



The National Agricultural Law Center

nationalaglawcenter.org | nataglaw@uark.edu | [@nataglaw](https://twitter.com/nataglaw)

States' Animal Identification Statutes:

Oregon



This material is based upon work supported by the National Agricultural Library, Agricultural Research Service, U.S. Department of Agriculture

A National Agricultural Law Center Research Publication

States' Animal Identification Statutes: Oregon

ORS § 599.269
ORS Tit. 48, Ch. 604, Subch. 1
ORS Tit. 48, Ch. 607, Subch. 5

Current through 2024 Regular Session legislation effective June 6, 2024.

ORS § 599.269. Brand inspection required prior to public auction of cattle; minimum fee; application of section; exemptions.

Before any livestock auction market can sell cattle as designated by the State Department of Agriculture, at an auction open to public bidding, or on consignment or commission basis, a brand inspector shall be present to carry out the brand inspection provisions of ORS chapter 604 and this chapter. It is necessary therefor that the department recover at least in part its actual costs of maintaining such inspection and related services. During any 24-hour period if the brand inspection fees that the department is authorized to collect through and in a livestock auction market under ORS chapter 604 do not total \$50, the livestock auction market licensee shall include and at the same time pay to the department the difference between the actual brand inspection total fees collected and \$50. This section also applies to sales by breed or livestock associations, fairs or other groups, but does not apply to sales by Future Farmer or 4-H groups.

ORS § 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 that is valid for eight days, unless otherwise specified therein, and that 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) If the livestock are to be transported, the destination;
 - (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) "Equidae" means a horse, mule or ass.
- (8) "Livestock" means cattle, Equidae, sheep and any other animals designated by the administrative rule of the department.
- (9) "Livestock auction market" shall have the meaning set forth in ORS 599.205.
- (10) "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.

(11) "Slaughterhouse" shall have the meaning set forth in ORS 603.010.

ORS § 604.010 & 604.012. [Repealed].

ORS § 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.

ORS § 604.020. [Repealed].

ORS § 604.021. State Department of Agriculture 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.

ORS § 604.022. [Repealed].

ORS § 604.027. Application to record brand; certification; renewal; fees; rules.

(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 an activation fee matching the cycle set for the approved brand under subsection (4) of this section 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 \$50.

(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 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.

ORS § 604.030 & 604.032. [Repealed].

ORS § 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.

ORS § 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 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.



ORS § 604.040. [Repealed].

ORS § 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, not to exceed \$50. Upon determining that the brand transfer documents are in order, the department shall issue its certificate of recordation to the transferee.

(2)

(a) As used in this subsection, "interested person" means any of the following:

(A) The person who has been appointed by a court to serve as personal representative of the decedent's estate;

(B) The affiant under a simple estate affidavit described in ORS 114.515; or

(C) If no probate or simple estate proceeding has been initiated for the administration of the decedent's estate, a person entitled by the laws of descent and distribution to have the brand recorded to the person.

(b) In the event of the death of a holder of a recorded brand, the department may transfer the recorded brand as provided in this subsection.

(c) No later than six months following date of death of a holder of a recorded brand, an interested person may request the transfer of the recorded brand by submitting to the department an application prescribed in ORS 604.027 (1), the brand transfer fee prescribed in subsection (1) of this section and:

(A) If the interested person is the personal representative of the decedent's estate, a certified copy of the letters testamentary or letters of administration;

(B) If the interested person is an affiant of a simple estate affidavit filed under ORS 114.515, a certified copy of the affidavit; or

(C) If the interested person is a person entitled by the laws



of descent and distribution to have the brand recorded to the person, the affidavit described in paragraph (d) of this subsection.

(d) The affidavit required under paragraph (c)(C) of this subsection must 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);

(D) A statement that no probate or simple estate proceeding has been initiated for the administration of the decedent's estate; and

(E) 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.

ORS § 604.046. Brand inspection and certificate requirements; service fee; inspection system; reciprocity between states.

(1) Brand inspection and the issuance of a brand inspection certificate is required in this state for:

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

(b) Cattle 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)(b) of this section, cattle 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) Except as provided in subsection (5)(a) of this section, cattle 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.

