

IC 15-19-6

Chapter 6. Livestock Brands

IC 15-19-6-1

Application of administrative hearings

Sec. 1. IC 15-17-17 (hearings) applies to this chapter.

As added by P.L.2-2008, SEC.10.

IC 15-19-6-2

"Board"

Sec. 2. As used in this chapter, "board" refers to the Indiana state board of animal health established by IC 15-17-3-1.

As added by P.L.2-2008, SEC.10.

IC 15-19-6-3

"Brand"

Sec. 3. As used in this chapter, "brand" means a distinctive design or mark of identification made or applied to the hide on livestock by the use of a hot iron or by any other method or process approved by the board.

As added by P.L.2-2008, SEC.10.

IC 15-19-6-4

"Livestock"

Sec. 4. As used in this chapter, "livestock" means:

- (1) all cattle or animals of the bovine species;
- (2) all horses, mules, burros, and asses or animals of the equine species;
- (3) all swine or animals of the porcine species; and
- (4) all goats or animals of the caprine species.

As added by P.L.2-2008, SEC.10.

IC 15-19-6-5

"Person"

Sec. 5. As used in this chapter, "person" includes an individual, a firm, an association, a partnership, a corporation, other legal entity, a public or private institution, the state, a municipal corporation, or a political subdivision of the state.

As added by P.L.2-2008, SEC.10.

IC 15-19-6-6

Adoption of brands

Sec. 6. A person owning livestock within Indiana may adopt a brand for the person's exclusive use in Indiana. A person may not brand or cause to be branded any livestock with a brand that is of legal record in the office of the board unless that brand has been certified by the board for that person's exclusive use.

As added by P.L.2-2008, SEC.10.

IC 15-19-6-7

Recording of brands

Sec. 7. The board shall record livestock brands. The board shall implement this chapter and may adopt rules under IC 4-22-2 to implement this chapter.

As added by P.L.2-2008, SEC.10.

IC 15-19-6-8

Application for recording of brand

Sec. 8. (a) An owner of livestock in Indiana who wants to adopt a brand for the owner's exclusive use shall, before doing so, forward to the board an application on a form approved and provided by the board.

(b) For purposes of this chapter, the post office address included in an application under this section is considered the legal address of the applicant. Until the board receives a written notice of change of address from the applicant, the latest address of record with the board remains the legal address.

(c) If the brand is accepted, the board shall file the brand in the official brand book, furnish the applicant a brand certificate, and inform the applicant that the applicant has, from the date of filing, exclusive right to the use of the brand in Indiana.

(d) Additional brand certificates of a recorded brand may be obtained from the board upon the payment of a fee established by the board under section 18 of this chapter.

As added by P.L.2-2008, SEC.10.

IC 15-19-6-9

One brand for each owner; separate livestock operation; identical or similar brands; restriction on use of brands

Sec. 9. (a) Only one (1) brand may be awarded or recorded for each owner of livestock. However, the owner or owners of separate and distinct livestock operations may, at the discretion of the board, record one (1) brand for use at each distinct and separate livestock operation.

(b) A brand may not be recorded or used if the brand:

(1) is identical with or, in the opinion of the board, is so similar to any brand previously recorded and remaining of legal record;

or

(2) is an abandoned brand but has not been abandoned for five (5) years;

so as to be liable to cause confusion as to the identity or ownership of livestock.

(c) If the board determines that the submitted brand is already on record for another person or that it so closely resembles a previously registered brand that the brands cannot be readily distinguished, the board shall notify the applicant and return the facsimile brand and recording fee. In case of duplications, applications bearing the earliest postmark will be accepted.

(d) The board shall adjust conflicting stock brands and make any necessary changes. Changes made by the board are conclusive, and

brands the board indicates may be recalled or adjusted at any time by means of written notice from the board given to the owner of the brand.

(e) A brand may be recorded in Indiana only in the office of the board.

As added by P.L.2-2008, SEC.10.

IC 15-19-6-10

Evidentiary effect of certificates of recordation

Sec. 10. All certificates of recordation or rerecordation of brands furnished by the board are prima facie evidence of the ownership of all livestock of the kind or kinds bearing the brand or brands specified and as set forth in the record. The certificates are evidence of ownership in all lawsuits or in any criminal proceedings, when the title to livestock in Indiana is to be proved. Disputes in ownership or custody of branded livestock shall, upon request, be investigated by state or county law enforcement officials.

As added by P.L.2-2008, SEC.10.

IC 15-19-6-11

Ownership of brands

Sec. 11. (a) A recorded brand is the personal property of the person in whose name it is filed and is subject to sale, assignment, transfer, devise, and descent as personal property.

(b) A written instrument that evidences the sale, assignment, or transfer of a brand must be forwarded to the board to be recorded in the official brand book.

(c) The board shall determine the fee for recording a transaction under subsection (b).

(d) As soon as the transaction has been recorded, the board shall furnish the new owner with a brand certificate.

As added by P.L.2-2008, SEC.10.

IC 15-19-6-12

Determination of renewal date

Sec. 12. (a) By January 1 of each fifth year following the original recording with the board, each owner of a brand of record shall submit to the board a renewal fee to be established by the board.

(b) For the purpose of determining the renewal date, the period between the date a brand is recorded by the board and January 1 of the next year constitutes the first year of the five (5) year period.

(c) If the owner of a brand of record fails, refuses, or neglects to pay the fee by June 30 of the year in which it is due, the brand shall be forfeited and no longer carried in the record. A forfeited brand may not be issued to another person for five (5) years after the date of forfeiture. During that five (5) year period, the former owner of record may apply to the commission for reinstatement of the forfeited brand. An application for reinstatement must be accompanied by a reinstatement fee established by the board. The renewal date for a reinstatement brand remains the same.

