

## 1 HOUSE BILL NO. 433

2 INTRODUCED BY B. LER, S. HINEBAUCH, W. GALT, J. KASSMIER, B. PHALEN

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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; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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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 DIFFERENT from another mark or brand used in the same  
 23 or 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 THAT THE DIFFERENT BRANDS OR MARKS  
 27 subject to subsection (3)(a) are not in 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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5 NEW SECTION. SECTION 2. EFFECTIVE DATE. [THIS ACT] IS EFFECTIVE ON PASSAGE AND APPROVAL.

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