Chapter 604

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Brands and Marks; Feedlots

BRANDS AND MARKS

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BRANDS AND MARKS

604.005 Definitions. As used in this chapter, unless the context requires otherwise:

(1) "Brand" means a distinctive design, mark or other means of identification applied to a designated location of the hide, wool or skin of livestock, by methods prescribed by administrative rule of the State Department of Agriculture promulgated pursuant to ORS chapter 183.

(2) "Brand inspection" means the department's:

(a) Examination of the brands, tags, breed, flesh marks including dewlaps and wattles, earmarks, coloring, sex, age or other distinguishing characteristics of livestock;

(b) Examination of documents and other evidence of ownership or right to possession of livestock; and

(c) Issuance or refusal to issue a brand inspection certificate.

(3) "Brand inspection certificate" means a document issued by the department which shall only be valid for eight days, unless otherwise specified therein, and which includes:

(a) The date and place of issuance;

(b) The quantity of livestock inspected and a description of the distinguishing characteristics of hides or of livestock examined, including brands, tags, breed and sex;

(c) The name and address of the person to whom issued and the name and address of the owner;

(d) The destination of the livestock, if transportation thereof is to take place;

(e) A statement of any limitation on the use of the certificate, or on its period of validity; and

(f) A signed certification of the department's brand inspector that the brand inspector has examined the described hides or livestock and documents associated therewith and that to the best of the inspector's knowledge the hides or livestock are owned or in the lawful possession of the person presenting the hides or livestock for brand inspection.

(4) "Custom slaughtering establishment" shall have the meaning set forth in ORS 603.010.

(5) "Department" means the State Department of Agriculture.

(6) "Document of title" shall have the meaning set forth in ORS 71.2010.

(7) "Livestock" means cattle, horses, mules, asses and any other animals designated by the administrative rule of the department, and for the purposes of ORS 604.027 and 604.056 shall include sheep.

(8) "Livestock auction market" shall have the meaning set forth in ORS 599.205.

(9) "Livestock carrier" means the person who transports livestock by rail, motor vehicle, boat, aircraft or on the hoof, either as a common carrier who is available to the public to perform this service for compensation, as a contract carrier who enters into agreements with specific individuals to perform this service for compensation, or as a private carrier who performs this service without compensation as an owner, lessee or bailee of livestock.

(10) "Slaughterhouse" shall have the meaning set forth in ORS 603.010. [1981 c.248 §2; 1991 c.660 §1]

604.010 [Amended by 1957 c.287 §1; repealed by 1967 c.129 §1 (604.012 enacted in lieu of 604.010)]

604.012 [1967 c.129 §2 (enacted in lieu of 604.010); repealed by 1981 c.248 §20]

604.015 Appointment, qualifications and compensation of brand inspectors; livestock police officers. (1) The State Department of Agriculture may appoint and designate employees as brand inspectors to administer and enforce the brand inspection activities of the department under ORS 561.144, 577.512, 599.205, 599.269, 599.273, 599.610, 603.015, 603.034, 603.075 to 603.095, 603.992, 604.005 to 604.071, 604.640, 604.650 and 604.992. In addition, the department may authorize and direct brand inspectors to administer and enforce other laws under the jurisdiction of the department.

(2) In making appointments under subsection (1) of this section, the department may appoint as part-time brand inspectors persons in the unclassified service of the personnel relations system who possess the necessary experience, knowledge and qualifications and pay them on any reasonable and fair basis. However, at any time the average monthly compensation received by such a person during a six-month period equals or exceeds the minimum wage or starting step of the pay range or schedule established for brand inspectors, then the person and the position are subject to the State Personnel Relations Law. If such person in the opinion of the department has satisfactorily carried out the duties as a brand inspector, and if it is in the best interests of the department, the person shall be given regular merit system status and shall be entitled to be hired by the department upon successfully passing a noncompetitive examination for this classification.

(3) In making appointments under subsection (1) of this section, the department may appoint as brand inspectors persons subject to the State Personnel Relations

Law. At any time in any area where the workload decreases or other facts or conditions require only the part-time services of a person in a classified position, the department may declare the position to be unclassified.

(4) By written agreement, the department may designate employees of another state agency, or of a county or city government, as brand inspectors to administer and enforce the department's brand inspection activities or other laws under the jurisdiction of the department in the same manner and to the same extent as brand inspectors appointed under subsection (1) of this section. While carrying out the authority delegated under this subsection, brand inspectors shall comply with the provisions of ORS 561.144, 577.512, 599.205, 599.269, 599.273, 599.610, 603.015, 603.034, 603.075 to 603.095, 603.992, 604.005 to 604.071, 604.640, 604.650 and 604.992, and the administrative rules promulgated thereunder, collect any brand inspection fees due the department and forthwith pay the same to the department, continue to act under the supervision of their employing agencies, continue to carry out their regular duties for their employing agencies, and receive or have their employing agencies receive any agreed compensation from the department for carrying out the authority delegated under this subsection. The department may terminate any designation under this subsection without hearing or notice, notwithstanding any laws to the contrary.

