

# IOWA BRAND LAWS

## IOWA CODE

### TITLE V. AGRICULTURE

#### SUBTITLE 2. ANIMAL INDUSTRY

#### CHAPTER 169A. MARKING AND BRANDING OF LIVESTOCK

##### **169A.1. Definitions**

When used in this chapter:

1. "Animal" means a creature belonging to the bovine, caprine, equine, ovine, or porcine species; ostriches, rheas, or emus; farm deer as defined in section 481A.1; or poultry.
2. "Brand" means an identification mark that is burned into the hide of a live animal by a hot iron or another method approved by the secretary. A brand shall include a cryo-brand.
3. "Computer" means the same as defined in section 22.3A.
4. "Cryo-brand" means a brand produced by application of extreme cold temperature.
5. "Identification device" means a device which when installed is designed to store information regarding an animal or the animal's owner in an electronic format which may be accessed by a computer for purposes of reading or manipulating the information.
6. "Install" means to place an identification device onto or beneath the hide or skin of an animal, including but not limited to fixing the device into the ear of an animal or implanting the device beneath the skin of the animal.
7. "Livestock" means horses, cattle, sheep, mules, or asses.

##### **169A.2. Adoption of brand**

Any person owning livestock may adopt a brand for the purpose of branding the livestock. The person shall have the exclusive right to use the brand in this state, after recording the brand as provided in sections 169A.4 and 169A.6 or 169A.9.

##### **169A.3. Must be recorded**

Evidence of an animal's ownership shall not be established in court by the animal's brand, unless the animal is livestock, the brand complies with the requirements of this chapter, and the brand is recorded as provided in sections 169A.4 and 169A.6 or 169A.9.

##### **169A.4. Recording--fee**

A person desiring to adopt a brand shall forward to the secretary a brand application on forms approved by the secretary and providing for the desired brand, together with a recording fee of twenty-five dollars. Upon receipt, the secretary shall file the application and fee, unless the brand is of record of another person or conflicts with or closely resembles the brand of another person. If the secretary determines that such brand is of record or conflicts with or closely resembles the brand of another person, the secretary shall not record it but shall return the facsimile and fee to the forwarding person. However, the secretary shall renew a conflicting brand, if the brand was originally recorded prior to July 1, 1996, and the brand is renewed as provided in section 169A.13. The department may notify each owner of a conflicting brand that the owner may record a nonconflicting brand. The power of examination, approval, acceptance, or rejection shall be vested in the secretary. The secretary shall file all brands offered for record pending the examination provided for in this section. The secretary shall make such examination as promptly as possible. If the brand is accepted, the brand's ownership shall vest in the person recording it from the date of filing.

#### **169A.5. Effect of record**

The recording provided for in sections 169A.4 and 169A.6 or 169A.9 shall secure the brand to the person and shall be considered personal property of said owner.

#### **169A.6. Certified copy furnished**

As soon as the brand is recorded by the secretary, the secretary shall furnish the owner of the brand with a certified copy of the record of the brand.

#### **169A.7. Unlawful use of brand--penalty**

A person shall not use any brand for branding livestock, unless the brand has been recorded as provided by this chapter. A person may use an unrecorded hot brand or an unrecorded cryo-brand, consisting only of Arabic numerals, if the person uses the unrecorded brand in conjunction with the person's recorded brand, and only for purposes of identifying animals within a herd. However, the unrecorded brand shall not be evidence of ownership. A person convicted of violating this section shall be guilty of an aggravated misdemeanor.

#### **169A.8. Sale or assignment of brand**

Any brand recorded as provided in section 169A.4 shall be the property of the person causing such record to be made and shall be subject to sale, assignment, transfer, devise, and descent as personal property. Instruments of writing, evidencing the sale, assignment, or transfer of such brand shall be recorded by the secretary and the fee for recording such sale, assignment, or transfer shall be in an amount established by rule of the secretary pursuant to chapter 17A, which amount shall be based upon the administrative costs of maintaining the brand program provided for by this chapter.

#### **169A.9. Certified copy to new owner**

As soon as instruments of writing evidencing the sale, assignment, or transfer of a brand have been recorded by the secretary, the secretary shall furnish such new owner one certified copy of such sale, assignment, or transfer.

