

1973 Senate Bill 639

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CHAPTER 239, Laws of 1973

AN ACT to repeal and recreate 95.11; and to create 134.53 and 943.37 (4) of the statutes, relating to recording and use of livestock brands and the transportation and sale of cattle and providing penalties.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 95.11 of the statutes is repealed and recreated to read:

95.11 Livestock branding. (1) DEFINITIONS. As used in this section:

(a) "Brand" means an identification mark which is burned, tattooed or otherwise permanently marked onto livestock in accordance with department rules. A brand

shall consist of a symbol, letter, or combinations of symbols, letters or numbers in a specific location but does not include ear notches or similar disfigurement, a mark which is solely a numeral or a mark required by law for official identification in disease control programs.

(b) "Livestock" means cattle and horses.

(2) **ADOPTION AND USE.** Any person may adopt an exclusive brand by recording such brand under sub. (3).

(3) **RECORDING; FEES.** (a) Any person desiring to adopt any brand, not the recorded brand of another person, shall forward to the department a facsimile of the desired brand, together with a written application and a recording fee. Upon receipt the department shall record the brand, unless the brand is of record as that of some other person or conflicts with the recorded brand of any person. If the brand does not qualify for recording, or there is a conflict between applications received on the same date, the facsimile and fee shall be returned to the applicant. If the brand is accepted, the ownership thereof shall vest from the date of filing.

(b) In 1984 and every 10th year thereafter, every owner of a brand shall re-record the brand according to department rules. At the expiration of each recording period the department shall notify every owner of a brand at his address of record that the brand has not been re-recorded and that the brand must be re-recorded within 90 days. Failure to re-record the brand is an abandonment of the brand, and it can be recorded by another applicant thereafter.

(c) Any recorded brand is subject to transfer as personal property. Instruments evidencing transfer of a brand shall be recorded by the department upon payment of a transfer fee.

(d) The fee for initial recording is \$20, and for re-recording and transfer is \$10. When any brand is recorded, the owner is entitled to one certified copy of the recorded brand. Additional certified copies may be obtained upon the payment of \$2 for each copy.

(4) **SUIT BY OWNER.** An owner of a recorded brand may sue for injunctive relief and damages arising from an unauthorized use of his brand on livestock and a judgment in his favor may include costs and reasonable attorney's fees.

SECTION 2. 134.53 of the statutes is created to read:

134.53 Transportation and sale of cattle. (1) No person shall transport cattle on any highway unless accompanied by shipping documents setting forth the number of cattle being moved, a description of the cattle, including brand, registry or other identification numbers if any, name and address of the owner, and point of origin and destination. The shipping document may consist of a statement signed by the owner setting forth the above information.

(2) Cattle being transported on highways and all shipping documents and other records pertaining to such animals shall be subject to inspection by any police officer. Such officers may stop or intercept any vehicle used or suspected of being used for the transportation of cattle and may seize or detain any shipment of cattle not accompanied by shipping documents containing information as required under sub. (1), or accompanied by shipping documents which may be false, until such time as satisfactory evidence of ownership of the cattle is obtained.

(3) No person shall purchase or receive for sale or shipment any cattle not accompanied by shipping documents required under sub. (1). Copies of such

documents shall be retained for a period of 6 months following date of purchase or receipt of the cattle and shall be available for inspection at all reasonable times by any police officer.

(4) Any person who transports cattle without shipping documents containing information required under sub. (1), or executes, furnishes or issues any false document pertaining to the ownership or shipment of cattle, or who violates this section in any other manner shall be fined not more than \$500, or be imprisoned not more than 3 months, or both.

(5) Subsection (1) does not apply to cattle being transported between farms owned, rented or leased by the owner of the cattle when ownership of cattle does not change.

(6) Subsection (1) does not apply to cattle being transported to market by the owner of the cattle.

SECTION 3. 943.37 (4) of the statutes is created to read:

943.37 (4) Alters or removes livestock brands, recorded under s. 95.11, from any animal without the owner's consent, or possesses any livestock with knowledge that the brand has been altered or removed without the owner's knowledge or consent.

SECTION 4. **Effective date.** The treatment of section 95.11 of the statutes by this act shall take effect on the 1st day of the 6th month after date of publication.