(5) The department may appoint and designate employees as livestock police officers or investigative officers to administer and enforce the department's authority under ORS 561.144, 577.512, 599.205, 599.269, 599.273, 599.610, 603.015, 603.034, 603.075 to 603.095, 603.992, 604.005 to 604.071, 604.640, 604.650 and 604.992, including supervision of brand inspectors. In addition, the department may authorize and direct livestock police officers or investigative officers to administer and enforce other laws under the jurisdiction of the department. Brand inspectors, livestock police officers and investigative officers are empowered to carry out the activities of peace officers and police officers, as set forth in ORS chapter 133. They may be furnished uniforms, identification badges, emergency vehicles and other equipment appropriate to carrying out investigative and law enforcement activities. [1981 c.248 §3; 2003 c.604 §106]

604.020 [Amended by 1953 c.358 §15; 1959 c.396 §1; 1961 c.267 §1; repealed by 1967 c.129 §19]

604.021 Department exclusive recorder of brands; nonrecordable brands; exceptions; authority. (1) The State Department of Agriculture shall be the exclusive recorder of livestock brands. The department may not record:

(a) A brand consisting of three or more letters or three or more figures, or any combination thereof, on the shoulders of cattle or on other locations specified by the department;

(b) A painted brand unless composed of numbers, letters or symbols, or a combination thereof; or

(c) Similar brands to more than one person.

(2) The proscription set forth in subsection (1)(a) of this section does not prohibit the continued use of any such brands that were previously recorded. Also, such letters and figures may be used on the shoulders of cattle or other locations approved by the department by the owners thereof for the purposes of identifying breed, breed registry, rodeo or show registry, age or similar characteristics, but may not be so used as to conflict with or be confused with a recorded brand.

(3) The department is authorized to modify, rescind or refuse the recording of any brands that are conflicting or that the department believes will blotch, and make any changes in brands deemed necessary to resolve a conflict or correct a design imperfection. Notwithstanding ORS chapter 183, any such modification, change, rescission or refusal of the department may be made by written notice to affected persons and shall be a final order of the department. [1981 c.248 §4; 2003 c.140 §1]

604.022 [1967 c.129 §3; 1973 c.430 §1; 1975 c.574 §2; 1977 c.175 §1; repealed by 1981 c.248 §20]

604.027 Application to record brand; certification; renewal; fees. (1) A person desiring to record a brand on any species of livestock shall submit a written and signed application therefor to the State Department of Agriculture, setting forth a facsimile and description of the brand, the species of livestock upon which it will be used and the specific intended location on the animal. The application must be accompanied by a brand recording fee of $25 for each brand on each species of livestock on which the brand is to be used. The person must also pay a prorated activation fee prior to recordation of the brand. The activation fee may not exceed $100. Upon receipt of an application and the required fees, if the department determines that the brand applied for is available, the department shall issue a certificate of recordation of the distinctive brand, the approved location on the animal and the species of livestock to which it applies.

(2) During September of each year the department shall attempt to notify all holders

of an expiring recorded brand of the need to renew the brand. The department shall attempt the notification by sending a renewal notice to the holder's last address as shown on the department's records. The holder of a recorded brand may renew the brand by submitting to the department a brand renewal fee for each brand on each species of livestock on which the brand is to be used. The brand renewal fee may not exceed $100. However, if the species of livestock is sheep, the fee may not exceed $40.

(3) A recorded brand expires if the department does not receive the brand renewal fee by January 4 next following the attempt to notify the brand holder of the need to renew the brand. Within 60 days after a brand expires, the department shall give written notice of the expiration by mail addressed to the person who held the expired brand at the last address shown on the department's records. The fee to activate an expired brand is equal to the brand recording fee plus a prorated renewal fee. If the person fails to activate the expired brand within one year after expiration of the brand, the brand is considered abandoned and any person may apply for recordation and use of that brand.

(4) When issuing or renewing a brand recordation, the department shall adjust certificate expiration dates as necessary to ensure that an approximately equal number of brand recordation expire in each year of a four-year cycle. The department shall prorate a brand renewal fee to reflect an adjustment of a certificate expiration date.

