

Chapter ATCP 12

ANIMAL MARKETS, DEALERS AND TRUCKERS

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Note: Chapter Ag 12 as it existed on December 31, 1990 was repealed and a new ch. Ag 12 was created effective January 1, 1991; Chapter Ag 12 was renumbered ch. ATCP 12 under s. 13.93 (2m) (b) 1., Stats., Register, April, 1993, No. 448.

Note: Requirements regarding federally approved livestock marketing facilities can be found under s. ATCP 10.07 (4), approved import feed lots under s. ATCP 10.22 (9), and intermediate livestock handling facilities under s. ATCP 10.07 (5).

ATCP 12.01 Definitions. As used in this chapter:

(1a) “Animal dealer” means a person who is required to be licensed under s. ATCP 12.03 (1).

(1d) “Animal dealer premises” means any real property, owned or controlled by an animal dealer, at which the animal dealer keeps, exhibits, or receives livestock or wild animals, or from which the animal dealer ships livestock or wild animals.

(1g) “Animal market” means any premises that are open to the public for the purpose of trading in livestock or wild animals, and that have facilities to keep, feed, and water livestock or wild animals prior to sale, and is required to be licensed under s. ATCP 12.02 (1).

(1j) “Animal market operator” means a person who is required to be licensed under s. ATCP 12.02 (1).

(1m) “Animal transport vehicle” means a vehicle used to transport livestock or wild animals. “Animal transport vehicle” includes a trailer, truck, or other conveyance in which animals are transported on public highways, whether or not the conveyance is motorized. “Animal transport vehicle” does not include a vehicle that merely pulls a separate animal transport vehicle, and is not itself used to contain animals.

(1r) “Animal trucker” means a person who is required to be licensed under s. ATCP 12.04 (1).

(1w) “Bovine animal” means domestic cattle (*Bos sp.*) or American bison of any age or sex.

(2) “Buying station” means premises which are open to the public to receive livestock for direct shipment to slaughter.

(3) “Commingle” means to cause or permit any of the following:

(a) Direct contact with other animals.

(b) Unprotected contact with the same facilities, equipment, individuals, or environment contacted by other animals, under circumstances where that unprotected contact may spread disease.

(4) “Communicable” means transmissible, either directly or indirectly.

(5) “Contagious” means spread by contact, body secretions, or fomites.

(6) “Department” means the state of Wisconsin department of agriculture, trade and consumer protection.

(7) “Diseased” means afflicted with a contagious, infectious, or communicable disease.

(8) “Downer animal” means an animal which is in a sitting or prone position and cannot move to a normal standing or upright

position under its own power, without application of inhumane stimulus.

(8m) “Equine animal” has the meaning specified under s. 95.68 (1) (am), Stats.

(8r) “Equine market” has the meaning specified under s. 95.68 (1) (b), Stats.

(8w) “Farm-raised deer” has the meaning given in s. 95.001 (1) (ag), Stats., but does not include cervids kept by an institution accredited by the association of zoos and aquariums.

(8x) “Federal bureau” means the animal and plant health inspection service of USDA, or any other unit of USDA, that is vested with authority to administer federal laws and regulations relating to animal disease control.

(8y) “Federally approved livestock marketing facility” means an animal market that complies with s. ATCP 10.07 (4).

(9) “Feeder cattle” means bovine animals, other than dairy class females, kept for the sole purpose of feeding prior to slaughter, which are not more than 18 months old as evidenced by the absence of permanent teeth, and whose sexual status is one of the following:

(a) Non-spayed female that is not parturient or post-parturient.

(b) Spayed heifer.

(c) Steer.

(10) “Feeder swine” means swine that weigh 80 pounds or less and are kept for the sole purpose of feeding prior to slaughter.

(11) “Fomite” means an inanimate object or substance which serves to transfer infectious organisms from one animal to another.

(11m) “Individual” means any of the following, as applicable:

(a) When used as a noun, a natural person.

(b) When used as an adjective, separate and distinct from all others.

(12) “Infectious” means caused by a pathogenic agent.

(12m) “Keep farm-raised deer” means to own, rent, lease, or serve as the custodian of farm-raised deer.

(12p) “Keeper of farm-raised deer” means a person who keeps farm-raised deer.

(13) “Livestock” means farm animals including bovine animals, sheep, goats, swine other than wild hogs, farm-raised deer, and equine animals.

(14) “Market swine” means a barrow which is a castrated boar, or a gilt which is a female that has not reproduced, that are sold for shipment to slaughter.

(18) “Official back tag” means an identification back tag issued or approved by the federal bureau or the department.

Note: Examples of official back tags include the official Wisconsin bovine back tag and the official Wisconsin swine back tag.

(19) “Official ear tag” means an identification ear tag approved by the federal bureau that bears an official individual identification number meeting the requirements of one of the following:

(a) The national uniform eartagging system developed by the federal bureau in veterinary services memorandum no. 578.12, revised March 15, 2011.

(b) The animal identification number developed by the federal bureau in 9 CFR 86.1 consisting of 15 digits with the first 3 digits of 840.

(c) An identification system also approved by the department.

(20) “Official individual identification” means a set of identifying characters that is uniquely associated with an individual animal. A specific “official individual identification” and its placement on an animal is differentiated, in part, by animal species, and consists of one of the following:

(a) For bovine, an official ear tag attached to the animal.

(b) For farm-raised deer, any of the following:

1. An official ear tag attached to the animal.
2. A federal bureau and department approved microchip implanted in the animal.

(c) For equine, any of the following:

1. A written or graphic description by a licensed and accredited veterinarian sufficient to identify the individual equine including all of the following:

- a. Name.
- b. Age.
- c. Breed.
- d. Color.
- e. Sexual status.
- f. Distinctive markings.

g. Unique and permanent forms of identification, when present, including brands, tattoos, scars, cowlicks, blemishes, or biometric measurements.

2. A federal bureau and department approved microchip implanted in the animal.

3. Digital photographs sufficient to identify the individual equine.

(d) For poultry, a leg or wing band bearing a number that uniquely identifies the bird.

(e) For ratites, a leg band bearing a number that uniquely identifies the ratite.

(f) For swine weighing 80 pounds or less, a tattoo or ear tag applied to the animal including a premises identification code or a state registered feeder pig premises tattoo number issued by the department or the authorized animal health agency in the state of origin, or an official ear tag attached to the animal.

(g) For breeding swine, one of the following:

1. An official ear tag attached to the animal.
2. Ear notches for registered swine.
3. A unique tattoo or ear tag applied to the animal including a unique premises identification code or state registered feeder pig premises tattoo number issued by the department or the authorized animal health agency in the state of origin, provided that the animal also bears an individual identification number unique to that premises.

4. A tattoo on the ear or inner flank of any swine, if the tattoo has been recorded in the book of record of a swine registry association.

(h) For goats and sheep, one of the following:

1. An official ear tag attached to the animal.

2. A federal bureau and department approved microchip if implanted in the animal and the animal is registered with a breed registry, or if the animal is in a scrapie free flock certification program flock or herd. The animal must be accompanied by the animal’s registration documents in the animal owner’s name, or by a certificate of veterinary inspection with the implant number.

3. The animal’s breed association or registration tattoo with the management number, accompanied by registration documents in the animal owner’s name.

4. A tattoo or ear tag with a unique individual identification number for the animal’s premises along with a tattoo or ear tag of a unique flock identification number issued by the federal bureau.

(i) For all other animals, one of the following:

1. The animal’s official ear tag attached to the animal.
2. The animal’s breed association tattoo.
3. The animal’s breed association registration number as documented on the animal’s registration certificate.
4. A registration freeze brand number that uniquely identifies the animal.
5. A microchip, if the microchip number uniquely identifies the animal and the microchip is implanted in the animal.
6. A tattoo number issued by the department.
7. A unique premises identification code issued by the department, provided the animal also bears an individual identification number unique to that premises.
8. Other identification approved by the department.

