

1 HOUSE BILL NO. 433

2 INTRODUCED BY B. LER

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4 A BILL FOR AN ACT ENTITLED: "AN ACT CLARIFYING THAT THE POSITION OF A LIVESTOCK BRAND IS
5 DISTINGUISHABLE FOR APPLICATIONS AND THE RECORDING OF A BRAND; AND AMENDING
6 SECTION 81-3-103, MCA."

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8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

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10 **Section 1.** Section 81-3-103, MCA, is amended to read:

11 **"81-3-103. Application for recording -- record of brands.** (1) A person desiring to have recorded an
12 artificial mark or brand for use in distinguishing or identifying the ownership of any domestic animal or livestock
13 shall make application for the mark or brand to the department. The application must be in writing and must
14 contain the name, residence, and post-office address of the applicant and the species of the animals on which
15 the mark or brand is to be used. An applicant may apply for a seasonal mark or brand that is designated for use
16 only for a specific period of time and that is subject to renewal upon termination of that period.

17 (2) The department shall designate for the applicant's use some practical form of mark or brand
18 distinguishable with reasonable certainty from all other marks and brands recorded or rerecorded, within the
19 period of 10 years immediately preceding the time of filing the application, in the name of some person other
20 than the applicant. The department shall designate the position on the animals where the mark or brand must
21 be placed and the species of animals on which the mark or brand may be used.

22 (3) (a) If a mark or brand is indistinguishable from another mark or brand used in the same or
23 adjoining county and positioned on the same side of an animal:

24 (i) a rib or shoulder brand is not in conflict with a hip brand; and

25 (ii) a rib brand may be in conflict with a shoulder brand.

26 (b) If the department determines the indistinguishable brands subject to subsection (3)(a) are not in
27 conflict, the department shall record each mark or brand.

28 ~~(3)~~(4) The department shall keep a record in a book kept by it for that purpose of the particular mark

1 or brand, the position on the animals where the mark or brand is to be used, the species of animals on which
2 the mark or brand is to be used, and the date of recording. The record is a public record and is prima facie
3 evidence of the facts recorded in it."

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