(5) The department shall establish the amount of brand activation fees and brand renewal fees by rule. [1981 c.248 §5; 1985 c.262 §1; 1991 c.660 §2; 2003 c.575 §1]

604.030 [Repealed by 1967 c.129 §19]

604.032 [1967 c.129 §4; repealed by 1981 c.248 §20]

604.035 Property rights applicable to recorded brand; transferability; evidence of ownership or right of possession. (1) The brand recorded or renewed under ORS 604.027 is the exclusive property right of the holder thereof, and the holder has exclusive right to use the brand in accordance with its recordation. The holder may transfer the recorded brand by sale, assignment or otherwise and may bequeath the brand by will or subject to the laws of descent and distribution as personal property.

(2) Proof of a recorded brand is prima facie evidence of the ownership or right to possession of livestock upon which the brand is used in all civil or criminal actions and suits involving an issue of ownership or right to possession of such livestock. Parol evidence is inadmissible to prove a person is a holder of a recorded brand. Evidence of ownership or right to possession of livestock by Oregon brands thereon is inadmissible unless the brands are recorded, and a disputable presumption of ownership arising from possession, common reputation or the exercise of an act of ownership shall prevail. [1981 c.248 §6; 2003 c.575 §2]

604.036 Copy of recordation certificate; brand books. Upon recording of a brand under ORS 604.027, the State Department of Agriculture may:

(1) Issue a certified copy of its certificate of recordation upon the payment of a fee therefor to be established by the department; and

(2) Periodically publish brand books or supplements thereto, and distribute them upon payment of a fee to be established by the department sufficient to cover its costs therefor. [1981 c.248 §7]

604.040 [Amended by 1953 c.358 §15; 1961 c.267 §2; repealed by 1967 c.129 §19]

604.041 Transfer of recorded brand; transfer fee. (1) Except as provided in subsection (2) of this section, in order to transfer a recorded brand by sale, assignment or otherwise, the transferor shall submit a written, signed and witnessed document of transfer to the State Department of Agriculture, accompanied by an application of the transferee as prescribed in ORS 604.027 (1), accompanied by a brand transfer fee of $25. Upon determining that the brand transfer documents are in order, the department shall issue its certificate of recordation to the transferee.

(2) In the event of the death of a holder of a recorded brand, the person to whom it is transferred, either by will or the laws of descent and distribution, may have the brand recorded to the transferee or to another person upon submitting to the department within six months of the death of the holder of the recorded brand, either a copy of an order of a court having jurisdiction of the decedent's estate directing such transfer accompanied by an application of the transferee as prescribed in ORS 604.027 (1) and the brand transfer fee prescribed in subsection (1) of this section, or if no court has jurisdiction of the decedent's estate, an affidavit of the person entitled by the laws of descent and distribution to have the brand recorded to the person accompanied by an application of the transferee as prescribed in ORS 604.027 (1) and the brand transfer fee prescribed in subsection (1) of this section. The affidavit shall include:

(a) The name and address of the decedent and the date and place of death;

(b) The name and address of the affiant, and if the intended transferee is another person, the name and address of such person

with a statement of intent to transfer to the person;

(c) A description of the recorded brand as prescribed in ORS 604.027 (1); and

(d) A statement that the affiant is entitled to have the described brand transferred to the affiant or to the other named person, and that the affiant agrees to the termination of the brand recordation should the affidavit be found false in any material respect.

(3) If the transfer documents prescribed in subsection (2) of this section are not submitted within six months after the death of the holder of the recorded brand, the brand recordation shall terminate and thereafter be available for recording by any person. [1981 c.248 §8]

604.046 Brand inspection and certificate requirements; service fee; procedure; reciprocity between states. (1) Brand inspection and the issuance of a brand inspection certificate is required in this state in the following instances:

(a) Livestock to be transported from any place in this state to or through any place outside of this state;

(b) Livestock to be transported from any place in this state to a range or pastureland outside of this state and destined to be ultimately returned to this state;

(c) Except as provided in subsection (5)(c) of this section, livestock destined for sale or slaughter at any livestock auction market or other sales facility or slaughterhouse in this state, and prior to such sale or slaughter; and

(d) In order to prevent fraud or dishonesty being perpetrated upon livestock purchasers of this state, livestock transported from any place outside of this state to any livestock auction market or other sales facility or slaughterhouse in this state for sale within this state, unless exempted therefrom under subsection (5)(b) of this section.

(2) Brand inspection may be performed, upon request of the owner or person in possession of livestock, at either a regular brand inspection location or a place designated by the person requesting the brand inspection. In the latter case, the State Department of Agriculture may require payment of its time and travel costs as a condition to performing the brand inspection. In the event the requested brand inspection is at a place other than an auction market or registered feedlot, the department shall also assess and collect a service fee of $10.

