

NORTH DAKOTA BRAND LAWS

NORTH DAKOTA STATUTES

TITLE 36. LIVESTOCK

CHAPTER 36-09. BRANDS AND MARKS

36-09-01 Office for recording brands.

The North Dakota stockmen's association shall appoint a chief brand inspector. The chief brand inspector shall maintain a general office for recording marks and brands. As used in this chapter, "chief brand inspector" means the chief brand inspector of the North Dakota stockmen's association.

36-09-02 Application for exclusive use of brand or mark.

Any person desiring the exclusive use of any mark or brand shall file with the chief brand inspector an application:

1. Setting forth a description of the mark or brand of which he desires the exclusive use and a facsimile thereof;
2. Stating the kind or kinds of livestock upon which the mark or brand is to be used; and
3. Indicating clearly the place or position upon each kind of livestock where such brand is to be placed, except that the hips of any cattle may not be used for registered numerical brands. Nonregistered numerical brands may be located upon the hips of cattle for individual identification. Registered brands other than numerical brands may also be located on the hips of cattle. Numerical brand means a brand consisting entirely of upright number or numbers, and does not include brands consisting of lazy numbers, or combinations of letters, or characters and numbers. The provisions of this chapter do not apply to any numerical brand recorded prior to July 1, 1957.

36-09-02.1 Standards for recording brands or marks.

The chief brand inspector shall record the brand or mark described in the application except that the chief brand inspector shall refuse to record any brand or mark:

1. That has been previously recorded in favor of another person or one that is deceptively similar to any previously recorded livestock brand or mark. The same or similar livestock brand or mark which is to be placed on a different part of the animal from that described in the previous record may be recorded.
2. That contains less than two characters, except that a single character brand may be recorded for sheep and goats, or one that contains any of the following characters:
 - a. The letters "g" or "q" or letters that are not in the gothic style.
 - b. The Arabic numerals "o" or "l" or any non-Arabic numerals.
 - c. Any symbols other than permissible symbols. Permissible symbols are limited to the following: diamond, half-

diamond, arrow, mill iron, cross, heart, box, triangle, quarter circle, bar, or star.

3. That involves any letters, numerals, or symbols within another letter, numeral, or symbol.

4. That is illegible when placed on the livestock.

5. That indicates placement upon each kind of livestock in other than a permissible location. Permissible locations for cattle are the left and right shoulder, the left and right rib, and the left and right hip. Permissible locations for horses and mules are the left and right jaw, the left and right shoulder, and the left and right hip. Permissible locations for buffalo are the left and right rib, and the left and right hip. The permissible locations for other types of livestock must be established by the chief brand inspector as necessary. The determination of permissible locations under this section may not be considered as a rule under chapter 28-32.

Notwithstanding any provisions of this section to the contrary, the chief brand inspector shall accept for rerecording under section 36-09-09 any previously recorded livestock brand or mark.

36-09-03 Exclusive use of brand or mark on poultry -- How obtained.

The exclusive use of any mark or brand upon poultry may be obtained in the manner provided in this chapter. The fee for recording poultry brands or marks, including stenciling, tattooing, and indelible marking, is the same as is provided in this chapter for the recording of a livestock mark or brand. Poultry may be branded or marked upon either wing.

36-09-04 Record of brands kept -- Inspection of record -- Certificate of ownership of brand.

The chief brand inspector shall keep a record of all marks and brands showing the names and residences of the persons owning the marks and brands, a description and facsimile of each mark or brand, and in the case of livestock, the range occupied by the livestock, as nearly as may be determined. The record is open to the inspection of any person interested therein. The chief brand inspector shall deliver to the owner of each mark or brand a certificate thereof, and the certificate is evidence of ownership of the mark or brand described therein.

36-09-06 Cancellation of brand.

The chief brand inspector shall cancel a legally recorded brand only when the chief brand inspector receives for filing a bill of sale of such brand properly executed by the record owner as shown by the records in the chief brand inspector's office or in instances where it is found that a brand has been issued inadvertently in duplication of a previously recorded brand.

36-09-08 Official brand books to be presumptive evidence.

Any official brand book published by the chief brand inspector must be received in all courts of this state as presumptive evidence of the recording and ownership of livestock brands therein described.

36-09-09 Cancellation of brands -- Rerecording -- Limitation on brands.