(23) “Pen” means any enclosure confining animals to a specific area and may include stanchion or tie stalls.

(24) “Person” means an individual, corporation, partnership, association, limited liability company, trust, governmental entity, or other organization or entity.

(24m) “Shipment to slaughter” means the movement of Wisconsin origin animals or animals that have met applicable Wisconsin import requirements, from licensed animal market premises or licensed animal dealer premises to a slaughtering establishment with no change in ownership, other than a change in ownership to the licensed slaughtering establishment. The process of “shipment to slaughter” may not exceed 10 consecutive days.

Note: A downer animal may not be held by an animal market operator, an animal dealer, or an animal trucker for more than 24 hours. *See s. ATCP 12.07.*

(25) “Slaughtering establishment” means a facility to slaughter animals that is licensed and inspected by the department or by the United States department of agriculture. “Slaughtering establishment” includes all premises used in connection with a slaughtering operation, including an intermediate livestock handling facility approved under s. ATCP 10.07 (5).

(26) “Swine” means a domestic hog or any variety of wild hog.

(26m) “Trading in livestock or wild animals” means the trading, buying, selling, or swapping of livestock or wild animals.

(27) “Wild animal” has the meaning given in s. 95.68 (1) (g), Stats. “Wild animal” does not include a domestic animal identified in s. ATCP 10.02.

History: Cr. Register, December, 1990, No. 420, eff. 1-1-91; cr. (8m), (8r), (17) (a) to (c), (17m) and (20) (d) to (h), am. (13), (14) and (15), renum. (17) and (20) (d) to be (17) (intro.) and (20) (i) and am., Register, March, 1995, No. 471, eff. 4-1-95; reprinted to restore dropped copy in (17), Register, April, 1995, No. 472; r. and recr. (13), Register, February, 1996, No. 482, eff. 3-1-96; emerg. cr. (12m), am. (13), eff. 6-3-96; cr. (8w), (12m), (12p), am. (13), Register, December, 1996, No. 492, eff. 1-1-97; cr. (8x) and (20) (i), am. (10), (18), (19), (20) (f) 2. and (24), renum. (20) (i) to be (20) (j), r. (21), (22) and (27), Register, November, 2000, No. 539, eff. 12-1-00; corrections in (8m), (8w), (16) and (17m) made under s. 13.93 (2m) (b) 7., Stats.; CR 02-078; cr. (2m) and (20) (j) and (k), am. (8w), (14), (16) and (17) (intro.) and (5) (a) 3., renum. (20) (j) to be (20) (L) Register May 2003 No. 569, eff. 6-1-03; CR

03-121: renum. (1) and (20) (L) to be (1w) and (20) (n) and am. (1w), cr. (1a), (1d), (1g), (1j), (1m), (1r), (20) (L), (m) and (27), am. (13), r. (14) to (17m), r. and recr. (20g), Register September 2004 No. 585, eff. 10-1-04; CR 06-009: am. (1m), (1w), (8x), (18), (19), (27) r. and recr. (3) and (20) Register September 2006 No. 609, eff. 10-1-06; CR 11-048: am. (9) (intro.), (10), (20) (f) (intro.), r. (20) (g) 3., cr. (24m) Register July 2012 No. 679, eff. 8-1-12; CR 13-058: r. (2m), am. (8w), renum. (8x) to (8y), cr. (8x), (11m), renum. (19) to (19) (intro.) and am., cr. (19) (a) to (c), r. and recr. (20), am. (25) Register March 2014 No. 699, eff. 6-1-14; correction in (19) (b) made under s. 13.92 (4) (b) 7., Stats., Register March 2014 No. 699; CR 15-092: am. (1g), (8y), renum. (11m) to (11m) (intro.) and (b) and am., cr. (11m) (a), am. (18), (19), (20) (a), renum. (20) (b) to (20) (b) (intro.) and 1. and am., cr. (20) (b) 2., renum. (20) (c) (intro.) to (20) (c) (intro.) and 1. and am., renum. (20) (c) 1. to 7. to (20) (c) 1. a. to g., cr. (20) (c) 2., 3., am. (20) (f), (g) 1., 3., cr. (20) (g) 4., am. (20) (h) 1., 2., 4., (i) 1., (25), cr. (26m) Register July 2016 No. 727, eff. 10-1-16; CR 18-085: am. (1g), cr. (14), am. (25) Register May 2020 No. 773, eff. 6-1-20.

ATCP 12.02 Animal markets. (1) LICENSE REQUIRED. Except as provided in sub. (1m), no person may operate an animal market without an annual license from the department. A separate license is required for each animal market. The license shall bear the livestock premises code issued under s. ATCP 17.02 (7) for the animal market. An annual license expires on June 30. A license is not transferable between persons or animal markets.

(1m) LICENSE EXEMPTIONS. No license is required under sub. (1) for an occasional sale by a farm operator who buys or exchanges livestock solely for dairy, breeding, or feeding operations on that farm, or who sells only livestock produced or raised on that farm, or auction sale, conducted at a state, county, or district fair, or sponsored by a livestock breeder association or a youth agricultural organization, if records of the transactions at the sale are maintained by any of the following:

- (a) An auctioneer registered under ch. 480, Stats.
- (b) An animal dealer licensed under s. ATCP 12.03.

(2) LICENSE CLASSIFICATION. (a) A person may apply for a Class A, Class B, or Class E animal market license.

(b) At a class A animal market, an operator may conduct livestock and wild animal sales and auctions on any number of days during the license year.

(c) At a class B animal market, an operator may conduct livestock sales on any number of days during the license year but may hold livestock auctions on no more than 4 days during the license year. An operator may not conduct any wild animal sales at a class B animal market.

(d) At a class E animal market, an operator may conduct sales of equine animals on any number of days during the license year. An operator may not conduct sales of any other livestock or any wild animals at a class E animal market.

(3) APPLYING FOR A LICENSE. A person shall apply for a license under sub. (1) on a form provided by the department. The application shall include all the following:

- (a) The person's legal name, and any trade names under which the person does business as an animal market operator.
- (b) The address of each animal market for which the person seeks a license.
- (c) The types of animals traded, bought, sold, or swapped at each animal market for which the person seeks a license.
- (d) The class of license under sub. (2) that the person seeks for each animal market.
- (e) An annual registration application, under s. ATCP 12.045 (2), for each animal transport vehicle that the person operates.

Note: An animal market operator must register animal transport vehicles under s. ATCP 12.045, regardless of whether the animal market operator needs an animal trucker license under s. ATCP 12.04. An animal market operator needs an animal trucker license if the animal market operator transports livestock or wild animals for others, for hire.

(f) The fees required under sub. (4) and, if applicable, ss. ATCP 12.04 (4) and 12.045 (3).

(fm) Additional information, if any, required under s. ATCP 17.02 (4) for purposes of livestock premises registration.

(g) Other relevant information required by the department for licensing purposes.

Note: A person may obtain an application form under sub. (3) by calling (608) 224-4872, by visiting the department website at <http://datcp.wi.gov>, or by writing to the following address:

Wisconsin Department of Agriculture, Trade and Consumer Protection
Division of Animal Health
P.O. Box 8911
Madison, WI 53708-8911

(4) LICENSE FEES. (a) A person shall pay the following non-refundable annual fee for a license under sub. (1):

1. \$420 for a class A license.
2. \$220 for a class B license.
3. \$280 for a class E license.

(b) A person shall pay a license fee surcharge of \$100 if the department determines that the person did any of the following within 365 days prior to submitting a license application under sub. (3):

1. Operated an animal market without a license in violation of sub. (1).
2. Violated sub. (2) (c) or (d).

(c) If a person is required to pay a surcharge under par. (b), the person shall also pay any license fees that are due for the license year in which the animal market operator violated sub. (1) or (2) (c) or (d).

