

AN ACT

ENTITLED, An Act to revise certain provisions related to the regulation, inspection, and transportation of livestock.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

Section 1. That chapter 40-18 be amended by adding thereto a NEW SECTION to read as follows:

The brand board shall provide for the registration of livestock brands, for the inspection of livestock for ownership identification purposes, and for the enforcement of laws pertaining to the inspection, sale, branding, ownership, transportation, and theft of livestock within the ownership inspection area and the state.

Section 2. That § 40-19-4 be amended to read as follows:

40-19-4. Any person desiring to use or adopt any recordable brand for livestock ownership identification purposes shall make and sign an application setting forth a facsimile of the brand desired and file the application for registration in the office of the board.

Section 3. That § 40-19-5 be amended to read as follows:

40-19-5. An application for a registered brand shall be submitted on a form provided by the board. Applications shall be processed in the order of their receipt and the applicant shall be notified if the brand is recordable and of the fees due for registration.

Section 4. That § 40-19-6 be amended to read as follows:

40-19-6. If the brand is recordable, the board shall register the brand upon payment of the required fees and shall issue a certificate of registration. Ownership of a brand begins on the date of registration.

Section 5. That § 40-20-13 be repealed.

Section 6. That § 40-20-15 be repealed.

Section 7. That § 40-20-18 be amended to read as follows:

40-20-18. Any person in charge or control of any motor vehicle transporting livestock from any point within the livestock ownership inspection area shall, upon demand of any state law enforcement officer, exhibit to the officer authorization as required pursuant to § 40-20-4. It is a Class 2 misdemeanor for any person not to be in possession of such authorization if required by the provisions of this section.

Section 8. That § 40-20-24 be amended to read as follows:

40-20-24. Any law enforcement officer may require any person transporting livestock to stop any vehicle transporting such livestock for the purpose of examination and inspection of the shipper's permit, local ownership inspection certificates, livestock market clearances, bills of sale, brands, marks, or other means of identification. The law enforcement officer may demand any such person to unload such livestock at the nearest suitable location for further inspection and examination.

Section 9. That § 40-21-12 be amended to read as follows:

40-21-12. If the seller described in § 40-21-10 or 40-21-11 fails to establish ownership of any livestock, the livestock shall be held or sold. If the livestock are held, disposition by the board shall be made. If sold, the selling agent is financially responsible for the proceeds of the sale and shall hold the proceeds until the board orders the money, along with account of sale, released to the livestock owner or to the South Dakota livestock ownership inspection fund. Such financial responsibility may be enforced by civil suit brought by the board. If the inspector finds livestock carrying a recorded brand which is not the property of the consignor and is not accompanied by a proper bill of sale, affidavit of ownership, or livestock market clearance, the inspector shall designate the livestock as, Hold. The inspector may sell or hold the livestock; and if sold, the selling agency shall hold the proceeds from the sale for sixty days or until the consignor establishes evidence of ownership to the inspector, whichever comes first. All livestock holds after sixty days shall be forwarded by the inspector to the board for review and final disposition, which may include clarification, settlement, or payment related to proper ownership. If a hold has been placed on the proceeds, it is a Class 1

misdemeanor for the selling agent or selling agency to disburse the proceeds to the seller or consignor before the board has cleared the hold for release.

Section 10. That § 32-2-8.1 be amended to read as follows:

32-2-8.1. Arrest powers for motor carrier inspectors employed by the Division of Highway Patrol are limited to violations of chapters 10-47A, 32-5, 32-9, 32-10, 32-12, 32-22, 40-19, 40-20, 40-21, 49-28, and 49-28A and §§ 50-4-13 to 50-4-17, inclusive, and the rules governing operation of motor carriers. Motor carrier inspectors who have been given such limited arrest powers are not considered law enforcement officers for the purposes of § 23-3-27.

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I certify that the attached Act originated in the

HOUSE as Bill No. 1014

Chief Clerk

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Speaker of the House

Attest:

Chief Clerk

President of the Senate

Attest:

Secretary of the Senate

House Bill No. 1014
File No. _____
Chapter No. _____

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Received at this Executive Office this ____ day of _____ ,

19__ at ____ M.

By _____
for the Governor

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The attached Act is hereby approved this _____ day of _____ , A.D., 19__

Governor

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STATE OF SOUTH DAKOTA,
ss.

Office of the Secretary of State

Filed _____ , 19__
at _____ o'clock __ M.

Secretary of State

By _____
Asst. Secretary of State