On the first day of January 1966, each and every livestock brand or mark must be canceled and no person, copartnership, company, firm, or corporation may use or have any right, title, or interest in or to any livestock brand or

mark previously recorded in this state. If a person, copartnership, company, firm, or corporation should desire to continue ownership thereof, the brand or mark must be rerecorded on or before January first, and each ten years thereafter. Rerecording is not required from an owner who has registered for a new brand within six months prior to the date provided for the rerecording of brands thereafter.

36-09-10 Brands to be rerecorded every ten years.

Failure to rerecord any previously recorded livestock brand or mark on or before the time specified, in accordance with this chapter, is deemed an absolute abandonment of the previously recorded livestock brand or mark. For one year from the date of cancellation, the chief brand inspector may not reassign a canceled brand or mark to any person other than the registered owner at the time of cancellation. By written notice to the chief brand inspector, the registered owner at the time of cancellation may authorize reassignment of the brand or mark within the one-year period. Thereafter the chief brand inspector shall accept any regular application for the issuance to anyone of the abandoned livestock brand or mark, provided the abandoned livestock brand or mark complies with the standards of section 36-09-02.1. The chief brand inspector shall issue a certificate for the use of the abandoned brand or mark within this state, except that the brand or mark may not be issued if it consists of a single figure or single letter.

36-09-11 Notice of expiration of brand to be given.

The chief brand inspector, on or before the beginning of the fourth month prior to the cancellation of all brands, shall notify each and every record owner of a livestock brand or mark of the final date set for cancellation thereof and also of the owner's prior right to rerecord such previously recorded livestock brand or mark. The notice must be given in writing, legibly written, sent by ordinary first-class mail, addressed to the record owner at the address as shown upon the present records.

36-09-12 Publication of notice.

The chief brand inspector shall publish in each official newspaper in each county where brands or marks are in use, a notice of the expiration of the time fixed by law for the rerecording of livestock brands or marks, and the prior right of any record owner to rerecord the owner's previously recorded brands or marks. The publication must begin on or about the first of September, prior to the cancellation of all brands, and the publication must continue at least three successive times in each of such newspapers. The chief brand inspector also shall request each newspaper publishing the notice to call attention to the provisions of this chapter in a news item in the regular columns of the newspaper, for which no charge is allowed.

36-09-13 Recording and rerecording of brands -- Fee.

The rerecording of abandoned livestock brands or marks, and the recording of new brands and marks, must conform in all respects to this chapter. Each application for recording and rerecording must be accompanied by a fee for each place or position upon each type of livestock where the brand or mark is to be placed. The fee must be set by the board of animal health, upon the recommendation of the North Dakota stockmen's association, and may not exceed fifteen dollars.

36-09-14 Chief brand inspector to issue brandbook.

The chief brand inspector shall compile and issue a brandbook from the records of livestock brands in the chief brand inspector's office as of the final date for rerecording, and a copy of the brandbook must be delivered free of charge to every brand inspector and upon written request from other law enforcement officers of the state. Annually thereafter the chief brand inspector shall prepare a supplement of brands registered during the year and shall distribute the supplement free of charge to every brand inspector and upon written request from other law enforcement officers of the state of North Dakota. Brandbooks and supplements must also be sold to all interested persons at the general office for recording marks and brands maintained in the office of the chief brand inspector at a price set by the North Dakota stockmen's association and approved by the board of animal health.

36-09-15 Butcher to keep record of branded cattle slaughtered -- Penalty.

Any person engaged in the business of killing domestic animals and selling the meat of those animals at retail or wholesale, or who slaughters animals on a custom basis, is deemed a butcher for the purposes of this section. Any butcher who kills any head of neat cattle shall keep a record showing all of the following:

1. The name and place of residence of the person from whom such animal was purchased or for whom any custom slaughtering is performed.
2. When and where such animal was purchased or from where the animal came.
3. The sex of such animal and its age to the best of his knowledge.
4. A description of any and all marks and brands on the animal. The record is open to inspection during business hours by a representative of the North Dakota stockmen's association. Any person who violates this section is guilty of an infraction.

36-09-17 Defacing brands and unlawfully branding -- Penalty.

Any person who shall:

1. Alter or deface, or attempt to alter or deface, the mark or brand upon any animal, the property of another; or
2. Willfully and unlawfully mark or brand, or cause to be marked or branded, any animal, the property of another, is guilty of a class A misdemeanor.

36-09-18 Collection of fees -- Discrimination prohibited.

Any fees collected under this chapter must be remitted to the state treasurer for deposit in the North Dakota stockmen's association fund. The North Dakota stockmen's association may not discriminate between or among members of the association and persons who are not members of the association with respect to fees, recordings, complaints, requests for assistance, and any other services to be provided under this chapter.

