

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Note: Chapter Ag 12 as it existed on December 31, 1990 was repealed and a new ch.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.

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 buying or selling livestock or wild animals, and that have facilities to keep, feed and water livestock or wild animals prior to sale.

(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.

(2m) “Chronic wasting disease registration tag” means an eartag, used to identify a cervid, which includes all the following:

(a) A premises identification number assigned by the department.

(b) A number that uniquely identifies the cervid.

(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 American association of zoological parks and aquariums.

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

(9) “Feeder cattle” means bovine animals, 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 for slaughter.

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

(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.

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

Note: Examples of official backtags include the official Wisconsin bovine backtag and the official Wisconsin swine backtag.

(19) “Official eartag” means an identification eartag issued or approved by the federal bureau.

Note: An official eartag, inserted in the right ear of the animal, uniquely identifies each individual animal with no duplication of the alpha-numeric identification, regardless of the materials or colors used. Examples of official eartags include the official Wisconsin identification tag, the official USDA Wisconsin vaccination tag, and the official Wisconsin swine eartag.

(20) “Official individual identification” means a set of identifying characters that is uniquely associated with an individual animal, and that consists of one of the following:

(a) The animal’s official eartag number.

(b) The animal’s breed association tattoo.

(c) The animal’s breed association registration number.

(d) A registration freeze brand number that uniquely identifies the animal.

(e) The official breed registration lip tattoo number of an equine animal that uniquely identifies the equine animal.

(f) A written or graphic description of an equine animal, prepared by a licensed and accredited veterinarian, which uniquely identifies that equine animal and includes all of the following:

1. A complete and accurate description of the equine animal's breed, coloration and distinguishing markings.

2. The equine animal's sexual status.

(g) A microchip number if all the following apply:

1. The microchip number uniquely identifies the animal.

2. The microchip is implanted in the animal.

3. The person having custody of the animal has a microchip reader that can read the microchip number.

(h) The leg band number of a ratite which uniquely identifies that ratite.

(i) A poultry leg band or wing band bearing a number that uniquely identifies a bird.

(j) For a swine weighing 80 pounds or less, the premises identification of the premises of origin.

(k) A chronic wasting disease status program registration tag, provided that the farm-raised deer also has a unique individual identification number.

(L) A premises tattoo for a farm-raised deer, provided the farm-raised deer also has a unique individual identification number.

(m) A tattoo number issued by the department.

(n) A unique premises identification issued by the department, provided that the animal also bears a unique individual identification number.

(o) 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.

(25) "Slaughtering establishment" means a slaughtering establishment which is subject to licensing by the department, or to inspection by the United States department of agriculture. "Slaughtering establishment" includes all premises used in connection with a slaughter operation.

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

(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.**

ATCP 12.02 Animal markets. (1) LICENSE REQUIRED. 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 a livestock premises code issued to the license holder under s. ATCP 17.02 (7). An annual license expires on June 30. A license is not transferable between persons or animal markets.

(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 live-stock and wild animal sales on any number of days during the license year.

(c) At a class B animal market, an operator may conduct live-stock sales 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 or sold 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. A person applying for a class B license shall identify the dates during the previous license year, if any, on which the person conducted livestock sales at the 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).

(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) 224-4889, by visiting the department website at www.datcp.state.wi.us, 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 nonrefundable annual fee for a license under sub. (1):

1. \$225 for a class A license.

2. \$115 for a class B license.

3. \$150 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), (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), (2) (c) or (d), nor does it constitute evidence of a violation of sub. (1), (2) (c) or (d).

(5) INITIAL LICENSE TEST. An applicant for a license under sub. (1) shall pass a test administered by the department, except that no test is required for the timely renewal of an existing license. The department shall administer any required test within 30 business

days after the department receives a complete license application under sub. (3), unless the applicant agrees to a later test date.

(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).
2. The applicant completes a test if required under sub. (5).
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.

(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 between public sales.
- (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 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 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.

(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 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 with equine stocks that can restrain equine animals without injury.

6. An animal market used for wild animals shall be equipped with cages or pens that can confine the wild animals without injury.

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.

9. Dead animal holding areas and manure holding areas shall be enclosed to keep out dogs and wild animals unless the entire animal market is fenced to keep out dogs and wild animals.

(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.

4. Dead animal holding areas and manure holding areas shall be enclosed to keep out dogs and wild animals unless the entire animal market is fenced to keep out dogs and wild animals.

(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, if the operator 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 operator 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 (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.**

ATCP 12.03 Animal dealers. (1) LICENSE REQUIRED. Except as provided in sub. (2), no person may do any of the following without an annual 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 on that farm.

(c) An animal market operator licensed under s. ATCP 12.02.

(d) The operator of a licensed meat establishment who buys livestock solely for slaughter at that meat 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).

(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) 224-4889, by visiting the department website at www.datcp.state.wi.us, 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 \$115 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).

(6) INITIAL LICENSE TEST. An applicant for a license under sub. (1) shall pass a test administered by the department, except that no test is required for the timely renewal of an existing license. The department shall administer any required test within 30 business

days after the department receives a complete license application under sub. (4), unless the applicant agrees to a later test date.

(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) and completes a test if required under sub. (6).

(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.

(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.

(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.**

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

(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.

