouse" means any building, plant, or establishment where animals are killed, dressed, or processed and their meat or meat products offered for sale for human

consumption.

Section 2. Section **4-24-11** is amended to read:

4-24-11. Certificate of brand inspection necessary to effectuate change of ownership -- Exception.

(1) Except as provided in [~~Subsection~~] Subsections (2) and (3), the ownership of cattle, horses, domesticated elk, or mules may not be transferred to any other person, through sale or otherwise, without a certificate of brand inspection issued by a department brand inspector.

(2) (a) A brand inspection is not required to transfer ownership of dairy calves from the farm of origin under 60 days of age.

(b) Any person who transports dairy calves that have not been brand inspected pursuant to Subsection (2)(a) shall be required to show a sales invoice upon request.

(3) A brand inspection is not required to transfer ownership of a registered horse sold in a private treaty transaction if:

(a) the breed registration papers are transferred into the new owner's name within 30 days after the purchase; and

(b) the transfer of ownership of the horse does not involve a livestock dealer, as defined by Subsection 4-7-3(6), or an auction.

(4) The department may by following the procedures and requirements of Title 63, Chapter 46a, Utah Administrative Rulemaking Act, make rules establishing standards to accurately identify horses in transfer of ownership transactions.

Legislative Review Note

as of 10-19-05 1:26 PM

Based on a limited legal review, this legislation has not been determined to have a high probability of being held unconstitutional.

Office of Legislative Research and General Counsel

Fiscal Note**Bill Number HB0211****Brand Inspection Amendments***16-Jan-06**8:23 AM*

State Impact

No fiscal impact. The Department of Agriculture and Food will lose fee revenues but will not incur the costs of traveling and performing the inspections.

Individual and Business Impact

Some horse owners will not have to pay \$5 per inspection.

Office of the Legislative Fiscal Analyst