(d) Payment of a surcharge under par. (b) or fees under par. (c) does not relieve an animal market operator of other civil or criminal liability that may result from a violation of sub. (1) or (2) (c) or (d), nor does it constitute evidence of a violation of sub. (1) or (2) (c) or (d).

(6) ACTION ON LICENSE APPLICATION. (a) The department shall grant or deny a license application under sub. (3) within 30 business days after all of the following have occurred:

1. The department receives a complete application under sub. (3).
3. The department inspects the animal market, if an inspection is required under par. (b).

(b) Before issuing a class A animal market license under sub. (2) (b) for premises that were not licensed during the preceding license year, the department shall inspect the animal market premises for compliance with this section. The department shall complete the inspection within 60 business days after the department receives a complete license application under sub. (3).

(7) DENIAL, SUSPENSION, OR REVOCATION OF LICENSE. The department may deny, suspend, or revoke an animal market license for cause, pursuant to s. 93.06 (7), Stats. Cause may include any of the following:

- (a) Violation of ch. 95, Stats., ch. ATCP 10, or this chapter.
- (b) Violation of any lawful order of the department.
- (c) Violation of any provision of ch. 951, Stats., prohibiting crimes against animals.
- (d) Preventing a department employee from performing his or her official duties, or interfering with the lawful performance of those duties.
- (e) Physically assaulting a department employee while the employee is performing his or her official duties.
- (f) Improper or unauthorized use of any official tag, brand, or tattoo.
- (g) Refusal or failure, without just cause, to produce required records or respond to a department subpoena.
- (h) Payment of an application fee with a worthless check.

(i) Violation of 9 CFR Part 201, relating to registration or bonding requirements of the packers and stockyards.

(8) ANIMAL MARKET OPERATOR; RESPONSIBILITIES. An animal market operator shall do all of the following:

(a) Comply with the construction requirements under sub. (9).

(b) Maintain the animal market premises in a clean and sanitary condition. The operator shall keep barns, pens, alleys, and other animal holding areas in good repair, and shall disinfect the premises as needed and when ordered by the department.

(c) Provide adequate food, water, shelter, bedding, and pen space for all animals held more than 12 hours.

(d) Identify animals in compliance with s. ATCP 12.05.

(e) Keep records in compliance with s. ATCP 12.06.

(f) Handle downer animals in a humane manner as required by s. ATCP 12.07.

(g) Remove market animals from the animal market within 4 days after they enter the market, except as provided in sub. (10). The animal market operator shall remove market bovine calves less than 12 weeks old from the animal market within 24 hours after the calves are sold.

(h) Comply with s. ATCP 12.045, related to animal transport vehicles.

(i) Refrain from commingling animals of different species in the same enclosure.

(j) Transport and handle animals in a safe and humane manner.

(k) Clearly separate market animals from any other livestock on the premises.

(L) Comply with 9 CFR Part 86 when moving cattle interstate or releasing cattle for interstate movement.

(m) Notify potential buyers of any swine that test positive for porcine reproductive and respiratory syndrome or the porcine epidemic diarrhea virus before those swine are presented for sale at the market.

(9) CONSTRUCTION REQUIREMENTS. (a) Class A and Class E animal markets shall meet the following construction requirements:

1. Floors of all animal holding areas shall be sloped for proper drainage.

2. All animal contact areas shall be constructed so that they can be easily cleaned and sanitized. Earthen floors are not permitted, except in areas used only for species or individual animals that require earthen floors to prevent injury.

3. Animal contact areas shall be constructed so that there are no sharp edges or protrusions that can injure animals.

4. The animal market shall be equipped with an animal chute and head gate, which shall be adequate to restrain animals without injury. This requirement does not apply to an animal market used exclusively to sell equine animals or wild animals.

5. An animal market used for equine animals shall be equipped to restrain equine animals in a safe and humane manner.

6. An animal market used for wild animals shall be equipped with cages or pens that can confine the wild animals without injury in a safe and humane manner.

7. Livestock chutes, stocks, cages, and pens shall be adequately lighted to permit identification and testing of animals.

8. The animal market shall have pens that are adequate to confine all animals kept at the market.

(b) Class B animal markets shall meet the following construction requirements:

1. The animal market shall be equipped to restrain animals safely and effectively.

2. The animal market shall have adequate lighting for animal identification and testing.

3. Pens, if any, shall be large enough for the purpose used. The pens shall have no sharp edges or protrusions that could injure the animals.

(9m) REINSPECTION. (a) The department may charge, to the holder of a license under this section, a reinspection fee of \$150 for a reinspection that the department makes to determine whether that person has corrected a previous violation of this chapter, or ch. 95, Stats., noted on a previous inspection report. The department may not charge a reinspection fee under this subsection for a routine or regularly scheduled inspection, or for an inspection that is required under this chapter.

(b) A reinspection fee under par. (a) is payable when the reinspection is completed, and is due upon written demand from the department. The department may issue a demand for payment when it issues a license renewal application form to the animal market operator.

(10) DISEASE TESTING PRIOR TO MOVEMENT FROM THE MARKET. If ch. ATCP 10 requires disease testing of an animal before the animal is moved from an animal market, the market operator shall keep that animal at the market premises until the results of the test are known.

(11) PROHIBITIONS. An animal market operator may not:

(a) Comingle animals of different species within the same vehicle or enclosure.

(b) Accept delivery of livestock or wild animals from an unlicensed animal trucker or animal dealer, if the operator knows or has reason to know that the animal trucker or animal dealer is unlicensed.

(c) Deliver livestock or wild animals to an unlicensed animal trucker for transport or animal dealer, if the operator knows or has reason to know that the animal trucker or animal dealer is unlicensed.

History: Cr. Register, December, 1990, No. 420, eff. 1-1-91; r. and recr. (1), (2) and (5), cr. (2m), (2r), (2w), (4) (h), am. (3) (g), (4) (b), (d), Register, March, 1995, No. 471, eff. 4-1-95; am. (2m) (a) and (b), Register, May, 1999, No. 521, eff. 6-1-99; r. (2) (e), (f) and (2r) (c), am. (2m) (a) 2. and (2r) (b), Register, November, 2000, No. 539, eff. 12-1-00; CR 03-121: r. and recr. Register September 2004 No. 585, eff. 10-1-04; CR 04-103: am. (1), cr. (3) (fm) Register September 2005, No. 597, eff. 10-1-05; CR 06-009: am. (4) (a) (intro.), (c), (7) (a) and (10) Register September 2006 No. 609, eff. 10-1-06; CR 07-061: am. (4) (a) 1. to 3. Register June 2008 No. 630, eff. 7-1-09; CR 07-107: am. (1), r. (5), cr. (8) (j) Register November 2008 No. 635, eff. 12-1-08; r. (6) (a) 2. under s. 13.92 (4) (b) 7., Stats., Register November 2008 No. 635; CR 11-048: am. (1), cr. (1m), am. (8) (b), (9) (a) 2., 5., 6., r. (9) (a) 9., (b) 4., cr. (9m), am. (11) (b) Register July 2012 No. 679, eff. 8-1-12; CR 13-058: am. (2) (b), (c) Register March 2014 No. 699, eff. 6-1-14; corrections in (4) (c), (d) made under s. 13.92 (4) (b) 7., Stats., Register March 2014 No. 699; CR 15-092: am. (1m) (intro.), (3) (c), (d), (f), cr. (7) (i) Register July 2016 No. 727, eff. 10-1-16; CR 18-085: am. (8) (g), cr. (8) (k) to (m), am. (11) (c) Register May 2020 No. 773, eff. 6-1-20.

ATCP 12.03 Animal dealers. **(1) LICENSE REQUIRED.** Except as provided in sub. (2), no person may do any of the following as principal or agent without an animal dealer license from the department:

(a) Engage in the business of buying livestock or wild animals for resale, slaughter, or exchange.