(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. The State Department of Agriculture may require payment of its time and travel costs as a condition to performing the brand inspection. The department may also assess and collect a service fee, not to exceed \$35.

(3) In addition to brand inspections under subsections (1) and (2) of this section, the department may 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 subsection, the department shall consider the customs, practices and theft or ownership problems of the cattle industry, the economic feasibility of carrying out a system, the volume of cattle 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 cattle.

(4) In addition to brand inspections under subsections (1) to (3) of this section, the department may 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 the department reasonably suspects that any provisions of this chapter, the administrative rules adopted under this chapter or 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. The department may undertake any of the actions described in ORS 604.056(1) if:

- (a) 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;
- (b) There is a question whether the person in possession of the hides or livestock is the owner or a lawful possessor; or
- (c) The person in possession of the livestock fails to submit evidence requested under ORS 604.051(1).

(5) In lieu of the brand inspection and the issuance of a brand inspection certificate required by subsection (1) of this section:

- (a) Cattle that are transported to any slaughterhouse in this state from any place outside this state, if entering this state may be 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
- (b) Cattle, in lots not to exceed 15 head, presented by one person for slaughter at a slaughterhouse may be accompanied by a special slaughterhouse certificate issued by the department for which a fee, equal to the brand inspection 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 subsection, 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 cattle 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 subsection 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.

ORS § 604.050. [Repealed].

ORS § 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.

ORS § 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 animals 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.

ORS § 604.060. [Repealed].

ORS § 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.

ORS § 604.066. Brand inspection fee; exception.

(1) Except as provided in subsection (2) of this section, the State Department of Agriculture shall charge and collect a brand inspection fee in accordance with the following:

(a) \$30 for a lifetime brand inspection for Equidae;

(b) \$10 per head for a brand inspection for Equidae, if the brand inspection certificate utilized is valid for more than eight days but less than a lifetime; or

(c) \$10 per head for a brand inspection on livestock other than Equidae, if the brand inspection certificate utilized is valid for more than eight days.

(2) In accordance with the provisions of ORS chapter 183, the department shall establish a brand inspection fee on cattle and cattle hides for which a brand inspection certificate is valid for eight days. The fee shall be not less than \$1 and not more than \$1.35 per head of cattle and not more than \$2 per hide.

(3) Except as provided in this subsection or subsection (4) of this section, the person requesting or requiring brand inspection to be performed shall pay the State Department of Agriculture a brand inspection fee and the assessments authorized under ORS 577.512. Livestock auction markets, slaughterhouses and custom slaughtering establishments at which brand inspection is performed shall collect the fees and assessments and forward them to the department. The person requesting or requiring brand inspection for cattle delivered to a livestock auction market is not required to pay a brand inspection fee on cattle whose value is \$10 or less. The person requesting or requiring brand inspection is not required to pay a brand inspection fee on cattle not more than 90 days of age that are to be transported with their mothers to a range or pastureland outside of this state.

(4) The person requesting or requiring brand inspection is not required to pay a brand inspection fee or pay assessments when Oregon cattle are



being 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.

(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.

ORS § 604.070. [Repealed].

ORS § 604.071. Prohibitions.

A person may not:

- (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) Apply an unrecorded brand on livestock;
- (7) Use a recorded brand or similar design on livestock unless the person is the current recorded holder of the brand, or use a brand recorded in another state, except in accordance with rules adopted by the State Department of Agriculture;
- (8)
 - (a) Transport cattle out of this state without a brand inspection certificate having been issued to the person presenting the cattle for transport;



(b) Fail to have a document identifying each load of transported cattle as a part of the cattle described on the brand inspection certificate accompanying each load; or

(c) Fail to deliver the brand inspection certificate to the consignee upon the transported cattle reaching the intended destination;

(9) 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;

(10) 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; or

(11) Knowingly present cattle for brand inspection that are not owned by the person requesting the inspection.

ORS § 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.

ORS § 604.080 to 604.550. [Repealed].

ORS § 607.300. Determining adequacy of fences; rules; fees.

If cattle or equines break through a fence on the open range and a determination of the adequacy of the fence is necessary in order to determine whether the cattle or equines are stray animals, the State Department of Agriculture shall make the determination of the adequacy of the fence and shall consider, among other things, the customs and practices of good animal husbandry in the particular area with reference to fences. The department may adopt rules establishing fees for determining the adequacy of a fence. Fees must be reasonably calculated to compensate the department for the costs of the determination.

