
SENATE BILL NO. 63—SENATOR RHOADS

FEBRUARY 16, 2005

Referred to Committee on Natural Resources

SUMMARY—Requires every owner of cattle to design, adopt and record brand for his cattle. (BDR 50-536)

FISCAL NOTE: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility.
Effect on the State: Yes.

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EXPLANATION – Matter in **bolded italics** is new; matter between brackets **[omitted material]** is material to be omitted.

AN ACT relating to cattle; requiring each owner of cattle in this State to design, adopt and record a brand or a brand and mark; requiring the owner of the cattle to ensure that the cattle are branded or branded and marked using the recorded brand or brand and mark; requiring the brand to be applied with a hot iron to each of those cattle; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law governs the use of brands and marks on certain animals, including cattle and other animals belonging to the bovine species. (Chapter 564 of NRS) Existing law also provides that an owner may elect to adopt and design a brand or mark for his animals. (NRS 564.020) If the animals graze or roam in an open range, however, the owner is required to mark or brand his animals. (NRS 564.025) A person who violates the provisions of law governing the branding or marking of animals is guilty of a misdemeanor or a gross misdemeanor and may also be assessed an administrative fine. (NRS 564.150)

This bill makes it mandatory for an owner of cattle to design, adopt and record a brand or a brand and mark to use on his cattle. The bill specifies that the owner must apply any such brand to each of those cattle with a hot iron. The owner must apply for and record the brand or mark and pay the required fees. An owner violating these provisions is guilty of a misdemeanor and is subject to an administrative fine of not more than \$1,000 per violation.



THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 **Section 1.** NRS 564.020 is hereby amended to read as follows:
2 564.020 1. ~~{Every}~~ *Except as otherwise provided in NRS*
3 *564.025, an* owner of animals in this State may design and adopt a
4 brand or brands, or brand and mark, or brands and marks, with
5 which to brand or brand and mark his animals.

6 2. It ~~{shall be}~~ *is* unlawful for any owner of such animals to
7 brand or brand and mark, or cause to be branded or branded and
8 marked, his animals with a brand or brand and mark not at the time
9 of legal record as provided in NRS 564.010 to 564.150, inclusive.

10 3. It ~~{shall be}~~ *is* unlawful for any owner of such animals to use
11 an earmark which involves the removal of more than one-half of the
12 ear, measuring from the extreme tip of the ear to the head, or which
13 brings the ear to a point by removing both edges of the ear.

14 **Sec. 2.** NRS 564.025 is hereby amended to read as follows:

15 564.025 1. As used in this section, "open range" means all
16 unenclosed lands outside of cities and towns upon which animals by
17 custom, license, lease or permit are grazed or permitted to roam.

18 2. Except as otherwise provided in ~~{subsection 3.}~~ *subsections*
19 *3 and 4*, every owner of animals in this State, who permits his
20 animals to graze upon the open range, shall design, adopt and record
21 a brand or a brand and mark and shall brand or brand and mark his
22 animals as provided in NRS 564.010 to 564.150, inclusive.

23 3. ~~{Every}~~ *Except as otherwise provided in subsection 4, every*
24 *owner of cattle in this State shall design, adopt and record a brand*
25 *or a brand and mark and shall ensure that each of those cattle are*
26 *branded or branded and marked using the recorded brand or*
27 *brand and mark. The brand must be applied with a hot iron on*
28 *each of those cattle.*

29 4. *Every* owner of animals who brings ~~{such}~~ *the* animals from
30 another state into this State, if the animals have a recorded or
31 registered brand of that other state, and who permits those animals
32 to graze upon the open range shall apply to the Department for a
33 temporary use of the brand. The application must state the period for
34 which the animals will remain in this State. The Department may
35 grant a temporary use of the brand for a designated period, which
36 may not exceed the period stated in the application, or require a new
37 brand or a brand and mark as required by this section.

38 ~~{4.}~~ 5. This section does not apply to animals that are less than
39 6 months of age.