(b) Engage in the business of selling or exchanging livestock or wild animals.

(d) Engage in the business of leasing out livestock or wild animals to others.

(2) LICENSE EXEMPTIONS. Subsection (1) does not apply to any of the following:

(a) An employee of an animal dealer licensed under sub. (1) who acts solely on behalf of that licensed animal dealer.

(b) A farm operator who buys or exchanges livestock solely

for dairy, breeding, or feeding operations on that farm, or who sells only livestock produced or raised on that farm.

(c) An animal market operator licensed under s. ATCP 12.02 or an employee of an animal market operator licensed under s. ATCP 12.02 who acts solely on behalf of that licensed animal market operator.

(d) The operator of a slaughtering establishment or an employee of a slaughtering establishment who buys livestock solely for slaughter at that slaughtering establishment.

(e) A person holding a license under s. 169.15, 169.18, 169.19, or 169.26, Stats., who buys, sells, or exchanges wild animals solely for breeding or feeding purposes as part of the licensed operation, provided that the person is not otherwise engaged in buying for resale, selling, exchanging, or leasing out livestock or wild animals.

(f) An auctioneer registered under ch. 480, Stats., who conducts only the following sales of livestock:

1. A farm auction sale at which no livestock are sold on consignment.

2. An auction sale conducted at a state, county, or district fair, or at a breed association show.

3. An auction sale conducted by a youth organization.

(3) LICENSE PROVISIONS. An annual license under sub. (1) expires on June 30 and is not transferable. If the animal dealer keeps livestock at animal dealer premises, the license shall bear a livestock premises code issued to the animal dealer under s. ATCP 17.02 (7).

(4) APPLYING FOR A LICENSE. An applicant for a license under sub. (1) shall apply on a form provided by the department. The application shall include all of the following:

(a) The person's legal name, and any trade names under which the person does business as an animal dealer.

(b) Each address from which the person does business as an animal dealer.

(c) An annual registration application, under s. ATCP 12.045 (2), for each animal transport vehicle that the person operates.

Note: An animal dealer must register animal transport vehicles under s. ATCP 12.045, regardless of whether the animal dealer needs an animal trucker license under s. ATCP 12.04. An animal dealer needs an animal trucker license if the animal dealer transports livestock or wild animals for others, for hire.

(d) The fees required under sub. (5) and, if applicable, the fees under ss. ATCP 12.04 (4) and 12.045 (3).

(dm) Additional information, if any, required under s. ATCP 17.02 (4) for purposes of livestock premises registration.

(e) Other relevant information required by the department for licensing purposes.

Note: A person may obtain an application form under sub. (4) by calling (608) 224-4872, by visiting the department website at <http://datcp.wi.gov>, or by writing to the following address:

Wisconsin Department of Agriculture, Trade and Consumer Protection
Division of Animal Health
P.O. Box 8911
Madison, WI 53708-8911

(5) LICENSE FEES. (a) A person shall pay a basic nonrefundable annual fee of \$220 for an animal dealer license under sub. (1).

(b) A person shall pay a license fee surcharge of \$100 if the department determines that the person, within 365 days prior to submitting a license application under sub. (4), operated as an animal dealer without a license in violation of sub. (1).

(c) A person who is required to pay a license fee surcharge under par. (b) shall also pay any license fees that are due under this subsection for the license year in which the person violated sub. (1).

(d) Payment of a surcharge under par. (b) or fees under par. (c)

does not relieve an animal dealer of other civil or criminal liability that may result from a violation of sub. (1), nor does it constitute evidence of a violation of sub. (1).

(7) ACTION ON LICENSE APPLICATION. The department shall grant or deny a license application within 30 business days after the applicant submits a complete application under sub. (4).

(8) DENYING, SUSPENDING, OR REVOKING A LICENSE. The department may deny, suspend, or revoke an animal dealer license for cause, pursuant to s. 93.06 (7), Stats. Cause may include any of the following:

(a) Violation of ch. 95, Stats., ch. ATCP 10, or this chapter.

(b) Violation of any lawful order of the department.

(c) Violation of any provision of ch. 951, Stats., prohibiting crimes against animals.

(d) Preventing a department employee from performing his or her official duties, or interfering with the lawful performance of those duties.

(e) Physically assaulting a department employee while the employee is performing his or her official duties.

(f) Improper or unauthorized use of any official tag, brand, or tattoo.

(g) Refusal or failure, without just cause, to produce records or respond to a department subpoena.

(h) Payment of an application fee with a worthless check.

(i) Violation of 9 CFR Part 201, relating to registration or bonding requirements of the packers and stockyards.

(9) ANIMAL DEALER RESPONSIBILITIES. An animal dealer shall do all of the following:

(a) Maintain the animal dealer premises in a clean and sanitary condition.

(b) Provide adequate food, water, shelter, bedding, and pen space for all animals held more than 12 hours.

(c) Identify animals in compliance with s. ATCP 12.05.

(d) Keep records in compliance with s. ATCP 12.06.

(e) Handle downer animals in a humane manner, as required by s. ATCP 12.07.

(f) Notify the department of any address change within 10 days.

(g) Carry or post the animal dealer license issued by the department, and show the license upon request while conducting business.

(h) Comply with applicable requirements, under s. ATCP 12.045, related to animal transport vehicles.

(i) Transport and handle animals in a safe and humane manner.

(j) Comply with 9 CFR Part 86 when moving cattle interstate or releasing cattle for interstate movement.

(k) Notify potential buyers of any swine that test positive for porcine reproductive and respiratory syndrome or the porcine epidemic diarrhea virus before sold by the dealer.

(9m) REINSPECTION. (a) The department may charge, to the holder of a license under this section, a reinspection fee of \$150 for a reinspection that the department makes to determine whether that person has corrected a previous violation of this chapter, or ch. 95, Stats., noted on a previous inspection report. The department may not charge a reinspection fee under this subsection for a routine or regularly scheduled inspection, or for an inspection that is required under this chapter.

(b) A reinspection fee under par. (a) is payable when the reinspection is completed, and is due upon written demand from the department. The department may issue a demand for payment

when it issues a license renewal application form to the animal dealer.

(10) PROHIBITIONS. An animal dealer may not:

(a) Commingle animals of different species within the same vehicle or enclosure.

(b) Accept delivery of livestock or wild animals from an unlicensed animal trucker, if the animal dealer knows or has reason to know that the animal trucker is unlicensed.

(c) Deliver livestock or wild animals to an unlicensed animal trucker for transport, if the animal dealer knows or has reason to know that the animal trucker is unlicensed.

History: Cr. Register, December, 1990, No. 420, eff. 1-1-91; r. and recr. (1), (2) and (4) (h), cr. (2m), (2r) and (2w), am. (3) (g), (4) (c), Register, March, 1995, No. 471, eff. 4-1-95; reprinted to correct error in (2r), Register, March, 1997, No. 495; am. (2m) (a), (b), (d) and (e), Register, May, 1999, No. 521, eff. 6-1-99; CR 03-121: r. and recr. Register September 2004 No. 585, eff. 10-1-04; CR 04-103: am. (3) and cr. (4) (dm) Register September 2005, No. 597, eff. 10-1-05; CR 06-009: am. (5) (a), (c) and (8) (a) Register September 2006 No. 609, eff. 10-1-06; CR 07-061: am. (5) (a) Register June 2008 No. 630, eff. 7-1-09; CR 07-107: r. (6), cr. (9) (i) Register November 2008 No. 635, eff. 12-1-08; correction in (7) made under s. 13.92 (4) (b) 7., Stats., Register November 2008 No. 635; CR 11-048: am. (2) (c), cr. (9m) Register July 2012 679, eff. 8-1-12; CR 13-058: am. (1) (intro.) Register March 2014 No. 699, eff. 6-1-14; CR 15-092: am. (2) (b), (4) (d), cr. (8) (i) Register July 2016 No. 727, eff. 10-1-16; CR 18-085: am. (2) (d), cr. (9) (j), (k) Register May 2020 No. 773, eff. 6-1-20.

