

1 H BILL NO. 152
 2 INTRODUCED BY Lien - Ellard Conway Niisch
 3 Dassinger BY REQUEST OF THE DEPARTMENT OF LIVESTOCK

4
 5 A BILL FOR AN ACT ENTITLED: "AN ACT REMOVING THE FIVE HEAD
 6 OR LESS EXEMPTION ON CHANGE OF OWNERSHIP BRAND INSPECTIONS
 7 AND EXEMPTING FROM THE INSPECTION REQUIREMENT CATTLE RESOLD
 8 AT THE LIVESTOCK MARKET WHERE INITIALLY CONSIGNED; AMENDING
 9 SECTION 46-801.2, R.C.M. 1947."

10
 11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
 12 Section 1. Section 46-801.2, R.C.M. 1947, is amended
 13 to read as follows:

14 "46-801.2. Inspection of livestock before change of
 15 ownership or removal from county -- transportation permits.
 16 (1) Except as otherwise provided in this act, it is unlawful
 17 to remove or cause to be removed from a county in this state
 18 any livestock, or to transfer ownership by sale or otherwise
 19 or for an intended purchaser or his agent to take possession
 20 of any such animal subject to title passing upon meeting or
 21 satisfaction of any conditions unless the livestock has been
 22 inspected for brands by a state stock inspector or deputy
 23 state stock inspector and a certificate of the inspection
 24 has been issued in connection with and for the purpose of
 25 the transportation or removal or of such change of ownership

1 as provided in this act. The inspection must be made in
 2 daylight, ~~provided, however, that the~~ The change of
 3 ownership inspection requirements of this subsection shall
 4 not apply when such sale or change of ownership transaction
 5 involves ~~five--(5)--or--less--such--animals~~ livestock being
 6 resold at a livestock market at which such livestock were
 7 purchased and held over for resale without having been
 8 removed from the market.

9 (2) It is unlawful to sell or offer for sale at a
 10 livestock market any livestock originating within any county
 11 in this state in which a livestock market is maintained, or
 12 transported under a market consignment permit until the
 13 livestock has been inspected for marks and brands by a state
 14 stock inspector, as provided in this act.

15 (3) It is unlawful to remove or cause to be removed
 16 any livestock from the premises of a livestock market in
 17 this state unless the livestock has been inspected for marks
 18 and brands by a state stock inspector and an inspection
 19 certificate for the livestock has been issued in connection
 20 with and for the purpose of the removal from the premises of
 21 the livestock market, as provided in this act.

22 (4) The person in charge of livestock being removed
 23 from a county in this state, where inspection thereof is
 24 required by this act, or where change of ownership has
 25 occurred or when moved under a market consignment permit

1 shall have in his possession the certificate of inspection
 2 or market consignment permit issued in connection therewith,
 3 and shall exhibit the certificate to any sheriff, deputy
 4 sheriff, constable, highway patrolman, state stock inspector
 5 or deputy state stock inspector at the request of either of
 6 them. Section 46-803 shall be extended to livestock
 7 transported or sold under the above-mentioned permits.

8 (5) The following transportation permits may be
 9 issued:

10 (a) If a saddle, work, or show horse is being
 11 transported from county to county in this state by the owner
 12 for his personal use or business, or where a purebred cow is
 13 being transported from county to county in this state by its
 14 owner for show purposes, and where there is no change of
 15 ownership, the inspection certificate as required by this
 16 act, may be endorsed as to the purpose and extent of
 17 transportation by the inspector issuing the certificate in
 18 order to serve as a travel permit in this state for a period
 19 not to exceed one (1) year for the horse or cow described
 20 thereon. The permit becomes void upon any transfer of
 21 ownership or if the horse or cow are to be removed from the
 22 state. In such instances an inspection must be secured for
 23 removal and the endorsed certificate surrendered.

24 (b) The owner of a saddle, work, or show horse may
 25 apply for a permanent transportation permit valid for both

1 interstate and intrastate transportation of the horse until
 2 there is a change of ownership. To obtain a permit a horse
 3 must have either a registered brand that has been legally
 4 cleared, or a lip tattoo, or the owner must present proof of
 5 ownership to a state stock inspector. A written application,
 6 on forms to be provided by the department, must be completed
 7 by the owner and presented to a state stock inspector
 8 together with a five dollar (\$5) permit fee for each horse.
 9 The application shall contain a thorough physical
 10 description of the horse and list all brands and tattoos
 11 carried by the horse.

12 Upon approval of the application by a state stock
 13 inspector, a permanent transportation permit shall be issued
 14 by the department to the owner for each horse and such
 15 permit shall be valid for the life of the horse. If there is
 16 a change of ownership in a horse the permit shall
 17 automatically become void. The permit must accompany the
 18 horse for which it was issued at all times while the horse
 19 is in transit. This permit shall be in lieu of other permits
 20 and certificates required under the provisions of this
 21 section. The state of Montana shall recognize as valid
 22 permanent transportation permits issued in other
 23 jurisdictions to the owner of a saddle, work, or show horse
 24 subsequently entering the state. Such a permit shall be
 25 automatically void upon a change of ownership.