(d) Renewal fees on reinstatement brands are due on January 1 of each fifth year following the original recording.

As added by P.L.2-2008, SEC.10.

IC 15-19-6-13

Use of unrecorded brand

Sec. 13. (a) Except as otherwise provided by this section, a person may not use any brand for identifying livestock unless the brand has been recorded under this chapter. If a recorded brand is applied to livestock that have been branded by a previous owner, the recorded brand must be applied so as not to overlap, obliterate, disfigure, or mutilate the existing brand or brands.

(b) Brands consisting of arabic numerals only may be used for individual livestock identification if they are located at least ten (10) inches from any recorded brand. Brands for individual identification may not be recorded.

As added by P.L.2-2008, SEC.10.

IC 15-19-6-14

Publication of recorded brands

Sec. 14. (a) The board shall publish all the recorded brands in a book and publish supplemental lists at least once each year. The brand book and supplements must contain a facsimile of all brands recorded, together with the owner's name and legal mailing address.

(b) The board shall, without charge, furnish copies of the brand book and supplements to state and county law enforcement agencies in Indiana. The general public may obtain copies by remitting to the board the cost of printing and mailing each book and accompanying supplements.

As added by P.L.2-2008, SEC.10.

IC 15-19-6-15

Reported livestock thefts

Sec. 15. The board, in cooperation with law enforcement officials in Indiana and other states, shall develop a uniform procedure for notifying livestock markets and livestock slaughtering establishments of reported livestock thefts.

As added by P.L.2-2008, SEC.10.

IC 15-19-6-16

Application of a brand to livestock

Sec. 16. A brand must be applied to the shoulder, ribs, or hip on either the right or left side as determined by standing behind the animal. A brand, except those for livestock disease control purposes, may not be applied to the head or neck area.

As added by P.L.2-2008, SEC.10.

IC 15-19-6-17

Sale and transportation of livestock

Sec. 17. (a) A person selling livestock branded with the person's

brand recorded in a current state brand book or supplement shall execute to the purchaser a written bill of sale. The bill of sale must include:

- (1) the signature and residence of the seller;
- (2) the name and address of the purchaser;
- (3) the total number of livestock sold;
- (4) a description of each animal sold as to sex and kind; and
- (5) all registered brands.

A copy of the bill of sale shall be given to each hauler of livestock, other than railroads, and must accompany the shipment of livestock while in transit. The bill of sale or a copy shall be shown by the possessor on demand to any law enforcement officer. The bill of sale is prima facie evidence of the conveyance of title of the livestock described by the bill of sale.

(b) A person engaged in the business of transporting or hauling livestock in Indiana shall, upon receiving livestock for transportation, issue a waybill or bill of lading for all livestock transported or hauled by the person. The waybill or bill of lading must accompany the shipment of livestock, with a copy being furnished to the person delivering livestock to the hauler. The waybill or bill of lading must include:

- (1) the place of origin and destination of the shipment;
- (2) the name of the owner of the livestock;
- (3) the date and time of loading;
- (4) the name of the person or company hauling the livestock;
- (5) the number of livestock; and
- (6) a general description of the livestock, including the identifying brands.

The waybill or bill of lading must be signed by the person delivering the livestock to the hauler, certifying that the information contained in the waybill or bill of lading is correct.

As added by P.L.2-2008, SEC.10.

IC 15-19-6-18

Charges for recording and rerecording of brands

Sec. 18. (a) The board may establish and collect:

- (1) up to thirty-five dollars (\$35) for each brand recording; and
- (2) fair and reasonable charges related to the cost of administering a brand recordation program for:
 - (A) the rerecording of brands;
 - (B) the recording of instruments transferring ownership of brands; and
 - (C) certificates of recordation or rerecording of brands.

(b) The board shall deposit fees collected under this section in the brand registration fund. The brand registration fund is a nonbudgetary fund, and the money remaining in the brand registration fund at the end of a state fiscal year does not revert to the state general fund. The board may disburse money from the brand registration fund to defray the administrative costs of implementing this chapter.

As added by P.L.2-2008, SEC.10.

IC 15-19-6-19

Unauthorized application of a brand

Sec. 19. A person who, without permission of the owner, knowingly or intentionally applies a brand to livestock for the purpose of transferring ownership of that livestock commits a Class C felony.

As added by P.L.2-2008, SEC.10.

IC 15-19-6-20

Destruction or alteration of a brand on livestock

Sec. 20. A person who knowingly destroys or alters a brand recorded with the board from livestock to conceal the identity of the owner of that livestock commits a Class C felony.

As added by P.L.2-2008, SEC.10.

IC 15-19-6-21

Sale of livestock with destroyed or altered brand

Sec. 21. A person who knowingly sells or offers for sale livestock whose brand has been destroyed or altered for the purpose of concealing the identity of the owner of that livestock commits a Class C felony.

As added by P.L.2-2008, SEC.10.

IC 15-19-6-22

Purchase of livestock with destroyed or altered brand

Sec. 22. A person who knowingly purchases livestock whose brand has been destroyed or altered for the purpose of concealing the identity of the owner of that livestock commits a Class C felony.

As added by P.L.2-2008, SEC.10.

IC 15-19-6-23

Forgery

Sec. 23. A livestock brand is a written instrument for purposes of IC 35-43-5.

As added by P.L.2-2008, SEC.10.