ATCP 12.04 Animal truckers. (1) LICENSE REQUIRED. Except as provided in sub. (2), no person may transport livestock or wild animals for hire without an annual animal trucker license from the department. An animal market operator or animal dealer shall also hold a license under this section if that animal market operator or animal dealer transports livestock or wild animals for hire. If the animal trucker keeps livestock on premises owned or controlled by the animal trucker, the license shall bear a livestock premises code issued to the animal trucker under s. ATCP 17.02 (7). An annual license under this section expires on June 30 and is not transferable.

(2) LICENSE EXEMPTIONS. No license is required under sub. (1) for any of the following:

(a) A person who transports livestock or wild animals solely as an employee of an animal trucker licensed under sub. (1), in a vehicle that the licensed animal trucker has registered under s. ATCP 12.045.

(b) 1. A person who is solely engaged in transporting livestock or wild animals that he or she owns.

2. A person who transports livestock or wild animals solely as an employee of a person who owns those animals.

(c) A person who is solely engaged in the following activities:

1. Hauling animals on an occasional basis for persons participating in a livestock exhibition, fair, trail ride, youth livestock event, or similar activity.

2. Hauling animals on an incidental basis in connection with another business, such as a veterinary practice or a stable operation, which is operated by that person and which does not ordinarily involve the sale of animals.

(d) A person who solely transports livestock or wild animals from out of state to a Wisconsin slaughtering establishment and does not transport any Wisconsin origin animals to any location in this state or out of this state.

(3) LICENSE APPLICATION. A person shall apply for a license under sub. (1) on a form provided by the department. The application shall include all of the following:

(a) The person's legal name, and any trade names under which the person does business as an animal trucker.

(b) Each address from which the person does business as an animal trucker.

(c) An annual registration application, under s. ATCP 12.045 (2), for each animal transport vehicle that the person operates.

(d) The fees required under sub. (4) and s. ATCP 12.045 (3).

(dm) Additional information, if any, required under s. ATCP 17.02 (4) for purposes of livestock premises registration.

(e) Other relevant information required by the department for licensing purposes.

Note: A person may obtain an application form under sub. (3) by calling (608) 224-4872, by visiting the department website at <http://datcp.wi.gov>, or by writing to the following address:

Wisconsin Department of Agriculture, Trade and Consumer Protection
Division of Animal Health
P.O. Box 8911
Madison, WI 53708-8911

(4) FEES. (a) A person shall pay a basic nonrefundable annual license fee of \$60 for a license under sub. (1).

(b) A person shall pay a license fee surcharge of \$100 if the department determines that, within 365 days prior to submitting a license application under sub. (3), the person operated as an animal trucker without a license in violation of sub. (1).

(c) A person who is required to pay a license fee surcharge under par. (b) shall also pay any license fee that is due under this subsection for the license year in which the person violated sub. (1).

(d) Payments under pars. (b) and (c) do not relieve a person of other civil or criminal liability that may result from a violation of sub. (1), nor do they constitute evidence of a violation of sub. (1).

(6) ACTION ON LICENSE APPLICATION. The department shall grant or deny a license application within 30 business days after the applicant submits a complete application under sub. (3).

(7) DENYING, SUSPENDING, OR REVOKING A LICENSE. The department may deny, suspend, or revoke an animal trucker license for cause, pursuant to s. 93.06 (7), Stats. Cause may include any of the following:

(a) Violation of ch. 95, Stats., ch. ATCP 10, or this chapter.

(b) Violation of any lawful order of the department.

(c) Violation of any provision of ch. 951, Stats., prohibiting crimes against animals.

(d) Preventing a department employee from performing his or her official duties, or interfering with the lawful performance of his or her duties.

(e) Physically assaulting a department employee while the employee is performing his or her official duties.

(f) Improper or unauthorized use of any official tag, brand, or tattoo.

(g) Refusal or failure, without just cause, to produce records or respond to a department subpoena.

(h) Payment of an application fee with a worthless check.

(8) ANIMAL TRUCKER RESPONSIBILITIES. An animal trucker shall do all of the following:

(a) Maintain, equip, and operate animal transport vehicles in compliance with s. ATCP 12.045.

(b) Identify animals in compliance with s. ATCP 12.05.

(c) Keep records in compliance with s. ATCP 12.06.

(d) Transport and handle animals in a safe and humane manner.

(e) Install and use equipment necessary to transport and handle downer animals in a humane manner, as required by s. ATCP 12.07, if the animal trucker transports downer animals.

(f) Provide adequate food, water, shelter, bedding, and pen space for all animals held more than 12 hours.

(g) Notify the department of any address change within 10 days.

(8m) REINSPECTION. (a) The department may charge, to the holder of a license under this section, a reinspection fee of \$150 for a reinspection that the department makes to determine whether that person has corrected a previous violation of this chapter, or ch. 95, Stats., noted on a previous inspection report. The department may not charge a reinspection fee under this subsection for a routine or regularly scheduled inspection, or for an inspection that is required under this chapter.

(b) A reinspection fee under par. (a) is payable when the reinspection is completed, and is due upon written demand from the department. The department may issue a demand for payment when it issues a license renewal application form to the animal trucker.

(9) PROHIBITED CONDUCT. (a) No animal trucker may cause or permit the commingling of different animals on the same animal transport vehicle or enclosure if the animals are not of comparable size, or if one species may pose a known disease threat to the other species.

(b) No animal trucker may transport diseased or downer animals with healthy animals on the same animal transport vehicle, unless the entire load is transported directly to a slaughter establishment. If downer animals and other animals are transported to a slaughter establishment in the same animal transport vehicle, the downer animals shall be segregated, or separated by a rigid barrier, from the other animals to prevent injury.

History: Cr. Register, December, 1990, No. 420, eff. 1-1-91; r. and recr. (1), (2), (4) (a), (5), cr. (2m), (2r), (2w), am. (3) (g), (4) (b), (d), r. (6), Register, March, 1995, No. 471, eff. 4-1-95; am. (2m) (a), (b), (d) and (e), Register, May, 1999, No. 521, eff. 6-1-99; r. (2) (c) and (2r) (c), am. (2r) (b), Register, November, 2000, No. 539, eff. 12-1-00; CR 03-121: r. and recr. Register September 2004 No. 585, eff. 10-1-04; CR 04-103: am. (1) and cr. (3) (dm) Register September 2005 No. 597, eff. 10-1-05; CR 06-009: am. (2) (c) 3., (4) (a), (c) and (7) (a) Register September 2006 No. 609, eff. 10-1-06; CR 07-061: am. (4) (a) Register June 2008 No. 630, eff. 7-1-09; CR 07-107: r. (2) (c) 3. and (5) Register November 2008 No. 635, eff. 12-1-08; correction in (6) made under s. 13.92 (4) (b) 7., Stats., Register November 2008 No. 635; CR 11-048: cr. (2) (d), (8m) Register July 2012 No. 679, eff. 8-1-12; CR 15-092: renum. (2) (b) to (2) (b) 1., cr. (2) (b) 2., am. (9) (a), (b) Register July 2016 No. 727, eff. 10-1-16; CR 18-085: am. (9) (a) Register May 2020 No. 773, eff. 6-1-20.

ATCP 12.045 Animal transport vehicles. (1) ANNUAL REGISTRATION STICKER REQUIRED. (a) No animal market operator, animal dealer, or animal trucker may operate an animal transport vehicle unless each side of the vehicle bears one part of a 2-part annual vehicle registration sticker issued by the department. An annual vehicle registration sticker expires on June 30.