(3) In addition to brand inspections under subsections (1) and (2) of this section, the department is also authorized to establish and carry out a system of brand inspection at the times and places as an intrastate, regional movement of cattle takes place, or as a change of ownership takes place. In establishing any system authorized by this section, the department shall consider the customs, practices and theft or ownership problems of the livestock industry, the economic feasibility of carrying out a system, the volume of livestock movement within the state or within specific areas of the state, the laws and regulations of the United States and the desirability for a system as evidenced by a majority of persons who would be affected by the system. Such a system, established in accordance with the provisions of ORS chapter 183, may include:

(a) That the brand inspection may be in addition to or in lieu of other brand inspections required or allowed by this chapter and the circumstances or conditions under which the alternatives shall be allowed;

(b) The times and places the brand inspection shall take place in relation to the time of movement or location change, or the change of ownership;

(c) The establishment of a brand inspection fee and the person responsible for payment thereof;

(d) The establishment of geographic, regional or political areas within the state in which brand inspection is required; and

(e) The circumstances or conditions under which an exemption from or modification of the system's requirements may be allowed, considering their feasibility in relation to movement or sale of minimum numbers of livestock.

(4) In addition to brand inspections under subsections (1), (2) and (3) of this section, the department is also authorized to inspect any hides or livestock at any time, and at any public or private place, building or livestock carrier, if there is a need to identify diseased or suspected diseased livestock, or if there is reasonable cause or suspicion to believe any provisions of this chapter, or the administrative rules thereunder, or of any criminal laws relating to the possession of livestock, are being violated. This authority is in addition to any authority granted police officers, the department's brand inspectors, livestock police officers and investigative officers under ORS 133.525 to 133.703 relating to search and seizures. If an inspection results in a finding that a brand inspection certificate accompanying the hides or livestock is false, erroneous or incomplete in any material respect, or if there is a question of whether the person in possession is the owner of the hides or livestock or is in lawful possession thereof, or if the person in possession of the livestock fails to submit evidence requested

under ORS 604.051 (1), the department may undertake any of the actions described in ORS 604.056.

(5) In lieu of the brand inspection and the issuance of a brand inspection certificate required by subsection (1) of this section, an alternative document specified hereafter may accompany livestock in each of the following instances:

(a) Horses, when accompanied by a special nontransferable brand inspection certificate identifying such horses and issued by the department for an indeterminate time to the owner of the horses;

(b) Livestock transported to any slaughterhouse in this state from any place outside this state, if entering this state accompanied by a brand inspection certificate or similar document issued by the other state, provided that such other state has brand inspection comparable to the inspection of this state; or

(c) Cattle, in lots not to exceed 15 head, presented by one person for slaughter at any slaughterhouse when accompanied by a special slaughterhouse certificate issued by the department for which a fee, established by the department under ORS 604.066 (2), has been paid.

(6) Brand inspection at slaughtering establishments or other facilities where cattle are slaughtered or cattle hides are received, may be required of cattle hides under a system established by the department in accordance with the provisions of ORS chapter 183. In establishing any system authorized by this section, the department shall consider theft or ownership problems associated with slaughtered cattle, the economic feasibility of carrying out the system, the attitudes of the affected members of the livestock industry of this state, the volume of slaughtered cattle within the state or within specific areas of the state, and the laws and regulations of the United States. Any system established under this section may include:

(a) The designation of geographic, regional or political areas within the state in which cattle hide inspection is required;

(b) The use of tags, stamps or other devices evidencing ownership of the cattle slaughtered; and

(c) The methods, locations and times for cattle hide inspection.

(7) By written agreement with the appropriate agencies in the States of California, Nevada, Idaho or Washington, the department may recognize brand inspections performed in any of such other states in lieu of the brand inspections required by this chapter. Any such agreement shall provide that recognition of brand inspections of any such other state shall be effective only while brand inspections performed pursuant to this chapter are recognized in such other state. [1981 c.248 §9; 1983 c.102 §1; 1985 c.262 §2; 1987 c.348 §1; 1991 c.660 §3]

604.050 [Amended by 1953 c.358 §15; 1961 c.267 §3; repealed by 1967 c.129 §19]

604.051 Method of proof of ownership; inspection certificate. (1) Whenever livestock or hides are subject to brand inspection under ORS 604.046, the person in possession shall submit evidence of ownership or right to possession of the livestock or hides at the request of the State Department of Agriculture. The evidence may consist of any documents and statements that tend to establish such ownership or right to possession. The prima facie character of a recorded brand and the disputable presumption against unrecorded brands set forth in ORS 604.035 (2), shall be given recognition by the department.

