

**SENATE BILL NO. 2206**

Introduced by

Senators Taylor, Wanzek

Representatives D. Johnson, S. Meyer

1 A BILL for an Act to amend and reenact sections 36-09-17, 36-09-20, 36-09-20.1, 36-09-22,  
2 and 36-09-23 of the North Dakota Century Code, relating to penalties imposed for violation of  
3 brand laws.

4 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

5 **SECTION 1. AMENDMENT.** Section 36-09-17 of the North Dakota Century Code is  
6 amended and reenacted as follows:

7 **36-09-17. Defacing brands and unlawfully branding - Penalty.** ~~Any~~ A person who  
8 ~~shall:~~

9 ~~4. Alter or deface, or attempt~~ is guilty of a class C felony if the person:

10 1. Alters, defaces, or attempts to alter or deface; the mark or brand upon on any  
11 animal, the property of owned by another; or

12 2. Willfully and unlawfully mark or brand, or cause marks, brands, or causes to be  
13 marked or branded; any animal, the property of owned by another, is guilty of a  
14 class A misdemeanor.

15 **SECTION 2. AMENDMENT.** Section 36-09-20 of the North Dakota Century Code is  
16 amended and reenacted as follows:

17 **36-09-20. Bill of sale to be given and kept - Copy with shipment - Effect - Penalty.**

18 1. A person may not sell cattle, horses, mules, or any other livestock carrying a  
19 registered brand unless:

20 a. The seller is the owner of the registered brand and delivers a bill of sale for  
21 the cattle, horses, mules, or other livestock to the purchaser; or

22 b. The seller delivers to the purchaser a bill of sale executed by the owner of the  
23 registered brand and endorsed by the seller evidencing the later transaction.

24 2. The bill of sale must include:

- 1 a. The date;
- 2 b. The name, address, and signature of the seller;
- 3 c. The name, address, and signature of an individual who is at least eighteen
- 4 years of age and who can verify the name and signature of the seller;
- 5 d. The name and address of the buyer;
- 6 e. The total number of animals sold;
- 7 f. A description of each animal sold as to sex and kind; and
- 8 g. A description of the registered brands.
- 9 3. The bill of sale must be kept by the buyer for two years and as long thereafter as
- 10 the buyer owns any of the animals described in the bill of sale.
- 11 4. A copy of the bill of sale must be given to each hauler of the livestock, other than
- 12 railroads, and must go with the shipment of the livestock while in transit.
- 13 5. The bill of sale or a copy of the bill of sale must be shown by the possessor on
- 14 demand to any peace officer or brand inspector.
- 15 6. The bill of sale is prima facie evidence of the sale of the livestock described in the
- 16 bill of sale.
- 17 7. A bill of sale is not required relative to sales of livestock covered by a legal
- 18 livestock brand inspection.
- 19 8. Any person ~~who~~ that willfully violates this section is guilty of ~~an infraction~~ a class A
- 20 misdemeanor for a first offense and a class C felony for a second or subsequent
- 21 offense.

22 **SECTION 3. AMENDMENT.** Section 36-09-20.1 of the North Dakota Century Code is  
23 amended and reenacted as follows:

24 **36-09-20.1. False proof of ownership - Sale of livestock - Penalty.** A person that  
25 knowingly provides false proof of ownership in conjunction with the sale of livestock is guilty of a  
26 class A misdemeanor for a first offense and a class B ~~misdemeanor~~ felony for a second or  
27 subsequent offense.

28 **SECTION 4. AMENDMENT.** Section 36-09-22 of the North Dakota Century Code is  
29 amended and reenacted as follows:

30 **36-09-22. Sale of animal under false registration ~~certificates~~ certificate -**  
31 **Changing marking - ~~Auctioneer~~ - Penalty. No**

- 1           1. A person may not willfully:  
2           4- a. Sell any an animal with a certificate of registration or breeding that does not  
3                 belong to ~~said~~ the animal.  
4           2- b. Change in any way the Alter any animal's certificate of registration or  
5                 breeding ~~of any animal.~~  
6           3- c. Falsely represent Misrepresent any production record specified in any a  
7                 registration certificate.  
8           4- d. Change the markings of any animals animal with intent to deceive the  
9                 purchaser or misrepresent the sire to which such animal has been bred.

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

12           Any

- 13           2. A person who that violates any of the provisions of this section is guilty of a class B  
14                 A misdemeanor for a first offense and a class B felony for a second or subsequent  
15                 offense.

16           **SECTION 5. AMENDMENT.** Section 36-09-23 of the North Dakota Century Code is  
17 amended and reenacted as follows:

18           **36-09-23. Removal of livestock from state - Brand inspection - Penalty.**

- 19           1. ~~No~~ A person may not remove or attempt to remove cattle, horses, or mules from  
20                 this state ~~or to within a mile [1.61 kilometers] of any boundary of the state for the~~  
21                 ~~purpose of removal~~ unless the livestock has been inspected for marks and brands  
22                 by an official brand inspector of the North Dakota stockmen's association ~~and a.~~ A  
23                 certificate of inspection must accompany the livestock to its destination.  
24           2. ~~It is unlawful for the~~ The owner or possessor to remove any of livestock may not  
25                 remove the livestock from any place of regular official brand inspection ~~unless and~~  
26                 until an official brand inspection has been made and the brand inspection  
27                 certificate has been issued.  
28           3. A person ~~who~~ that willfully violates this section is guilty of a class ~~B~~ A  
29                 misdemeanor. ~~A person who violates this section a second time within fifteen~~  
30                 ~~years or violates this section three or more times is guilty of~~ for a first offense and a  
31                 class ~~C~~ B felony for a second or subsequent offense.