(b) The department may issue an annual vehicle registration sticker under par. (a) to a licensed animal market operator, animal dealer, or animal trucker who owns or operates the vehicle. If a license holder owns a vehicle operated by another license holder, the license holder that owns the vehicle shall obtain the vehicle registration sticker under par. (a). If a license holder operates an animal transport vehicle owned by a non-license holder, the license holder that operates that vehicle shall obtain the vehicle registration sticker under par. (a) as the registrant.

(c) If a registrant under par. (b) controls the operation of the animal transport vehicle for less than the full registration year, the registrant shall record the name and address of each person who controlled the operation of the vehicle at any time during the year, and the time period during which that person controlled that operation. The registrant shall retain the record for at least 5 years, and shall make it available to the department for inspection and copying upon request.

Note: Subsection (1) applies to animal transport vehicles operated by licensed animal market operators, animal dealers, and animal truckers, regardless of who owns the animals transported in those vehicles.

Under sub. (1) (c), if a registrant leases an animal transport vehicle to or from another person for part of the registration year, the registrant must record the name and address of the other party to the lease, and the time period of the lease.

(2) APPLYING FOR A REGISTRATION STICKER. (a) A person shall apply for a vehicle registration sticker under sub. (1) on a

form provided by the department. The person may submit the application with the person's annual license application under s. ATCP 12.02, 12.03, or 12.04. The application shall include all of the following:

1. The person's legal name, and any trade names under which the person does business as an animal market operator, animal dealer, or animal trucker.
2. Each address from which the person does business as an animal market operator, animal dealer, or animal trucker.
3. Identification of each animal transport vehicle for which the person seeks a registration sticker.
4. The fees required under sub. (3).

(b) A person may register additional vehicles at any time during a registration year.

Note: A person may obtain an application form under sub. (2) by calling (608) 224-4872, by visiting the department website at <http://datcp.wi.gov>, or by writing to the following address:

Wisconsin Department of Agriculture, Trade and Consumer Protection
Division of Animal Health
P.O. Box 8911
Madison, WI 53708-8911

(3) REGISTRATION FEES. (a) A person shall pay a non-refundable annual fee of \$20 for each vehicle registration sticker under this section.

(b) A person shall pay a registration fee surcharge of \$100 if the department determines that, within 365 days prior to submitting a registration application under sub. (2), the person operated an animal transport vehicle without a registration sticker in violation of sub. (1).

(c) A person who is required to pay a surcharge under par. (b) shall also pay any registration fee that is due under par. (a) for the license year in which the person violated sub. (1).

(d) Payments under pars. (b) and (c) do not relieve a person of other civil or criminal liability that may result from a violation of sub. (1), nor do they constitute evidence of a violation of sub. (1).

(4) ACTION ON REGISTRATION APPLICATION. The department shall grant or deny an application under sub. (2) within 30 business days after the department receives a complete application or, if a person submits the application with a license application under s. ATCP 12.02, 12.03, or 12.04, by the license action deadline. The department shall issue a 2-part registration sticker for each registered vehicle. Each part of the 2-part registration sticker shall identify the registration year for which the 2-part registration sticker is issued.

(5) DENYING, SUSPENDING, OR REVOKING A REGISTRATION. The department may deny, suspend, or revoke an animal transport vehicle registration under this section for cause, pursuant to s. 93.06 (7), Stats. Cause may include a violation of this section.

(6) VEHICLE REQUIREMENTS. The following requirements apply to every animal transport vehicle for which a registration sticker is required under sub. (1):

(a) A current registration sticker shall be displayed on both sides of the animal transport vehicle.

(b) The operator of the animal transport vehicle shall display, legibly printed in letters at least 2 inches high and ¼ inches wide, the operator's name, business city, and state, and every current animal trucker license number, animal market license number, and animal dealer license number that the department has issued to the operator on one of the following:

1. The power unit, both sides.
2. The animal transport vehicle, in close proximity to the current registration sticker, on both sides of the vehicle.

Note: The vehicle registration stickers must be on the animal transport vehicle itself, not the power unit. The department issues registration stickers in duplicate, so the operator can display identical stickers on both sides of the vehicle.

(c) The vehicle shall be constructed, equipped, and maintained for safe transportation and containment of the types of animals transported.

(d) The vehicle shall be kept in a clean and sanitary condition.

(e) The vehicle, if used to transport diseased or downer animals, shall be cleaned and disinfected before being used to transport any other animals. The disinfectant shall be used according to label directions.

History: Cr. Register, March, 1995, No. 471, eff. 4-1-95; cr. (1) (c), Register, November, 2000, No. 539, eff. 12-1-00; CR 03-121: r. and recr. Register September 2004 No. 585, eff. 10-1-04; CR 06-009: am. (3) (c) and (4) Register September 2006 No. 609, eff. 10-1-06; CR 07-061: am. (3) (a) Register June 2008 No. 630, eff. 7-1-09; CR 07-107: r. and recr. (1), am. (3) (a) and (4) Register November 2008 No. 635, eff. 12-1-08; CR 11-048: am. (1) (b), r. and recr. (6) Register July 2012 No. 679, eff. 8-1-12.

ATCP 12.05 Identification of livestock. (1) IDENTIFICATION OF BOVINE ANIMALS. (a) *Official individual identification.* Whenever an animal dealer or animal market operator receives a bovine animal, the animal dealer or market operator shall immediately record the animal's official individual identification. If a bovine animal has no official individual identification at the time of receipt, the animal dealer or market operator shall immediately identify that animal with an official individual identification. This paragraph does not apply to steers, calves under 6 months old, feeder cattle, or bovine animals that are backtagged for slaughter under par. (b) 1.

(b) *Slaughter identification.* 1. Whenever an animal dealer, animal market operator, or animal trucker receives any bovine animal for sale or shipment to slaughter, that person shall immediately identify the animal with an official back tag and record the back tag number, unless the bovine animal is a steer or already identified according to par. (a). If a bovine animal is already identified according to par. (a), or backtagged at the time of receipt, the person receiving the animal shall record its official identification or back tag number. This paragraph does not apply to an animal trucker that picks up any bovine animals from a farm premises and takes the bovine animals directly to a slaughtering establishment without commingling with bovine animals from other farms.

2. Any animal dealer or animal market operator that has a bovine animal that is backtagged for movement to slaughter under subd. 1., but shipment to slaughter does not occur, shall immediately identify that bovine animal with an official individual identification, if not already applied, and record that official individual identification number.

Note: If an animal dealer or trucker hauls bovine animals direct to slaughter or to a slaughter sale held at a licensed market, an official back tag is adequate identification for the animal.

(2) IDENTIFICATION OF SWINE. (a) *Official individual identification.* Whenever an animal dealer or animal market operator receives any swine, the animal dealer or market operator shall immediately record the official individual identification of that swine. If a swine has no official individual identification at the time of receipt, the animal dealer or market operator shall immediately identify that swine with an official individual identification. This paragraph does not apply to market swine or swine that are backtagged for slaughter under par. (b) 1.

(b) *Slaughter identification.* 1. Whenever an animal dealer, animal market operator, or animal trucker receives any sow, boar, or stag for sale or shipment to slaughter, that person shall immediately identify the swine with an official swine back tag or premises identification ear tag and record the back tag or ear tag number, if the swine is not already identified according to par. (a). If a sow, boar, or stag is already identified according to par. (a), or backtagged or tagged with a premises identification ear tag at the time of receipt, the person receiving the swine shall record

its official identification back tag, or ear tag number. This subdivision does not apply to an animal trucker that picks up any swine from a farm premises and takes the swine directly to a slaughtering establishment without commingling with swine from other farms.

2. Any animal dealer or animal market operator that has a market swine under sub. (2) (a) or an animal that is backtagged for movement to slaughter under subd. 1., but shipment to slaughter does not occur, shall immediately identify that animal with an official individual identification, if not already applied, and record that official individual identification number.