ORS § 607.301. [Repealed].



ORS § 607.303. Owner or lessee of property taking up estray animal; notice to owner and department.

(1) A person who finds an estray animal unlawfully being permitted to run at large upon the premises of the person, or premises of which the person has lawful possession or control, may take up the animal if the owner of the animal is known to the person.

(2) A person taking up an animal shall within five days give notice of the taking up by certified or registered mail addressed to the owner or person having control of the animal. The notice shall:

(a) Contain a concise description of the animal, including marks and brands, if any.

(b) State that the animal will be released to and sold by the State Department of Agriculture as an estray animal unless redeemed before sale.

(c) State the date of taking up the animal and that the department may sell an unclaimed animal not less than 30 days and not more than 45 days after the date of taking up the animal.

(3) A person taking up an animal shall, no later than five days after giving the notice provided in subsection (2) of this section, forward a copy of the notice to the department or give a copy of the notice to a brand inspector or other agent of the department.

ORS § 607.304. Delivery of estray animal to department or owner; payment of costs to person taking up animal; arbitration of costs; fee.

(1) If the owner of an estray animal does not appear in response to the notice given under ORS 607.303(2), the person taking up the animal shall deliver the animal to the State Department of Agriculture, at a place designated by the department, at least 48 hours in advance of the date of sale. The time of sale may not be less than 30 days and not more than 45 days after the date of taking up the animal. The State Department of Agriculture shall sell the animal in accordance with ORS 607.328.

(2) If the owner of the animal does appear, the person taking up the animal shall deliver the animal to the owner or agent if the owner pays to the person, before the date of sale:

(a) The cost of taking up the animal;

(b) The cost of giving notice;



- (c) The cost of keeping the animal; and
 - (d) The cost of repairing any damage done by the animal to the property of the person.
- (3) The person taking up the animal, upon delivering the animal to the owner, shall notify the department of the delivery.
- (4) If the owner is unable to agree with the person taking up the animal as to the amount of the costs payable to the person, no later than five days after the owner is advised of the amount of the payable costs, the owner shall:
- (a) Pay an arbitration fee of \$150 to the department; and
 - (b) Give written notice to the department and the person taking up the animal that the owner disagrees with the amount of the costs, desires arbitration of the disagreement and desires that the department furnish a list of arbitrators.
- (5) Upon receiving the notice of the owner described in subsection (4) of this section, the department shall furnish to the owner and the person taking up the animal the names of five arbitrators selected from the list of qualified persons maintained in accordance with subsection (10) of this section. No later than five days after receiving the list of arbitrators, the owner shall give written notice to the department and the person taking up the animal of the name of the arbitrator appointed by the owner from the list. No later than five days after receiving the list of arbitrators, the person taking up the animal shall give written notice to the department and to the owner of the name of the arbitrator appointed by the person from the list.
- (6) Upon receiving the notices of appointment of arbitrators, as provided in subsection (5) of this section, the department shall give written notice to each appointed arbitrator of the arbitrator's appointment.
- (7) Upon receiving notice as provided in subsection (6) of this section, each of the two arbitrators shall notify the department in writing whether the arbitrator accepts the appointment. Upon acceptance of appointment by an arbitrator appointed by the owner and an arbitrator appointed by the person taking up the animal, the department shall appoint a third arbitrator. An acceptance of appointment by the third arbitrator must be in writing. The department shall pay each appointed arbitrator \$50 from the money paid to the department under subsection (4) of this section for arbitration services. The three arbitrators shall act as a board of arbitration and may hear witnesses, take testimony, inspect documents, the animal and premises and may issue a decision as to the amount allowable as costs. The decision shall be



by majority vote and conclusive as to the owner and person taking up the animal upon receipt of the decision by the department. Written notice of the decision shall be given to the department, the owner and the person taking up the animal no later than 30 days after the appointment of the third arbitrator.