1 (c) When livestock owned by and bearing the registered
2 brand of a bona fide rodeo producer are being transported
3 from county to county in this state by the owner for rodeo
4 purposes, and where there is no change of ownership, the
5 inspection certificate required by this section may be
6 endorsed as to the purpose and extent of transportation by
7 the inspector issuing the certificate in order to serve as a
8 travel permit in this state for the livestock described
9 thereon. The certificate is effective only between April 1
10 and October 31 of the year for which it is issued. The
11 certificate shall be issued by a state stock inspector."

-End-

Approved by Committee
on Agriculture Livestock
& Irrigation

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15 ownership or removal from county -- transportation permits.

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17 to remove or cause to be removed from a county in this state
18 any livestock, or to transfer ownership by sale or otherwise
19 or for an intended purchaser or his agent to take possession
20 of any such animal subject to title passing upon meeting or
21 satisfaction of any conditions unless the livestock has been
22 inspected for brands by a state stock inspector or deputy
23 state stock inspector, and a certificate of the inspection
24 has been issued in connection with and for the purpose of
25 the transportation or removal or of such change of ownership

1 as provided in this act. The inspection must be made in
2 daylight, provided, ~~however that the~~ The change of
3 ownership inspection requirements of this subsection shall
4 not apply when such sale or change of ownership transaction
5 involves ~~five (5) or less such animals~~ livestock being
6 resold at a livestock market at which such livestock were
7 purchased and held over for resale without having been
8 removed from the market.

9 (2) It is unlawful to sell or offer for sale at a
10 livestock market any livestock originating within any county
11 in this state in which a livestock market is maintained, or
12 transported under a market consignment permit until the
13 livestock has been inspected for marks and brands by a state
14 stock inspector, as provided in this act.

15 (3) It is unlawful to remove or cause to be removed
16 any livestock from the premises of a livestock market in
17 this state unless the livestock has been inspected for marks
18 and brands by a state stock inspector and an inspection
19 certificate for the livestock has been issued in connection
20 with and for the purpose of the removal from the premises of
21 the livestock market, as provided in this act.

22 (4) The person in charge of livestock being removed
23 from a county in this state, where inspection thereof is
24 required by this act, or where change of ownership has
25 occurred or when moved under a market consignment permit

1 shall have in his possession the certificate of inspection
 2 or market consignment permit issued in connection therewith,
 3 and shall exhibit the certificate to any sheriff, deputy
 4 sheriff, constable, highway patrolman, state stock inspector
 5 or deputy state stock inspector at the request of either of
 6 them. Section 46-803 shall be extended to livestock
 7 transported or sold under the above-mentioned permits.

8 (5) The following transportation permits may be
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 14 owner for show purposes, and where there is no change of
 15 ownership, the inspection certificate as required by this
 16 act, may be endorsed as to the purpose and extent of
 17 transportation by the inspector issuing the certificate in
 18 order to serve as a travel permit in this state for a period
 19 not to exceed one (1) year for the horse or cow described
 20 thereon. The permit becomes void upon any transfer of
 21 ownership or if the horse or cow are to be removed from the
 22 state. In such instances an inspection must be secured for
 23 removal and the endorsed certificate surrendered.

24 (b) The owner of a saddle, work, or show horse may
 25 apply for a permanent transportation permit valid for both

1 interstate and intrastate transportation of the horse until
 2 there is a change of ownership. To obtain a permit a horse
 3 must have either a registered brand that has been legally
 4 cleared, or a lip tattoo, or the owner must present proof of
 5 ownership to a state stock inspector. A written application,
 6 on forms to be provided by the department, must be completed
 7 by the owner and presented to a state stock inspector
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 9 The application shall contain a thorough physical
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12 Upon approval of the application by a state stock
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 17 automatically become void. The permit must accompany the
 18 horse for which it was issued at all times while the horse
 19 is in transit. This permit shall be in lieu of other permits
 20 and certificates required under the provisions of this
 21 section. The state of Montana shall recognize as valid
 22 permanent transportation permits issued in other
 23 jurisdictions to the owner of a saddle, work, or show horse
 24 subsequently entering the state. Such a permit shall be
 25 automatically void upon a change of ownership.

1 (c) When livestock owned by and bearing the registered
2 brand of a bona fide rodeo producer are being transported
3 from county to county in this state by the owner for rodeo
4 purposes, and where there is no change of ownership, the
5 inspection certificate required by this section may be
6 endorsed as to the purpose and extent of transportation by
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8 travel permit in this state for the livestock described
9 thereon. The certificate is effective only between April 1
10 and October 31 of the year for which it is issued. The
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