36-09-19 Effect of registered brand or mark -- Bill of sale to be given and kept.

A legally registered brand on livestock is prima facie evidence that the animal bearing the same is the property of the owner of such brand, unless covered by a bill of sale as provided by section 36-09-20.

36-09-20 Bill of sale to be given and kept -- Copy with shipment -- Effect -- Penalty.

No person may sell cattle, horses, mules, or any other livestock carrying a registered brand unless:

1. The seller is the owner of the registered brand and delivers a bill of sale for the cattle, horses, mules, or other livestock to the purchaser; or
2. The seller delivers to the purchaser a bill of sale executed by the owner of the registered brand and endorsed by the seller evidencing the later transaction.

The bill of sale must contain the date, signature, and residence of the seller and name and address of the buyer, and showing the total number of animals sold, describing each animal sold as to sex and kind, and describing the registered brands. The bill of sale must be kept by the buyer for two years and as long thereafter as he owns any of the animals described therein. A copy of the bill of sale must be given to each hauler of such livestock, other than railroads, and must go with the shipment of such stock while in transit. Such bill or copy must be shown by the possessor on demand to any peace officer or brand inspector. Such bill of sale is prima facie evidence of the sale of the livestock therein described; provided, that no such bill of sale is required relative to sales of livestock covered by a legal livestock brand inspection. Any violation of this section is an infraction.

36-09-22 Sale of animal under false registration certificates -- Changing marking -- Auctioneer -- Penalty.

No person may:

1. Sell any animal with a certificate of registration or breeding that does not belong to said animal.
2. Change in any way the certificate of registration or breeding of any animal.
3. Falsely represent any production record specified in any registration certificate.
4. Change the markings of any animals with intent to deceive the purchaser or misrepresent the sire to which such animal has been bred.

The provisions of this section do not apply to any auctioneer or agent acting in good faith under the direction of the owner.

Any person who violates any of the provisions of this section is guilty of a class B misdemeanor.

36-09-23 Removal of livestock from state -- Brand inspection -- Penalty.

No person may remove cattle, horses, or mules from this state or to within a mile [1.61 kilometers] of any boundary of the state for the purpose of removal unless the livestock has been inspected for marks and brands by an official brand inspector of the North Dakota stockmen's association and a certificate of inspection must accompany the livestock to destination. In lieu of the inspection, the owner or possessor may make and sign an invoice or waybill covering the stock showing marks and brands, number, sex and kind of the stock, and the consignee and market destination where official brand inspection is provided by or for the stockmen's association and mail a copy of the invoice or waybill to the association before the stock leaves the state.

It is unlawful for the owner or possessor to remove any livestock from any place of regular official brand inspection unless and until official brand inspection has been made and the brand inspection certificate issued.

A person who violates this section is guilty of a class B misdemeanor. A person who violates this section a second time within fifteen years or violates this section three or more times is guilty of a class C felony.

36-09-24 Police powers of chief brand inspector and two fieldmen.

The chief brand inspector and two fieldmen employed by the North Dakota stockmen's association have the power:

1. Of a police officer for the purpose of enforcing brand laws and any other state laws or rules relating to livestock.
2. To make arrests upon view and without warrant for any violation of this chapter or any other state laws or rules relating to livestock committed in the inspector's presence.
3. To respond to requests from other law enforcement agencies or officers for aid and assistance. For the purposes of this subsection, a request from a law enforcement agency or officer means only a request for assistance to a particular and single violation or suspicion of violation of law, and does not constitute a continuous request for assistance.

36-09-25 Animal identification program -- Administration.

The North Dakota stockmen's association shall serve as the state's administrator and allocator for that portion of any federally sponsored animal identification program which pertains to cattle, horses, and mules.

Chapter 36-12. Herding and Driving

36-12-03 Animals of drover to be branded -- Requirements governing.

Every drover shall have all animals in his charge or control branded or marked with one uniform brand or mark. Each horse, mule, and head of cattle in his charge or custody must be branded in a conspicuous place with one distinct ranch or road brand of the owner. All sheep in his charge or custody must be marked distinctly with a mark or device sufficient to distinguish the same readily from other sheep.