Note: If an animal dealer or trucker hauls swine direct to slaughter or to a slaughter sale held at a licensed market, an official back tag or premises identification ear tag is adequate identification for the animal.

(3) IDENTIFICATION OF EQUINE ANIMALS. Whenever an animal dealer or animal market operator receives any equine animal, the animal dealer or market operator shall immediately record the official individual identification of that equine animal. If an equine animal has no official individual identification when received by an animal dealer or market operator, the animal dealer or market operator shall have a licensed and certified veterinarian prepare a description of that equine animal according to s. ATCP 12.01 (20) (c).

(4) IDENTIFICATION OF SHEEP. Whenever an animal dealer or animal market operator receives any sheep, the animal dealer or animal market operator shall immediately record the official individual identification of that sheep, if any. If a sheep has no official individual identification when received by an animal dealer or animal market operator, the animal dealer or animal market operator shall immediately identify that sheep with an official individual identification if that identification is required under s. ATCP 10.70.

(5) IDENTIFICATION OF FARM-RAISED DEER. (a) *Official individual identification.* 1. Whenever an animal dealer or animal market operator receives any farm-raised deer, the animal dealer or market operator shall immediately record the official individual identification of that farm-raised deer. This paragraph does not apply to farm-raised deer which are backtagged for slaughter under par. (b).

2. No animal dealer or animal market operator may deliver a farm-raised deer to the custody of any other person unless that deer bears 2 individual identifications meeting the requirements of s. ATCP 10.54 (3) or unless that deer is backtagged under par. (b) and shipped directly to slaughter.

(b) *Slaughter identification.* Whenever an animal dealer, animal market operator or animal trucker receives a farm-raised deer for sale or shipment to slaughter, that recipient shall immediately identify that deer with an official back tag or other slaughter identification approved by the department, unless that deer already bears official individual identification or slaughter identification. The animal dealer, animal market operator, or animal trucker shall immediately record the back tag or slaughter identification number.

(6) IDENTIFICATION OF GOATS. Whenever an animal dealer or animal market operator receives any goats, the animal dealer or market operator shall immediately record the official individual identification of that goat, if any. If a goat has no official individual identification when received by an animal dealer or market operator, the animal dealer or market operator shall immediately identify that goat with an official individual identification if that identification is required under s. ATCP 10.77.

History: Cr. Register, December, 1990, No. 420, eff. 1-1-91; cr. (3), (4), Register, March, 1995, No. 471, eff. 4-1-95; am. (2) (b), Register, February, 1996, No. 482, eff. 3-1-96; emerg. cr. (5), eff. 6-3-96; cr. (5), Register, December, 1996, No. 492, eff. 1-1-97; am. (1) (a), (2) (a), (4) and (5) (b), Register, November, 2000, No. 539, eff. 12-1-00; CR 02-078: am. (5) (a) 3. Register May 2003 No. 569, eff. 6-1-03; CR

03-121: r. and recr. Register September 2004 No. 585, eff. 10-1-04; CR 06-009: am. (4) Register September 2006 No. 609, eff. 10-1-06; CR 07-107: am. (4), cr. (6) Register November 2008 No. 635, eff. 12-1-08; CR 11-048: am. (2) (b) Register July 2012 No. 679, eff. 8-1-12; CR 13-058: am. (1) (b), (3), (5) (a) 2. Register March 2014 No. 699, eff. 6-1-14; CR 15-092: am. (1) (a), renum. (1) (b) to (1) (b) 1. and am., cr. (1) (b) 2., am. (2) (a), renum. (2) (b) to (2) (b) 1. and am., cr. (2) (b) 2., am. (5) (b) Register July 2016 No. 727, eff. 10-1-16; CR 18-085: am. (1) (b) 1., (2) (a), (b), (5) Register May 2020 No. 773, eff. 6-1-20.

ATCP 12.06 Records. (1) RECORDS REQUIRED. A person operating as an animal market operator, animal dealer, or animal trucker shall keep an accurate record of every animal that the person receives from or delivers to another person.

(1m) ANIMAL MARKET OPERATOR AND ANIMAL DEALER RECORDS. The records of an animal market operator and an animal dealer shall include all of the following correlated information related to each animal:

(a) The name and address of the principal from whom the person received the animal, the date of receipt, and the place of receipt. The record shall also identify the animal trucker, if any, who transported the animal to the place of receipt.

(b) The name and address of the principal to whom the person delivered the animal, the date of delivery, and the place of delivery. The record shall also identify the animal trucker, if any, who transported the animal to the place of delivery.

(c) The animal's official individual identification number, if official identification is required under ch. ATCP 10 or this chapter. If the animal has no official individual identification and is not required to bear official individual identification under ch. ATCP 10 or this chapter, the record shall identify the species, age, and sex of the animal.

(d) The animal's back tag number, if any.

(e) The animal's wild animal identification number, if the animal bears a wild animal identification number prescribed by the department of natural resources.

(f) A copy of any certificate of veterinary inspection if required to accompany the animal. An animal market veterinarian may keep the certificate copy for the animal market operator.

(g) The animal's breed or class if the animal is a bovine animal or swine. If a bovine animal is a crossbreed of beef and dairy animals, the animal shall be classified as a beef breed.

(h) Equine infectious anemia test results, if required under ss. ATCP 10.35 (1) and 10.36 (3) or (4) for an equine animal.

(i) A death record if the animal dies in the person's custody. The record shall indicate the apparent cause of death, the place and manner of carcass disposition, and the name and address of any person to whom the carcass was delivered.

(j) The chronic wasting disease test results and records required under s. ATCP 10.46 (10) (b) if an animal dealer purchases a farm-raised deer under s. ATCP 10.46 (1) (g).

(k) Porcine reproductive and respiratory syndrome and porcine epidemic diarrhea virus test results, if required under s. ATCP 10.30 (1) (a) 3. or 10.32 (2) and herd plan number, if required under s. ATCP 10.30 (2) (d) or 10.32 (2) (a) 2.

(1s) ANIMAL TRUCKER RECORDS. The records of an animal trucker shall include all of the following correlated information related to each animal:

(a) The name and address of the principal from whom the person received the animal, the date of receipt, and the place of receipt.

(b) The name and address of the principal to whom the person delivered the animal, the date of delivery, and the place of delivery.

(d) The number and a general description of the animals including species, age, and sex of the animals in the shipment.

(e) The slaughter back tag number, except if the animal is moved from a licensed animal dealer or animal market operation direct to slaughter, the animal trucker is not required to record the individual back tag number.

(f) A death record if the animal dies in the animal trucker's custody. The record shall indicate the apparent cause of death, the place and manner of carcass disposition, and the name and address of any person to whom the carcass was delivered.

(g) The owner of each animal.

(2) RECORDS RETAINED FOR 5 YEARS; INSPECTION AND COPYING. A person who is required to keep records under sub. (1), (1m), or (1s) shall retain those records for at least 5 years, and shall make them available to the department for inspection and copying upon request. The department may take records off site for copying if deemed necessary for efficiency.

(3) AUCTIONEER RECORDS. An auctioneer who is exempt from licensing as an animal dealer under s. ATCP 12.03 (2) (f) shall nevertheless keep all of the records required under subs. (1) and (1m) for livestock sold by the auctioneer at an exempt auction. The auctioneer shall retain the records for at least 5 years, and shall make the records available to the department for inspection and copying upon request.

