

Sixtieth
Legislative Assembly
of North Dakota

ENGROSSED 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 A misdemeanor for a first offense and~~
10 ~~a class C felony for a second or subsequent offense if the person:~~

11 1. Alters, defaces, or attempts to alter or deface; the mark or brand ~~upon~~ on any
12 ~~animal, the property of~~ owned by another for the purpose of deceiving others as to
13 ~~the animal's ownership; or~~

14 2. Willfully and unlawfully ~~mark or brand, or cause marks, brands, or causes to be~~
15 ~~marked or branded; any animal, the property of~~ owned by another, is guilty of a
16 ~~class A misdemeanor for the purpose of deceiving others as to the animal's~~
17 ~~ownership.~~

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

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

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

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

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

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

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

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

3 **36-09-22. Sale of animal under false registration ~~certificates~~ certificate -**

4 **Changing marking - ~~Auctioneer~~ Penalty. ~~No~~**

5 1. ~~A~~ A person may not knowingly:

6 ~~4.~~ a. Sell ~~any~~ an animal with a certificate of registration or breeding that does not
7 belong to ~~said~~ the animal.

8 ~~2.~~ b. ~~Change in any way the~~ Alter any animal's certificate of registration or
9 breeding ~~of any animal~~.

10 ~~3.~~ c. ~~Falsely represent~~ Misrepresent any production record specified in ~~any~~ a
11 registration certificate.

12 ~~4.~~ d. Change the markings of any ~~animals~~ animal with intent to deceive the
13 purchaser or misrepresent the sire to which such animal has been bred.

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

16 ~~Any~~

17 2. A person ~~who~~ that violates ~~any of the provisions of this section~~ is guilty of a
18 class ~~B~~ A misdemeanor for a first offense and a class C felony for a second or
19 subsequent offense.

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

22 **36-09-23. Removal of livestock from state - Brand inspection - Penalty.**

23 1. ~~No~~ A person may not remove or attempt to remove cattle, horses, or mules from
24 this state ~~or to within a mile [1.61 kilometers] of any boundary of the state for the~~
25 ~~purpose of removal~~ unless the livestock has been inspected for marks and brands
26 by an official brand inspector of the North Dakota stockmen's association ~~and~~ a. A
27 certificate of inspection must accompany the livestock to its destination. This
28 subsection does not apply to a person that:

29 a. Removes cattle, horses, or mules from this state to obtain for the animals
30 medical treatment by a licensed veterinarian; or

- 1 b. Moves cattle, horses, or mules from this state to a bordering state in
2 accordance with a reciprocal grazing agreement between the state brand
3 inspector and an authorized agency of the bordering state.
- 4 2. ~~It is unlawful for the~~ The owner or possessor ~~to remove any~~ of livestock may not
5 remove the livestock from any place of regular official brand inspection ~~unless and~~
6 until an official brand inspection has been made and the brand inspection
7 certificate has been issued.
- 8 3. A person ~~who~~ that willfully violates this section is guilty of a class ~~B~~ A
9 misdemeanor. ~~A person who violates this section a second time within fifteen~~
10 ~~years or violates this section three or more times is guilty of~~ for a first offense and
11 a class C felony for a second or subsequent offense.