NORTH DAKOTA ADMINISTRATIVE CODE

TITLE 48. BOARD OF ANIMAL HEALTH

ARTICLE 9. BRAND INSPECTION

CHAPTER 1. BRAND INSPECTION

48-09-01-02. Brand inspection

For the purpose of complying with North Dakota Century Code chapters 36-05, 36-09, and 36-22:

1. When cattle, horses, or mules are offered for sale at any brand inspection point, proof of ownership must be established by the shipper of the cattle, horses, or mules, either by a recorded brand, bill of sale, livestock market

clearance, local inspection certificate, or an affidavit of ownership.

2. If any animal inspected bears the recorded brand of the shipper or seller and also bears a recorded brand or brands other than the recorded brand of the shipper or seller, then the said shipper or seller may be required, at the discretion of the brand inspector, to establish ownership of such animal by bills of sale, market clearance, local inspection certificate, or any other satisfactory evidence of ownership.
3. No claim for feed, pasture, or gathering shall be allowed at market. All such claims must be referred to and approved for payment from proceeds of sale by the North Dakota stockmen's association, unless payment is authorized in writing by the owner of the brand carried by such livestock.
4. Sales agency, packing plant, and buying stations where inspection is maintained must furnish necessary help without charge to assist the brand inspectors in handling cattle, horses, or mules to be inspected for brands.
5. All cattle, horses, or mules entering an inspection point shall be placed in pens assigned to individual sellers, and shall be kept separate from all other cattle, horses, or mules until inspected by the brand inspector and released for sale or shipment.
6. No cattle, horses, or mules shall be inspected after dark or by artificial light or inspected when loaded in trucks; provided, however, that under emergency circumstances deemed by the brand inspector to warrant inspection by artificial light, such inspection may be made at places designated by the chief brand inspector as having lighting which meets the specifications required by the chief brand inspector for inspection by artificial light. The chief brand inspector shall have authority to give approval to premises which meet such specifications, and to extend or remove such approval.
7. It shall be the responsibility of the North Dakota stockmen's association to provide a sufficient and competent force of brand inspectors at inspection points to carry on the brand inspection in an efficient and timely manner.
8. Brand inspectors may not inspect their own livestock or trade at a market where they conduct inspections.
9. A buying station is a point where cattle, horses, or mules are gathered for sale.
10. A bill of lading is required by railroads or motor carriers when livestock is going to out-of-state markets where inspection is maintained for North Dakota livestock.
11. The North Dakota stockmen's association shall, when determined advisable by the chief brand inspector, make an inspection of any butcher shop, buying station, locker plant, or custom meat cutting and processing establishment where cattle are slaughtered or processed for the owner for a fee. Authorized inspectors of the association, when directed to do so by the chief brand inspector, shall be authorized to go upon the premises of any such butcher shop, buying station, locker plant, or custom meat cutting establishment, for the purpose of making physical inspection on the premises as to the ownership or identity of animals or their carcasses that may be found therein.
12. A fee of sixty cents per head on all cattle, horses, or mules subject to brand inspection at points where such inspection is maintained shall be paid by the owner of the cattle, horses, or mules, and when sold by a commission firm, sales agency, or when purchased by a buying station operator or packing plant, it shall be the obligation of the commission firm, sales agency, buying station operator, or packing plant company to collect and withhold from the proceeds of such sale the inspection fee and to pay over to the association upon demand the amounts so collected without any deductions whatsoever. Whenever a brand inspector is required to travel to points other than the inspector's official stations to perform local brand inspection, the inspector shall be paid mileage by the shipper, owner, or consignor, at the same rate per mile [1.61 kilometers] paid state officials in addition to the regular brand inspection fee. A permanent transportation inspection permit may be obtained, for horses and mules only, by payment of a ten dollar inspection fee.
13. The following terminal markets and auction markets outside the state of North Dakota are designated official brand inspection markets for North Dakota cattle, horses, and mules by the North Dakota stockmen's association: Mobridge

livestock auction, Mobridge, South Dakota; McLaughlin sales, inc., McLaughlin, South Dakota; Lemmon livestock market, inc., Lemmon, South Dakota; Sisseton livestock sale co., Sisseton, South Dakota; Britton livestock sale co., Britton, South Dakota; hub city livestock sale co., Aberdeen, South Dakota; Aberdeen livestock sales, Aberdeen, South Dakota; Herreid livestock sale co., Herreid, South Dakota; Baker livestock auction, inc., Baker, Montana; Glendive livestock auction, Glendive, Montana; Sidney livestock market center, Sidney, Montana.

Amended in 1999, 2001

Reviewed by AAHS in July 2001.

Reviewed and updated by AAHS in May 2003.

[Return to Top of This Page](#)

[Return to Brand Laws Page](#)