(2) The department shall examine livestock or hides, review any evidence submitted pursuant to subsection (1) of this section and otherwise perform brand inspection to determine whether the person in possession is the owner or lawful possessor thereof. Except for brand inspections made under ORS 604.046 (4), if the department determines the person is the owner or lawful possessor, it shall issue an appropriate brand inspection certificate. However, if the department determines there is a question of ownership or right to possession of the livestock or hides, or if the person in possession of the livestock or hides fails to submit the evidence requested under subsection (1) of this section, the department shall refuse to issue its brand inspection certificate and may undertake any of the actions described in ORS 604.056. [1981 c.248 §10]

604.056 Seizure of hides or livestock; procedure; investigation; disposition; impoundment of sales proceeds. (1) The State Department of Agriculture may detain, seize or embargo hides or livestock in carrying out and enforcing the provisions of ORS 561.144, 577.512, 599.205, 599.269, 599.273, 599.610, 603.015, 603.034, 603.075 to 603.095, 603.992, 604.005 to 604.071, 604.640, 604.650 and 604.992 relating to the ownership or right to possession of livestock. Recognizing that the provisions of ORS 561.605 to 561.620 relating to the departmental procedures for detaining, seizing or embargoing commodities are not readily applicable to livestock, the following shall apply whenever the department detains, seizes or embargoes hides or livestock under the provisions of ORS 561.144, 577.512, 599.205, 599.269, 599.273, 599.610, 603.015, 603.034, 603.075 to 603.095, 603.992, 604.005 to 604.071, 604.640, 604.650 and 604.992:

(a) The department shall issue its written notice of detention, seizure or embargo to the person in possession of the hides or livestock, directing them to be held subject to further order of the department and any detention, seizure or embargo shall be subject to the contested case provisions of ORS chapter 183. The issuance of a notice of detention, seizure or embargo to a livestock carrier shall relieve such carrier from liability for any loss or damage resulting from the detention, seizure or embargo.

(b) If the department cannot determine from its investigation who is the owner or person entitled to possession of hides or livestock, it may handle and dispose of the hides and livestock in the same manner as provided for the handling and disposition of estray livestock under ORS chapter 607. In the event the livestock is determined by an assistant state veterinarian or deputy state veterinarian to be diseased, disabled or dying so as to be unsalable, the department may order its immediate condemnation in lieu of handling and disposition under ORS chapter 607, and any salvage value recovered by the department from the sale of carcasses or hides shall be disposed of in the same manner as impounded sales proceeds of an unknown owner under subsection (2) of this section.

(c) During an investigation to determine the owner or person entitled to possession of hides or livestock, the department may authorize the hides or livestock to be moved and retained in another location, but the hides or livestock shall not be moved therefrom without a written order issued by the department and then shall only be moved or handled in accordance with the terms of such order.

(d) If the hides or livestock are brand inspected at a livestock auction market, slaughtering establishment or other sales facility where the hides or livestock are destined for sale, the department may permit the sale of the hides or livestock and impound the proceeds of the sale in lieu of detaining, seizing or embargoing the hides or livestock. After the department impounds the sales proceeds, the department shall issue a written notice of impoundment to the seller of the hides or livestock, directing that the sales proceeds remaining after the seller has deducted sales charges be retained by the seller subject to further order of the department for up to 15 days, at which time the sales proceeds shall be remitted by the seller to the department. The sales proceeds received by the department from the seller are not public funds of the state but rather are held by the department in trust for the person determined to be the owner or entitled to possession of the hides or livestock sold.

(2) If the department impounds sales proceeds under subsection (1)(d) of this section, the department shall give written notice of the impoundment to all known claimants to the sales proceeds, hides or livestock at the last-known addresses thereof, and set forth that the sales proceeds shall be subject to proof of claim for a period of 60 days from the date of the notice of impoundment, during which the claimants may submit their proofs of claim to the department. Within 30 days after expiration of the time within which proofs of claim may be submitted, the department shall review the data submitted, investigate the claims and render a written notice of determination to the persons having submitted proofs of claim. The determination of the department shall be a final order and subject to judicial review under ORS 183.484, and if there is more than one claimant, payment of sales proceeds may not be made until the expiration of the time within which judicial review may be had. Any impounded sales proceeds that cannot be paid to persons under this section within one year of impoundment cease to be trust funds and become part of the state's public funds continuously appropriated to the department for carrying out the provisions of ORS 561.144, 577.512, 599.205, 599.269, 599.273, 599.610, 603.015, 603.034, 603.075 to 603.095, 603.992, 604.005 to 604.071, 604.640, 604.650 and 604.992. [1981 c.248 §11; 2003 c.604 §107]

604.060 [Repealed by 1981 c.248 §20]

604.061 Transportation certificate. (1) Cattle transported from the premises of the owner or person in lawful possession to another place in this state shall be accompanied by a transportation certificate.

(2) For the purposes of this section "transportation certificate" means a document signed by the owner or person in lawful possession of the cattle to be transported, on a form prescribed by the State Department of Agriculture, setting forth the identity of the cattle owner, the point of origin and destination of the cattle, the number of head, a description of the distinguishing characteristics of the cattle, including brands, tags, breed and sex, and an authorization to transport if it is to be performed by a person other than the owner.