40 **Sec. 3.** NRS 564.040 is hereby amended to read as follows:

41 564.040 1. ~~{Any}~~ *Before an* owner of animals in this State
42 ~~{desiring to adopt and use thereupon}~~ *may use* any brand ~~{}~~ or brand



1 and mark ~~H~~ or marks, as provided for in NRS 564.010 to 564.150,
2 inclusive, ~~{shall, before doing so,}~~ *the owner must* forward to the
3 Department an application, on a form approved and provided by the
4 Department for that purpose, for the recording of the brand, or brand
5 and mark or marks ~~H~~ and receive a certificate of recordation as
6 provided in NRS 564.010 to 564.150, inclusive.

7 2. The application must:

8 (a) Include a drawing, exact except as to size, of the brand,
9 together with any earmarks or other marks desired or intended to be
10 used therewith, and the location upon the animal or animals
11 concerned where the brand and earmarks or other marks are desired
12 or intended to be used;

13 (b) Include a statement of the kinds of animals upon which the
14 brand or brand and mark or marks are used or will be used;

15 (c) Include a statement of the approximate boundaries of that
16 part of the State within which it is intended to use the brand, *or*
17 brand and mark or marks; and

18 (d) Include the full name and address of the applicant.

19 3. For the purpose of NRS 564.010 to 564.150, inclusive, the
20 post office address included in the application must be considered
21 the legal address of the applicant until the Department receives from
22 the applicant, in writing, a notice of the change of the address, the
23 latest address of record with the Department remaining the legal
24 address.

25 **Sec. 4.** NRS 564.120 is hereby amended to read as follows:

26 564.120 1. Any owner of a brand or brand and mark or marks
27 of record under the provisions of NRS 564.010 to 564.150,
28 inclusive, including brands or marks transferred pursuant to the
29 provisions of NRS 564.110, desiring *or required* legally to continue
30 the use of the brand or brand and mark or marks beyond the
31 prescribed dates shall, within 60 days before January 1, 1976, and at
32 the end of each 4-year period thereafter, apply to the Department for
33 the rerecording of the brand, *or* brand and mark or marks.

34 2. The application must be made in writing and accompanied
35 by any rerecording fee established by the Department in accordance
36 with the provisions of NRS 564.080.

37 3. The Department shall notify every owner of a brand, *or*
38 brand and mark or marks of legal record in its office, including
39 owners of brands and marks transferred under the provisions of
40 NRS 564.110, at least 60 days before ~~{to}~~ January 1, 1976, and
41 January 1 at the end of each 4-year period thereafter, of his right to
42 rerecord the brand, *or* brand and mark or marks as provided in this
43 section. The notice must be in writing and sent by mail to each such
44 owner at his last address of record in the office of the Department.



1 The notice is complete at the expiration of 60 days after the date of
2 its mailing by the Department.

3 4. The Department may also advertise the approach of any
4 rerecording period in such manner and at such times at it deems
5 advisable.

6 5. Any brands or brands and marks for the rerecording of
7 which the owners have not applied as provided for in this section by
8 January 1, 1976, or by January 1 of any 4-year period after that date,
9 including all brands and marks of record as transferred as provided
10 in NRS 564.110, shall be deemed abandoned and no longer of legal
11 record as provided for ~~by~~ *in* NRS 564.010 to 564.150, inclusive.
12 Brands or brands and marks thus abandoned may not be awarded or
13 recorded by the Department to persons other than those persons
14 abandoning the brands or brands and marks until 1 year after the
15 date of the abandonment. The awarding and recording of abandoned
16 brands or brands and marks to any person must be in accordance
17 with the provisions of NRS 564.010 to 564.150, inclusive.

18 6. The Department shall furnish the legal owners of any brand ,
19 or brand and mark or marks rerecorded under the provisions of this
20 section with a certificate setting forth the fact of the rerecording.

21 7. No new brands may be recorded during the 60 days of a
22 rerecording period unless in the opinion of the Director undue
23 hardship would be caused the applicant.