## **169A.10. Evidence of ownership - investigations**

1. In a suit at law or equity or in any criminal proceedings in which the title to an animal is an issue, the following shall be admissible as evidence:
  - a. A certified copy of a record as provided for in section 169A.6 or 169A.9. The certified copy shall be *prima facie* evidence of the ownership of livestock by the person in whose name the brand is recorded.
  - b. Information stored in an identification device which identifies the owner of an animal. The information shall be *prima facie* evidence of the ownership of the animal, if all of the following apply:
    - (1) The identification device meets applicable design standards adopted by the international standard organization, or which may be adopted by the department.
    - (2) The identification device is installed according to manufacturer's requirements.
    - (3) The information is not in conflict with a certified copy of a record as provided for in section 169A.6 or 169A.9.
  - c. The results of a sheriff's investigation as provided in this section.
2. A dispute involving the custody or ownership of an animal branded or subject to electronic identification under this chapter shall be investigated, on request, by the sheriff of the county where the animal is located. The sheriff may call upon the services of an authorized person, approved by the secretary, in reading the brands on animals. The cost of the services shall be paid by the person requesting the investigation. The results of the sheriff's investigation are a public record.

## **169A.11. Publication of brands list**

The secretary from time to time shall cause to be published in book form a list of all brands on record at the time of the publication. The secretary may supplement the lists from time to time. The publication shall contain a facsimile of all brands recorded and the owner's name and postoffice address. The records shall be arranged in convenient form for reference. The secretary shall deliver one copy of the brand book and supplements to the sheriff of each county. The books and supplements shall be delivered without cost to the county. The books and supplements shall be public records as provided in chapter 22. The secretary may sell the books and supplements to the general public at the cost of printing and mailing each book.

## **169A.12. Fees to general fund [repealed]**

## **169A.13. Fee each fifth year**

Each owner of a brand which is recorded pursuant to section 169A.4 shall renew the brand every five years after originally recording the brand and pay a renewal fee. The amount of the renewal fee is twenty-five dollars. The secretary shall notify every owner of a brand of record at least thirty days prior to the date of the renewal period. If the owner of a brand of record does not renew the brand and pay the renewal fee within six months after it is due, the owner shall forfeit the brand and the brand shall no longer be recorded. A forfeited brand shall not be issued to any other person for five years following date of forfeiture.

## **169A.13A. Branding administration fund**

1. A branding administration fund is created in the state treasury under the control of the department. The fund is composed of moneys collected in fees as provided in this chapter, moneys appropriated by the general assembly, and moneys available to and obtained or accepted by the department from the United States or private sources for placement in the fund.
2. The fund is subject to warrants written by the director of revenue and finance, drawn upon the written requisition of

the department.

3. Moneys in the fund are appropriated to the department for the exclusive purpose of supporting the administration of this chapter by the department.

4. The department may adopt rules pursuant to chapter 17A to administer this section.

5. Section 8.33 shall not apply to moneys in the fund. Notwithstanding section 12C.7, moneys earned as income, including as interest, from the fund shall remain in the fund until expended as provided in this section.

#### **169A.14. Tampering**

1. A person shall not do any of the following to an animal:

- a. Brand, attempt to brand, or cause to be branded livestock, without authorization from the owner.
- b. Efface, deface, or obliterate or attempt to efface, deface, or obliterate a brand, without authorization from the owner of the livestock.
- c. Brand, attempt to brand, or cause to be branded a recorded brand on livestock, without authorization of the owner of the brand.
- d. Install an electronic device or remove or damage an installed electronic device, without authorization from the owner of an animal.

2. A person violating this section is guilty of a fraudulent practice as provided in chapter 714.

#### **169A.16. Elimination of competing brands--fee waiver [REPEALED]**

## **IOWA ADMINISTRATIVE CODE**

### **AGRICULTURE AND LAND STEWARDSHIP DEPARTMENT CHAPTER 63: BRANDING**

#### **21-63.1(169A) Location of brands on livestock.**

63.1(1) Brands shall be recorded on one of either sides of the animals, in any one of three locations, to wit: The shoulder, rib, or hip.

63.1(2) Each location is considered a separate brand and not in or under conflict with the same or similar brand in a different location or on a different side.

#### **21-63.2(169A) Brands in conflict.**

63.2(1) Whenever two or more brands are determined by the secretary, to be in or under conflict, the secretary shall give written notice to the brand owners.

63.2(2) When herds bearing a similar brand are maintained in close proximity to each other, and the secretary determines that confusion or conflict may arise therefrom; then the secretary shall direct any change or changes in the position of the brands, so as to remove such confusion or conflict.

63.2(3) When two or more brands are determined, by the secretary, to be in or under conflict, then the owner having recorded said brand on the earliest date shall be given preference in retaining said brand.

**Amended in 1998, 2001, 2002.**

**Reviewed by AAHS in July 2001.**

**Reviewed and updated by AAHS in April 2003.**

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[\*\*Return to Top of This Page\*\*](#)

[\*\*Return to Brand Laws Page\*\*](#)