(3) A transportation certificate is not required for cattle herded, drifted or trailed to or from pasture or range in this state in the usual course of ranch operation. [1981 c.248 §12]

604.066 Brand inspection fee; refund. (1) Except as provided in subsection (2) of this section, the State Department of Agriculture shall charge and collect a brand in-

spection fee in accordance with the following:

(a) $20 for the brand inspection described in ORS 604.046 (5)(a); or

(b) $5 per head for a brand inspection when the brand inspection certificate utilized is valid for a period in excess of eight days.

(2) In accordance with the provisions of ORS chapter 183, the department shall establish a brand inspection fee of not less than 50 cents and not more than 75 cents per head of cattle or per cattle hide, and of not more than $3.75 per head of horses, mules and asses.

(3) The brand inspection fee, including assessments under ORS 577.512, shall be paid to the department by the person requesting or requiring brand inspection to be performed. Livestock auction markets, slaughterhouses and custom slaughtering establishments at which brand inspection is performed shall collect the fees therefor and forthwith pay them to the department. A brand inspection fee may not be collected by livestock auction markets on livestock whose value is $10 or less, unless the animal is destined for slaughter or shipment out of this state or on cattle not more than 90 days of age that are to be transported to a range or pastureland outside of this state. However, any assessments under ORS 577.512 are still payable to the department.

(4) A person may claim a refund of brand inspection fees paid on Oregon livestock transported from any place in this state to any place outside of this state and then returned to this state, if the movement is continuous without unloading enroute, is done in the usual course of ranch operations and is not related to a change of ownership. The refund may be claimed only for brand inspection fees paid on the identical livestock transported. A written claim for refund shall be submitted to the department within 90 days from the initiation of the livestock movement, accompanied by an affidavit prescribed by the department confirming the circumstances set forth in this paragraph.

(5) Except as provided in ORS 577.512, the department shall deposit all fees paid to it under this chapter in the State Treasury to the credit of the Department of Agriculture Service Fund, and such fees are continuously appropriated to the department for administering and enforcing this chapter. The provisions of ORS 561.144 apply to such fees. [1981 c.248 §13; 1983 c.102 §2; 1985 c.262 §3; 1987 c.163 §3; 2003 c.604 §108]

604.070 [Repealed by 1981 c.248 §20]

604.071 Prohibitions. No person shall:

(1) Purchase, sell, handle or transport hides or livestock in violation of ORS 604.005 to 604.071, 604.640, 604.650 and 604.670 or the administrative rules promulgated thereunder;

(2) While marking livestock on the ear, either cut, mark or remove more than one-half of the ear;

(3) Except for the normal sheepshearing process, cut, burn or otherwise obliterate or disfigure the brand, earmark, dewlap or other distinguishing characteristics upon hides or livestock;

(4) Purchase, sell or hold for sale any hides or livestock in the condition described in subsection (3) of this section;

(5) As a custom slaughterer, fail to identify livestock hides and the persons from whom they were obtained;

(6) Use a recorded brand or similar design on livestock unless the person is the current recorded holder thereof, or use a brand recorded in another state, except in accordance with rules adopted by the State Department of Agriculture;

(7) Transport livestock out of this state without a brand inspection certificate having been issued to the person presenting the livestock for transport, or fail to have a document identifying each load of livestock as a part of the livestock described on the brand inspection certificate accompanying each load, or fail to deliver the brand inspection certificate to the livestock consignee upon reaching the intended destination;

(8) Refuse to permit the department to inspect hides or livestock, or refuse to permit hides or livestock to be sheared or otherwise handled so as to enable the department to determine the brands thereon; or

(9) Knowingly make or issue any false, misleading or incomplete certificate, affidavit, application, proof of claim, document of title or other written instrument required or allowed under the provisions of ORS 604.005 to 604.071, 604.640, 604.650 and 604.670. [1981 c.248 §14; 1987 c.164 §1]

604.076 Authority to issue citations. (1) In addition to the authority set forth in ORS 604.015, in the enforcement of this chapter, the Director of Agriculture has the authority to issue and serve citations to any person for violation of any provision of ORS 604.071.

(2) The director may delegate the authority to issue citations to investigative officers and brand inspection supervisors.