(8)

(a) If the owner gives the notice to the department and the person taking up the animal that the owner disagrees with the amount of the costs, but does not indicate in the notice a desire to arbitrate or a desire to have a list of arbitrators furnished to the owner, the owner's right to arbitration is waived and the person taking up the animal shall deliver the animal to the department at a place designated by the department. The department shall then sell the animal in accordance with ORS 607.328.

(b) If the person taking up the animal fails to give a notice of appointment required under subsection (5) of this section, the person waives the right to arbitration and the animal may not be sold. The owner shall be entitled to the immediate possession of the animal without payment of any of the costs described in subsection (2) of this section.

(9) At any time during the arbitration provided for in this section, the owner of the animal may give written notice to the department and the person taking up the animal of the owner's desire to regain immediate possession and custody of the animal. If the owner gives such notice, and at the same time deposits with the department a cash deposit in an amount equal to the accrued costs claimed by the person taking up the animal as of the date the notice is given, the animal shall be released to the owner or agent within 48 hours after the giving of notice and cash deposit. The department is authorized to pay the costs determined by the arbitrators under subsection (7) of this section to the person taking up the animal and return the balance, if any, to the owner.

(10) The department shall establish and maintain a list of persons qualified by experience and knowledge to act as arbitrators in accordance with subsection (7) of this section. In furnishing the names of five arbitrators, as provided in subsection (5) of this section, the department shall first determine that none of the listed persons:

(a) Is related to either the owner or person taking up the animal;

(b) Is, or has been, an agent, employee or business associate of the owner or the person taking up the animal; or



(c) Has for any reason bias or prejudice toward the owner or the person taking up the animal.

(11) If the owner or the person taking up the animal intentionally fails to disclose to the department that any of the five arbitrators on the list provided under subsection (5) of this section does not meet the criteria described in subsection (10) of this section, the department shall upon determining an intentional failure to disclose:

(a) Declare the arbitrator disqualified and any arbitration decision previously rendered void and of no effect;

(b) Select a person from the department's list to replace the disqualified arbitrator; and

(c) Direct that the arbitration be undertaken with the newly appointed arbitrator as a member of the board of arbitration.

ORS § 607.305. [Renumbered].

ORS § 607.306. [Repealed].

ORS § 607.308. Alternative procedure for person taking up estray animal.

A person taking up an estray animal of a known owner, instead of following the procedure established by ORS 607.303 and 607.304, may, within five days after taking up the animal, deliver the animal and the notice described in ORS 607.313(1) to the State Department of Agriculture at a place designated by the department. The department shall dispose of the animal in accordance with ORS 607.321 or 607.328.

ORS § 607.310. [Repealed].

ORS § 607.311. Taking up estray animal; prohibition.

(1) A person who finds an estray animal upon the premises of the person or premises of which the person has lawful possession or control may take up the animal.

(2) A person may not knowingly take up or retain possession, custody or control of an estray animal without giving the notice required by ORS 607.313.

ORS § 607.313. Notice to department by persons taking up estray animal; recovery of costs.

(1) Any person taking up an estray animal shall, within five days, give written notice of the taking up to the State Department of Agriculture. The notice shall include:



(a) A statement of the description of the animal, including marks and brands or other identifying characteristics.

(b) The date of the taking up.

(c) The location of the taking up and present location of the animal.

(2) If a person gives the notice required by subsection (1) of this section but fails to do so within the time allowed, the person may recover only those costs verified by the department of taking up the animal, of giving notice and of keeping the animal, as provided in ORS 607.304(2), 607.332 and 607.338, that were incurred within five days immediately preceding the giving of the notice.

ORS § 607.315 to 607.320. [Repealed].

ORS § 607.321. Investigation by department upon receipt of notice; procedure if department determines owner.

(1) The State Department of Agriculture, upon receiving a notice as described in ORS 607.313, shall attempt to determine the owner of the estray animal from the recorded brand, marks, other identifying characteristics and other relevant information tending to establish ownership.

(2) A record of the findings of the department supporting a determination of ownership shall be made and retained by the department for three years.

(3) The department shall have 20 days after receiving a notice described in ORS 607.313 to determine the owner of an estray animal. If the department determines the owner of the animal within 20 days, the department shall send written notice to the owner and the person taking up the animal, at their last-known addresses. The notice shall contain the matters described in ORS 607.328(2)(b). If the owner does not appear and claim the animal prior to sale, in accordance with ORS 607.332, the sale shall be carried out as provided in ORS 607.328.