3. Hauling animals for other persons fewer than 6 times per license year.

(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) 224-4889, by visiting the department website at www.datcp.state.wi.us, 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 \$30 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).

(5) INITIAL LICENSE TEST. An applicant for a license under sub. (1) shall pass a test administered by the department, except that no test is required for the timely renewal of an existing license. The department shall administer any required test within 30 business days after the department receives a complete license application under sub. (3), unless the applicant agrees to a later test date.

(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) and completes a test if required under sub. (5).

(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.

(9) PROHIBITED CONDUCT. (a) No animal trucker may cause or permit different species of animals to be commingled on the same animal transport vehicle.

(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 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.

ATCP 12.045 Animal transport vehicles. (1) ANNUAL REGISTRATION STICKER REQUIRED. No animal market operator, animal dealer or animal trucker may operate an animal transport vehicle without an annual vehicle registration sticker from the department. A separate sticker is required for each vehicle. An annual vehicle registration sticker expires on June 30.

Note: Subsection (1) applies to animal transport vehicles operated by animal market operators, animal dealers and animal truckers. Those persons must register all of the vehicles that they use to transport livestock or wild animals in this state, regardless of who owns the animals.

(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) 224-4889, by visiting the department website at www.datcp.state.wi.us, 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 an annual fee of \$10 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 registration sticker for each registered vehicle. The department shall issue a registration sticker in 2 parts, each of which shall contain the same unique registration number and the year of issuance.

(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 vehicle for which a registration sticker is required under sub. (1):

(a) The operator shall display the following information on both sides of the vehicle:

1. The operator's name and business address, legibly printed in letters at least 2 inches high and ¼ inch wide.

2. Every current animal trucker license number, animal market license number and animal dealer license number that the department has issued to the operator. License numbers shall be printed legibly, in letters at least 2 inches high and ¼ inch wide.

3. The current vehicle registration sticker under this section. The operator shall display the registration sticker in close proximity to the license numbers displayed under subd. 2.

Note: The department issues registration stickers in duplicate, so the operator can display identical stickers on both sides of the vehicle.

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

(c) The vehicle, if used to transport downer animals, shall be furnished with equipment necessary to transport and handle downer animals in a humane manner.

(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 vehicle shall be disinfected with a disinfectant that is approved by the department. The disinfectant shall be used according to label directions.

Note: A person may request a list of approved disinfectants under par. (e) by calling (608) 224-4872, by visiting the department website at www.datcp.state.wi.us, 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

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.

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, or feeder cattle.

Note: See also s. ATCP 10.21 (1).

(b) *Slaughter identification.* Whenever an animal dealer, animal market operator or animal trucker receives a bovine animal for sale or shipment to slaughter, that person shall immediately identify the animal with an official backtag and record the backtag number. If a bovine animal is already backtagged at the time of receipt, the person receiving the animal shall record its backtag number. Backtagging is not required for steers, official spayed heifers, or animals under 2 years old.

Note: See also s. ATCP 10.21 (4).

(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 swine which are backtagged for slaughter under par. (b).

(b) *Slaughter identification.* 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 backtag and record the backtag number. If a sow, boar or stag is already backtagged at the time of receipt, the person receiving the swine shall record its backtag number.

Note: See also s. ATCP 10.31.

(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) (f).

(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 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.

(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. If a farm-raised deer has no official individual identification at the time of receipt, the ani-

mal dealer or market operator shall immediately identify that farm-raised deer with an official individual identification. This paragraph does not apply to farm-raised deer which are back-tagged 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 on official individual identification, 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 backtag or other slaughter identification approved by the department unless that deer already bears an official slaughter identification. The animal dealer, animal market operator or animal trucker shall immediately record the backtag or slaughter identification number.

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.**

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. The record 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.

(bc) The livestock premises code of the premises from which the animal was received.

(c) The animal's official individual identification number, if any. If the animal has no official individual identification, the record shall identify the species, age and sex of the animal.

(d) The animal's backtag 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 that accompanied 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 s. ATCP 10.36 (3) 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.

(2) RECORDS RETAINED FOR 5 YEARS; INSPECTION AND COPYING. A person who is required to keep records under sub. (1) shall retain those records for at least 5 years, and shall make them available to the department for inspection and copying upon request.

(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 sub. (1) 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.**

ATCP 12.07 Handling downer animals. (1) A person who receives, transports, or handles downer animals shall register with the department, and shall have adequate facilities and equipment for the humane transportation, handling and holding of the animals. Adequate facilities and equipment include separate holding pens, skids, mats, and sling-type hoisting equipment for downer animals.

(2) Downer animals 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 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 shipped to slaughter.

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.

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 inspection, permits or other documents required by this chapter, ch. ATCP 10 or ch. 169, Stats.

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

(a) Animals in transit; or

(b) Health or shipping documents accompanying animals in transit.

(6) Fail to provide, within 10 days following the receipt of a written request from the department, any relevant report or document relating to the transportation of animals. The department may extend the compliance deadline under this subsection for good cause shown.

(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 slaughter or the commingling is authorized by the department.

(8) Cause or permit the commingling of different animal species during transit.

(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 import market unless the market qualifies as a federally approved import market 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) Operate an animal market or slaughter plant in which the dead animal and manure holding area is not enclosed as required by s. ATCP 12.02 (9).

(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 required under this chapter or ch. ATCP 10.

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.**