(3) A citation shall contain the information and substantially conform to the requirements for a citation under ORS chapter 153. [1987 c.165 §2; 1999 c.1051 §136]

604.080 [1967 c.129 §5; repealed by 1981 c.248 §20]

604.090 [1971 c.743 §299; 1977 c.175 §2; repealed by 1981 c.248 §20]

604.095 [1973 c.430 §4; 1975 c.574 §3; repealed by 1981 c.248 §20]

604.100 [1973 c.430 §5; repealed by 1981 c.248 §20]

604.105 [1973 c.430 §6; 1975 c.574 §4; repealed by 1981 c.248 §20]

604.110 [Amended by 1957 c.287 §2; repealed by 1981 c.248 §20]

604.120 [Repealed by 1981 c.248 §20]

604.130 [Amended by 1967 c.129 §11; 1973 c.94 §1; 1975 c.574 §5; repealed by 1981 c.248 §20]

604.135 [1967 c.129 §8; repealed by 1981 c.248 §20]

604.140 [Amended by 1957 c.287 §3; 1959 c.16 §1; 1973 c.94 §2; 1975 c.574 §6; 1977 c.175 §3; repealed by 1981 c.248 §20]

604.145 [1967 c.129 §7; repealed by 1981 c.248 §20]

604.150 [Repealed by 1981 c.248 §20]

604.160 [Amended by 1959 c.396 §4; 1975 c.574 §7; repealed by 1981 c.248 §20]

604.170 [Amended by 1973 c.175 §14; 1979 c.499 §18; repealed by 1981 c.248 §20]

604.180 [Amended by 1979 c.284 §179; repealed by 1981 c.248 §20]

604.190 [Amended by 1973 c.94 §3; 1979 c.284 §180; repealed by 1981 c.248 §20]

604.200 [Repealed by 1977 c.175 §9]

604.210 [Amended by 1973 c.94 §4; repealed by 1981 c.248 §20]

604.220 [Amended by 1973 c.94 §5; repealed by 1981 c.248 §20]

604.230 [Amended by 1973 c.94 §6; 1979 c.284 §181; repealed by 1981 c.248 §20]

604.310 [Amended by 1953 c.358 §15; 1957 c.287 §4; 1961 c.267 §4; 1977 c.175 §4; repealed by 1981 c.248 §20]

604.312 [1961 c.267 §9; 1975 c.574 §8; 1977 c.175 §5; repealed by 1981 c.248 §20]

604.315 [1959 c.396 §3; 1977 c.175 §6; repealed by 1981 c.248 §20]

604.320 [Amended by 1953 c.358 §15; 1973 c.11 §1; repealed by 1981 c.248 §20]

604.322 [1953 c.358 §15; 1961 c.425 §12; repealed by 1967 c.129 §12 (604.323 enacted in lieu of 604.322)]

604.323 [1967 c.129 §13 (enacted in lieu of 604.322); 1973 c.11 §2; 1979 c.284 §182; repealed by 1981 c.248 §20]

604.324 [1953 c.358 §15; repealed by 1981 c.248 §20]

604.330 [Amended by 1953 c.358 §15; 1961 c.267 §5; repealed by 1981 c.248 §20]

604.340 [Amended by 1953 c.358 §15; 1967 c.129 §14; repealed by 1981 c.248 §20]

604.350 [Amended by 1953 c.358 §15; repealed by 1967 c.129 §15; (604.355 enacted in lieu of 604.350)]

604.355 [1967 c.129 §16 (enacted in lieu of 604.350); repealed by 1981 c.248 §20]

604.360 [Amended by 1953 c.358 §15; 1973 c.430 §2; 1975 c.574 §9; repealed by 1981 c.248 §20]

604.370 [Amended by 1959 c.396 §6; repealed by 1981 c.248 §20]

604.380 [Amended by 1953 c.358 §15; 1973 c.11 §3; repealed by 1981 c.248 §20]

604.390 [Amended by 1953 c.358 §15; 1971 c.773 §6; 1975 c.574 §10; 1977 c.175 §7; repealed by 1981 c.248 §20]

604.395 [1957 c.287 §5; 1963 c.357 §1; 1971 c.773 §7; 1973 c.151 §2; repealed by 1981 c.248 §20]

604.400 [Amended by 1973 c.295 §1; 1979 c.499 §19; repealed by 1981 c.248 §20]

604.410 [Amended by 1961 c.267 §6; 1977 c. 175 §8; 1977 c.214 §9; repealed by 1981 c.248 §20]

604.420 [Amended by 1957 c.287 §6; repealed by 1981 c.248 §20]

604.425 [1957 c.287 §12; repealed by 1981 c.248 §20]

604.430 [1953 c.358 §13; 1963 c.66 §1; repealed by 1981 c.248 §20]

604.440 [1973 c.190 §2; repealed by 1981 c.248 §20]

604.450 [1973 c.190 §3; repealed by 1977 c.214 §10]

604.460 [1973 c.190 §6; repealed by 1981 c.248 §20]

604.510 [Repealed by 1977 c.214 §10]

604.520 [Amended by 1957 c.287 §7; 1967 c.208 §6; repealed by 1977 c.214 §10]