ORS § 607.325 & 607.326. [Repealed].

ORS § 607.328. Procedure for sale of estray animal; notice.

(1) The State Department of Agriculture shall cause an estray animal to be sold at public sale if:

(a) The department is unable to determine in a timely manner the owner of the animal under ORS 607.321;

(b) The estray animal of a known owner is delivered to the department under ORS 607.304(1) or (8); or



(c) The stray animal of a known owner is delivered to the department under ORS 607.308, and sale of the animal is required because of the owner's failure to appear and claim the animal as provided in ORS 607.332.

(2) Prior to the holding of any public sale, as provided in subsection (1) of this section, the department shall:

(a) Designate a time and place of public sale. Subject to any other sale date restrictions, the sale shall be held not less than five days after the department receives the notice of taking up.

(b) Cause a notice of the public sale to be given by posting a written or printed notice of the time and place of sale, a description of the animal and that such sale shall take place if the animal is not claimed by the owner prior to the sale. The posting shall be in two public places of the county where the animal was taken up for not less than 48 hours prior to the date of sale. If the department is satisfied that adequate notice has been given an owner pursuant to ORS 607.303(2), notice need not be posted.

ORS § 607.330 & 607.331. [Repealed].

ORS § 607.332. Claim by owner before sale.

(1) If the owner of an stray animal appears and claims the animal prior to sale, the owner shall pay to the State Department of Agriculture all costs described in ORS 607.337(1) and, except as limited by ORS 607.313(2), shall pay to the person taking up the animal all accrued costs described in ORS 607.304(2). Upon such payment, the department shall release the animal to the owner or the agent of the owner. Except as provided in subsection (2) of this section, if the owner fails to pay the costs, the sale shall be carried out in accordance with ORS 607.328.

(2) If the owner is unable to agree with the person taking up the animal as to the amount of the costs payable to the person, the owner and the person shall proceed with arbitration of the disagreement as provided by ORS 607.304(4) to (10).

ORS § 607.335. [Repealed].

ORS § 607.336. Title of purchaser at sale.

The purchaser of an animal sold in accordance with ORS 607.328 shall have clear and absolute title to the animal.

ORS § 607.337. Use of proceeds from sale to pay department costs.



(1) All costs incurred by the State Department of Agriculture in the taking up and sale of an estray animal shall be paid from the sale proceeds in the following priority:

- (a) Cost of publication of notice.
- (b) Cost of the sale.
- (c) Cost of transportation of the animal to the point of sale.
- (d) Reasonable cost of feed and care prior to sale.
- (e) All other costs including the time and mileage of the employees of the department.

(2) If the proceeds of the sale are inadequate to pay all of the costs mentioned in subsection (1) of this section, the department shall pay the deficiency.

(3) Subject to ORS 607.338(1) and (3), any balance remaining from the proceeds of sale shall be transmitted to the department. The department shall deposit the proceeds balance in the Department of Agriculture Account in the General Fund. Proceeds so deposited shall be held in such account for a period of one year subject to claim by the owner.

(4) If the owner fails to establish the right of the owner to the proceeds of sale within one year, all right, title and claim thereto shall be transferred to the department to expend and use in carrying out this chapter and ORS chapter 604.

ORS § 607.338. Use of proceeds from sale to pay person taking up animal; arbitration of costs; fee.

(1) If the State Department of Agriculture sells an estray animal under ORS 607.328, the department shall first recover from the proceeds of the sale the costs described in ORS 607.337(1), and from any balance remaining pay to the person taking up the animal the costs described in ORS 607.304(2), except as limited by ORS 607.308, 607.313(2) and subsection (2) of this section.

