

HOUSE BILL NO. HB0004

Brands.

Sponsored by: Joint Agriculture, State and Public Lands
and Water Resources Interim Committee

A BILL

for

1 AN ACT relating to brands; revising how brands are recorded
2 and rerecorded; providing for delinquent brands; requiring
3 stock drovers to return comingled livestock at their
4 expense; providing for fees; providing definitions;
5 repealing obsolete provisions; and providing for an
6 effective date.

7

8 *Be It Enacted by the Legislature of the State of Wyoming:*

9

10 **Section 1.** W.S. 11-20-101(a) by creating a new
11 paragraph (ix), 11-20-107, 11-20-110, 11-20-111,
12 11-20-114(a), 11-20-115(a), 11-20-117(a), 11-20-118,
13 11-20-125(a)(intro), 11-20-212(a), 11-20-401 by creating a
14 new subsection (c), 11-20-409 and 11-24-101(a)(v) are
15 amended to read:

16

1 **11-20-101. Definitions.**

2

3 (a) As used in this act:

4

5 (ix) "Running at large" means livestock or
6 exotic livestock running free, unrestrained, not under
7 control or which have escaped from an enclosure and are on
8 land not owned or under the control of the owner of the
9 livestock or other animal.

10

11 **11-20-107. Brands; records kept by board; inspection**
12 **thereof.**

13

14 The board shall keep an accurate record of all certified
15 livestock brands, the names of the owners and their ~~post~~
16 ~~office~~ current contact information including addresses,
17 which shall be open to public inspection.

18

19 **11-20-110. Recorded brand; bill of sale; when title**
20 **vests.**

21

22 Any recorded brand may be conveyed to another by a bill of
23 sale executed by the vendor, properly acknowledged, but the
24 conveyance is not complete nor does title to the brand vest

1 in the vendee until the bill of sale is filed for record
2 and the ownership of the brand is transferred in the office
3 of the board.

4
5 **11-20-111. State brand book; contents.**

6
7 The executive officer of the board shall procure a suitable
8 book, to be known as the state brand book, in which shall
9 be recorded the brand and the definite place of the brand
10 upon the animal, used for the branding of livestock in this
11 state. A suitable book under this section may, at the
12 discretion of the board, include a printed copy, an
13 electronic copy or both.

14
15 **11-20-114. Failure to record brand deemed**
16 **abandonment.**

17
18 (a) ~~No person shall claim or own any brand which has~~
19 ~~not been recorded in the office of the Wyoming livestock~~
20 ~~board.~~ Failure to record a brand is an abandonment of the
21 same. No person shall claim or use any abandoned brand
22 until after he has caused the same to be recorded as
23 required by law.

24

1 **11-20-115. Rerecording; when required; notice;**
2 **abandonment.**

3

4 (a) Except as provided by subsection (b) of this
5 section, every tenth year after recording a brand, every
6 owner of a brand shall rerecord the brand, and failure to
7 do so is an abandonment of the brand as provided in this
8 section. At least sixty (60) days preceding the expiration
9 date of the brand, the board shall notify by certified
10 mail, at the address shown on the brand records, the party
11 owning the brand that the brand must be rerecorded and if
12 the brand has not been rerecorded within sixty (60) days
13 from the expiration date of the brand, the brand will be
14 declared delinquent. A delinquent brand may be rerecorded
15 by the brand owner who shall submit a rerecording
16 application and pay a delinquent fee as established by rule
17 of the board. If a delinquent brand is not rerecorded
18 within one (1) year from the expiration date of the brand,
19 the brand will be declared abandoned and will be allowed to
20 other applicants.

21

22 **11-20-117. Use of unrecorded brands prohibited;**
23 **penalties.**

24

1 (a) It is unlawful for any person in Wyoming to use
2 an unrecorded brand for the purpose of claiming ownership
3 of or to identify livestock with a brand not recorded in
4 his name ~~when the brand is a duplicate of or in conflict~~
5 ~~with any brand lawfully recorded in Wyoming for the same~~
6 ~~species of livestock~~ except as otherwise provided in W.S.
7 11-20-125.

8

9 **11-20-118. Drover's stock; to be kept separate.**

10

11 Every stock drover shall keep his livestock separate and
12 distinct from other livestock, and if his livestock becomes
13 mixed with other livestock the stock drover shall forthwith
14 separate the same and return any comingled livestock to
15 their lawful owner at the stock drover's expense.

16

17 **11-20-125. Use of a seasonal brand; application for**
18 **an annual permit to use an out-of-state brand.**

19

20 (a) A person may apply to the board for permission to
21 use his out-of-state brand on cattle, horses, asses or
22 mules, provided the brand is legally registered in the
23 state of origin. If a conflict is found with a registered
24 Wyoming brand the board, notwithstanding W.S. 11-20-104 and

1 11-20-117 and as established by rule and regulation, may
2 authorize use of the brand and require further
3 identification. The permit shall be valid for a one hundred
4 eighty (180) day period during the calendar year. The
5 permit is not transferable. The annual fee for the permit
6 shall be the same as the fee for a new brand as prescribed
7 in W.S. 11-20-103. The permit may be issued and renewed
8 annually if the board finds the requirements of this
9 section are met:

10

11 **11-20-212. In-state range movement permits.**

12

13 (a) The board may issue an in-state range movement
14 permit for the movement of livestock from a location in
15 Wyoming to a noncontiguous location in another county
16 provided the applicant and the ranch meet the requirements
17 of this subsection and criteria established by rules of the
18 board. The movement shall be for the purpose of pasturing,
19 grazing, feeding the livestock, veterinary care, commercial
20 lease or use or other board approved movement that is
21 considered necessary for normal ranch management operating
22 conditions. The movement shall not be for the purpose of
23 changing ownership. A permit under this section may be
24 issued only to bona fide owners or Wyoming resident lessees

1 of qualified ranch lands headquartered within Wyoming or
2 their authorized employees. As used in this section, a
3 qualified ranch means a ranch that has been used for a
4 period of time or purpose specified by the board and which
5 use can be verified by brand inspection records. A permit
6 may be denied by the board after a finding that the
7 person applying for a permit has violated a brand
8 inspection or animal health law, including a provision of
9 this section, ~~or~~ a board brand inspection or animal health
10 rule or regulation or a board order.

11

12 **11-20-401. Brand inspection fees generally.**

13

14 (c) The board may allow the inspection, permitting,
15 payment and reporting requirements of this chapter to be
16 conducted electronically as provided by the Uniform
17 Electronic Transactions Act, W.S. 40-21-101 through
18 40-21-119, and any applicable federal electronic
19 requirements.

20

21 **11-20-409. Issuance of certificate.**

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23 Except as otherwise provided in W.S. 11-20-401(c), all fees
24 required by W.S. 11-6-210, 11-20-201 through 11-20-230,

1 11-20-401 and 11-20-402 shall be due and payable upon the
2 issuance of a certificate of brand inspection or clearance.
3 No fees required by W.S. 11-6-210 shall be collected on the
4 same livestock more than once in any twelve (12) month
5 period.

6

7 **11-24-101. Definitions.**

8

9 (a) As used in this act:

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11 (v) "Livestock" means as defined in W.S.

12 ~~23-1-102(a)(xvi)~~ 11-20-101(a)(iv);

13

14 **Section 2.** W.S. 11-20-212(e) and 11-20-223(e) are
15 repealed.

16

17 **Section 3.** This act is effective July 1, 2013.

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(END)