604.530 [Repealed by 1957 c.287 §8 (604.531 enacted in lieu of 604.530)]

604.531 [1957 c.287 §9 (enacted in lieu of 604.530); 1961 c.267 §7; repealed by 1981 c.248 §20]

604.535 [1959 c.396 §7; repealed by 1981 c.248 §20]

604.540 [Amended by 1957 c.287 §11; 1971 c.743 §400; 1973 c.295 §2; 1975 c.304 §7; repealed by 1981 c.248 §20]

604.542 [1967 c.129 §10; repealed by 1981 c.248 §20]

604.545 [1959 c.396 §5; repealed by 1981 c.248 §20]

604.550 [Repealed by 1981 c.248 §20]

FEEDLOTS

604.610 "Licensed feedlot" defined. As used in ORS 604.620 to 604.670, "licensed feedlot" means a beef cattle feedlot, licensed by the State Department of Agriculture, that has more than 500 head of cattle being fed for slaughter at one time during a calendar year. [1975 c.162 §2]

604.620 License; privileges; application; fee; expiration. (1) No person shall be entitled to utilize the brand inspection and inventory procedures prescribed in ORS 604.630 to 604.650 and 604.670 without first obtaining and maintaining a license as a licensed feedlot.

(2) An application for a license or renewal thereof shall be made to the State Department of Agriculture on forms prescribed by the department, and shall be accompanied by the annual license fee of $100. The license is personal and nontransferable. A new license is required at any time there is a change in ownership, legal entity or establishment location. All such licenses shall expire on January 1, next succeeding the date of issuance.

(3) In accordance with the provisions of ORS chapter 183, the department may suspend, revoke or refuse to issue or renew a license to any applicant or licensee whose establishment construction or methods of operation do not comply with the requirements established by the department. [1975 c.162 §3]

604.630 Inventory; record; audit. At the time a license is issued, the State Department of Agriculture and the licensee shall jointly make and record a physical inventory of all cattle in the feedlot of the licensee. Thereafter, such inventory record shall be maintained by the licensee and shall

be subject to review or audit by the department at any time during the normal business hours of the licensee at least once a month for the purpose of reconciling the same with the records of the department. [1975 c.162 §5]

604.640 Inspection of cattle; addition to inventory; fee. All cattle received at the licensed feedlot shall be consigned to special holding pens and held therein until inspected and released to the general feedlot area by the brand inspector of the State Department of Agriculture. The department's inspector shall review and verify all documents of title, transportation certificates, brand inspection certificates, memorandum brand inspection certificates, or record of transfer relating to such cattle, and if such documents are in order shall add such cattle to the department's inventory records of the licensee. The department shall not charge for such inspections unless a transportation certificate is subject to review and verification. In this event, the department shall charge the brand inspection fee established by law. [1975 c.162 §6; 1981 c.248 §30]

604.650 Inventory upon removal; fee; prohibited acts. (1) All cattle, including salvage animals, dead animals, other sale animals and fed cattle being sent to slaughter, removed from the licensed feedlot shall be inventoried by the brand inspector of the State Department of Agriculture and the number thereof deducted from the department's inventory records of the licensee. The department shall thereafter issue its brand inspection certificate, or other appropriate document evidencing brand inspection, listing thereon only the number and general description of the cattle removed from the licensed feedlot. The department shall charge the brand inspection fee established by law for such inventory and inspection.

(2) Upon completion of the inventory and inspection of the cattle being removed from the licensed feedlot, no person shall add, remove or substitute for any animal in the lot of cattle subjected to such inventory and inspection. [1975 c.162 §7; 1981 c.248 §31]

604.660 [1975 c.162 §8; repealed by 1985 c.262 §4]

604.670 Rules by department. The State Department of Agriculture, under the provisions of ORS chapter 183 may promulgate such rules as are necessary to administer and enforce the provisions of ORS 604.610 to 604.670, including but not limited to:

(1) The time and manner of maintaining inventory records; and

(2) Controls and minimum standards of construction and methods of operation by licensees. [1975 c.162 §4]

PENALTIES

604.990 [Subsection (6) of 1963 Replacement Part enacted as 1961 c.267 §10; subsection (7) of 1963 Replacement Part enacted as 1961 c.462 §7 and amended by 1963 c.87 §4; repealed by 1967 c.129 §19]

604.992 Penalties. (1) Violation of any of the provisions of this chapter, or the administrative rules or orders promulgated thereunder, is a Class B misdemeanor.

(2) Notwithstanding ORS 14.030 to 14.080, an action for violation of brand inspection requirements may be commenced and tried in either the county where the livestock movement originated or the county where the livestock movement terminated. [1967 c.129 §18; 1981 c.248 §15]