(2) If the department sells under ORS 607.328 an estray animal that was delivered to the department under ORS 607.304(1), the department shall allow to the person taking up the animal only reasonable costs. The department's determination of reasonable costs shall be final. However, the department may, upon written request of the person taking up the animal, submit the question of the amount of reasonable costs to arbitration. If the question is submitted to arbitration, the department shall furnish to the person taking up the animal the names of five arbitrators selected from the list of qualified persons maintained in accordance with ORS 607.304(10), and the person



taking up the animal shall appoint one arbitrator from the list within five days of receiving the list. The department shall then appoint one arbitrator and the two arbitrators shall jointly appoint a third arbitrator from the list. The two arbitrators shall give written notice of the appointment of the third arbitrator to the department and the person taking up the animal no later than five days after receiving the list. The three arbitrators shall act as a board of arbitration and may hear witnesses, take testimony, inspect documents, the animal and the premises and issue a decision as to the amount of reasonable costs. The decision of the arbitrators shall be final. Written notice of the decision shall be given to the department and the person taking up the animal no later than 30 days after the appointment of the third arbitrator. The person taking up the animal shall pay an arbitration fee of \$150 to the department at the time of submitting the written request for arbitration, from which the department shall pay each appointed arbitrator \$50 for arbitration services.

(3) Any balance remaining from the proceeds of the sale after the department has reimbursed itself and has paid the costs of the person taking up the animal shall be paid to the owner of the animal. If the owner fails to establish the right to the remaining proceeds within one year after the sale, all rights to the proceeds shall vest in the department to use in carrying out the provisions of this chapter and ORS chapter 604.

(4) This section does not require the department to pay the costs of the person taking up the animal if the proceeds of the sale of the animal are not sufficient to pay those costs.

ORS § 607.339. Liability of department.

Except for gross negligence the State Department of Agriculture is not liable for the payment of the proceeds of sale or return of custody of an estray animal to a person claiming to be the true owner of the animal.

ORS § 607.340. [Repealed].

ORS § 607.341. Jurisdiction of courts.

Justice courts shall have concurrent jurisdiction with circuit courts of proceedings brought on violations of ORS 607.303 to 607.341.

ORS § 607.344. “Freshly branded” defined for ORS 607.345 to 607.360.

As used in ORS 607.345 to 607.360, "freshly branded" means any animal on which there is a brand that has not been peeled off or entirely healed.

ORS § 607.345. Interfering with calves and colts on open range; selling freshly branded cattle or horses.



No person shall:

- (1) Hold under herd, confine in any pasture, building, corral or other enclosure, or picket out, hobble or tie together, or in any manner interfere with the freedom of calves or neat cattle or colts of horses, on the open range, which are less than seven months old, unless such animals are accompanied by their mothers.
- (2) Sell or offer to sell any freshly branded neat cattle or horses.

ORS § 607.350. Producing, on demand, the mothers of calves or colts.

The person, separating calves or colts from their mothers shall, upon demand of the sheriff, inspector or other officer, produce, within a reasonable time, the mother of each such animal, so that the interested parties may ascertain if the animal, so produced as the mother thereof, does or does not claim or suckle such calf or colt.

ORS § 607.355. Disposal of calves and colts wrongfully held.

All animals held in violation of ORS 607.345 or 607.350 shall be considered estray animals. The nearest stock inspector, upon learning of the violation, shall cause the animals to be disposed of as estray animals under the laws in force in the stock inspector's county or district.

ORS § 607.360. Applicability of statutes regulating handling of calves and colts.

ORS 607.345 to 607.355 do not apply to:

- (1) The calves of milch cows where such cows are actually used to furnish milk for household purposes or for carrying on a dairy.
- (2) Any freshly branded animal which has been branded previously with an older and duly recorded brand, and for which animal the claimant has a legally executed bill of sale from the owner of the older brand on such animal.
- (3) Young animals under the age of 10 months which are accompanied by their mothers.
- (4) Animals other than cattle or horses, or the offspring thereof, which during some period of the year run at large upon the public range.

ORS § 607.365. Driving domestic animals from range.

- (1) No person, who is not the owner of such animal, shall take or drive, cause to be taken or driven, or assist in driving or taking away any horse, gelding, mare, foal, mule, ass, jenny, bull, cow, heifer, steer, calf, sheep, hog or any other domestic animal from the range or place where it is lawfully



grazing, pasturing or ranging, or in the habit of ranging, or where it has been herded or placed by the owner thereof, for a distance of more than 10 miles from such place.

(2) Persons violating this section shall be liable to the owner of such animal for all damages sustained by reason of such driving or taking away of such domestic animal.

ORS § 607.405 to 607.445. [Repealed].