History: Cr. Register, December, 1990, No. 420, eff. 1-1-91; am. (1) (b) 5. and (c) 5., Register, September, 1993, No. 453, eff. 10-1-93; am. (1) (a), (b) (intro.), 2. and 5., (c) (intro.), 1., 2. and 5., (d), (2) (a), (b) 1., 2., (c) 1., 2., Register, March, 1995, No. 471, eff. 4-1-95; emerg. am. (1) (b) 2., 3., (c) 2., 3., (2) (b) 2., 3., (c) 2. and 3.; am. (1) (b) 2., 3., (c) 2., 3., (2) (b) 2. and (c) 2., Register, December, 1996, No. 492, eff. 1-1-97; reprinted to correct error in (1), Register, March, 1997, No. 495; r. and recr. (1), renum. (2) to be (3) and am. (3) (e), cr. (2), Register, November, 2000, No. 539, eff. 12-1-00; CR 03-121: r. and recr. Register September 2004 No. 585, eff. 10-1-04; CR 06-009: am. (1) (intro.) and (h), cr. (1) (bc) Register September 2006 No. 609, eff. 10-1-06; CR 07-107: am. (1) (bc) Register November 2008 No. 635, eff. 12-1-08; CR 11-048: am. (1) (intro.), renum. (1) (a) to (i) to be (1m) (a) to (i), am. (1m) (c) as renum., cr. (1s), am. (2), (3) Register July 2012 No. 679, eff. 8-1-12; CR 13-058: am. (1s) (e), cr. (1s) (g) Register March 2014 No. 699, eff. 6-1-14; CR 15-092: r. (1m) (bc), am. (1m) (d), r. (1s) (c), am. (1s) (e) Register July 2016 No. 727, eff. 10-1-16; CR 18-086: am. (1) (f), (h), cr. (1m) (f), (k), am. (2) Register May 2020 No. 773, eff. 6-1-20; correction in (1m) (k) made under s. 35.17, Stats., Register May 2020 No. 773.

ATCP 12.07 Handling downer animals. If an animal goes down while in the possession of an animal market operator, animal dealer, or animal trucker, the downer animal may not be dragged or pulled by the neck or other extremity, or subjected to any other mistreatment or abuse. Downer animals shall be confined in separate holding pens and shall be segregated from healthy animals or separated by a rigid barrier when transported in any vehicle. A downer animal may not be held for more than 24 hours by any animal market operator, animal dealer, or animal trucker before the downer animal is sent for rendering or euthanized in a humane manner.

Note: A carcass must be disposed of in a manner consistent with s. 95.50, Stats.

History: Cr. Register, December, 1990, No. 420, eff. 1-1-91; CR 03-121: am. (2) Register September 2004 No. 585, eff. 10-1-04; CR 11-048: r. (1), renum. (2) to be 12.07 and am. Register July 2012 No. 679, eff. 8-1-12.

ATCP 12.08 Prohibited conduct. No person may:

(1) Knowingly make any false report or statement to the department concerning:

(a) The ownership, identification, age, vaccination status, test status, or health status of livestock; or

(b) The purchase, sale, or movement of an animal.

(2) Sell or move any animal in violation [of] ch. ATCP 10 or this chapter, or any order issued under ch. ATCP 10 or this chapter.

(3) Buy, sell, lease, or exchange animals in the name of any person other than a licensed animal dealer, a licensed animal market operator, or the person holding or acquiring an ownership or leasehold interest in the animal.

(4) Transport any animal without certificates of veterinary in-

spection, permits, or other documents required by this chapter, ch. ATCP 10, ch. 169, Stats., or 9 CFR Part 86.

(5) Fail or refuse, upon reasonable demand by any authorized agent of the department, to permit access to a premises or vehicle or the examination of:

(a) Animals in transit; or

(b) Health or shipping documents accompanying animals in transit and any other records required under this chapter.

(6) Fail to provide any relevant report or document relating to the transportation of animals or any official individual identification of an animal purchased, sold, or transported.

(7) Knowingly cause or permit a susceptible healthy animal to commingle with a diseased animal while in transit, unless the entire load of animals is shipped directly to a slaughtering establishment for slaughter, or the commingling is authorized by the department.

(8) Cause or permit the commingling of different animals during transit if the animals are not of a comparable size, or if one species may pose a known disease threat to the other species.

(9) Advertise or claim to be licensed as an animal market operator, animal dealer, or animal trucker unless the claim or advertisement is true.

(10) Receive interstate shipments of bovine animals or swine as a federally approved livestock marketing facility unless the market qualifies as a federally approved livestock marketing facility under s. ATCP 10.07 (4).

(12) Use any brand or tattoo device for official identification purposes, without authorization from the department.

(13) Park or store a vehicle containing animal remains or animal waste in any place where it creates a health hazard or a public nuisance.

(14) Deposit animal remains or animal waste in any place where the deposit creates a health hazard or public nuisance.

(15) Conduct business as an animal dealer without carrying or posting a dealer identification card issued by the department. The dealer identification card shall be readily available for inspection upon request.

(16) Sell, move, or dispose of any live animal that has been tested for a disease identified in ch. ATCP 10 Appendix A or B, before the result of that test is known.

(17) Transport animals for more than 12 hours without providing potable water.

(18) Transport equine animals in a vehicle which is not of adequate size.

Note: Equine animals over 14 hands high should not ordinarily be transported in a vehicle which is less than 6 feet high.

(19) Knowingly deliver, for use as food or feed, any animals which:

(a) Contain prohibited residues of drugs, hormones, steroids, antibiotics, pesticides, or other food or feed adulterants.

(b) Have been treated with any product listed under par. (a), if the delivery violates an applicable withholding period specified on the product label.

(20) Deliver a downer animal to an animal market, animal dealer, or slaughter plant, or remove a downer animal from an animal market or animal dealer premises, without a drug certificate signed by the animal's current owner.

(21) Falsify a drug certificate.

(22) Administer any drug, hormone, steroid, antibiotic, or pesticide to an animal without the owner's knowledge or authorization.

(23) Make any false statements on any application for an original or renewal license under this chapter.

(24) Physically assault a department employee while the employee is performing his or her official duties.

(25) Transport dead livestock, except in compliance with s. 95.72 (7) (a), Stats.

(26) Falsify, remove, alter, or tamper with any official identification or official back tag.

(27) Use electric prods on neonatal or other baby animals or hit such animals with any type of solid object that may cause injury, pain or stress to the animal.

(28) Misrepresent to any person the age, identity, origin, or disease status of any animal, or of the herd from which an animal originates.

History: Cr. Register, December, 1990, No. 420, eff. 1-1-91; cr. (23), Register, September, 1993, No. 453, eff. 10-1-93; r. and recr. (2) and (10), r. (11), am. (12), cr. (24), Register, November, 2000, No. 539, eff. 12-1-00; CR 03-121: am. (1) (b), (3), (4), (8), (9), (15), (16), (19) (intro.), (20) and (22) Register September 2004 No. 585, eff. 10-1-04; CR 06-009: r. and recr. (2), am. (4), (10) and (19) (intro.), cr. (25) and (26) Register September 2006 No. 609, eff. 10-1-06; CR 07-107: am. (6) Register November 2008 No. 635, eff. 12-1-08; CR 08-075: am. (10) Register April 2009 No. 640, eff. 5-1-09; CR 11-048: am. (7), (8), r. and recr. (16) Register July 2012 No. 679, eff. 8-1-12; CR 15-092: am. (10), cr. (27) Register July 2016 No. 727, eff. 10-1-16; CR 18-085: am. (4), (5) (intro.), (b), (6), (8), (26), cr. (28) Register May 2020 No. 773, eff. 6-1-20.

ATCP 12.09 Waiver. The department may, in response to a written request, grant a written waiver from a requirement under this chapter if the department finds that the waiver is reasonable and necessary, is consistent with objectives of this chapter, and will not conflict with state law. The waiver shall be issued in writing, shall include the department's findings, and shall include the specific terms of the waiver, including any time limit on the waiver. A request for a waiver shall include information to show that the waiver is justified under this section. The state veterinarian, or that person's designee, shall sign each waiver under this section. The department may not grant a waiver from a statutory requirement.

History: CR 15-092: cr. Register July 2016 No. 727, eff. 10-1-16.