



2024 South Dakota Legislature

House Bill 1145

Introduced by: **Representative** Cammack

1 **An Act to modify brand registration and use laws.**

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

3 **Section 1. That § 40-20-4 be AMENDED:**

4 **40-20-4.** Except as otherwise provided in this chapter, it is a ~~Class 1~~ Class 2
 5 misdemeanor ~~for any person~~ to remove or authorize the removal of ~~any~~ livestock from
 6 any point within the livestock ownership inspection area, to any point within one mile of
 7 the border with a destination outside the ownership inspection area, unless the livestock
 8 have ~~first~~ been inspected for ownership and ~~unless~~ the shipper possesses the local
 9 ownership inspection certificate, market clearance, ~~shippers~~ shipper's permit, or ~~such~~
 10 other form of authorization ~~as may be~~ required by the board.

11 Except as otherwise provided in § 40-20-29, a local ownership inspection certificate
 12 is valid for the transportation of livestock, other than horses, out of the livestock ownership
 13 inspection area for twenty-four hours after the time of the inspection, as noted on the
 14 inspection certificate. In the case of horses, the certificate is valid for thirty days after the
 15 date of the inspection, as noted on the certificate.

16 If there is no valid local ownership inspection certificate, the livestock ~~shall~~ must
 17 be inspected before leaving the ownership inspection area.

18 Livestock being removed from the ownership inspection area, without authorization
 19 from the board, may be impounded by any law enforcement officer, until the livestock are
 20 inspected for ownership by an ~~authorized brand~~ inspector.

21 The venue for the prosecution of any offense under this section is ~~in~~ the county
 22 where ~~such~~ the livestock were loaded, or ~~in~~ any county through which the livestock were
 23 transported or trailed.

24 Any livestock being transported to a destination outside the ownership inspection
 25 area ~~shall~~ must be inspected for ownership if they cease to be in the custody of the carrier
 26 at any time prior to leaving the ownership inspection area.

1 Any livestock shipper within the livestock ownership inspection area wanting
2 livestock inspected, as provided in this section, shall notify an inspector in advance of the
3 inspection and allow the inspector reasonable time to provide the inspection.

4 **Section 2. That § 40-20-4.2 be AMENDED:**

5 **40-20-4.2.** It is a Class 1 misdemeanor to ~~make an inspection~~ inspect six or more
6 head of livestock while the livestock are ~~loaded~~ in or on any conveyance.

7 An inspector may, at any time, require the removal of one or more head of livestock
8 from a conveyance, for purposes of inspection.

9 The inspector shall tally the livestock according to the number of head, sex, and
10 brands.

11 **Section 3. That § 40-20-10 be AMENDED:**

12 **40-20-10.** If authorization is required, it is a ~~Class 1~~ Class 2 misdemeanor for ~~any~~
13 a carrier or owner to transport ~~any~~ livestock from the livestock ownership inspection area
14 or to within a mile of the border with a destination outside the livestock ownership
15 inspection area unless the carrier or owner is in possession of authorization by the board.

16 **Section 4. That § 40-20-12 be AMENDED:**

17 **40-20-12.** If livestock shipped from the livestock ownership inspection area are
18 consigned to an open market, as described in § 40-20-6, it is a ~~Class 1~~ Class 2
19 misdemeanor for any person to change the consignment to a point other than a livestock
20 market previously designated by the board as an open market, unless the livestock receive
21 a livestock ownership inspection and the carrier receives a certificate or clearance from
22 the board showing that all the livestock ~~belongs~~ belong to the shipper.

23 **Section 5. That § 40-20-26.1 be AMENDED:**

24 **40-20-26.1.** It is a ~~Class 1~~ Class 2 misdemeanor for any person to sell or to
25 transfer ownership of any livestock within the livestock ownership inspection area without
26 ~~first~~ obtaining an ownership inspection, except as provided in § 40-20-26.

27 **Section 6. That § 40-20-26.2 be AMENDED:**

28 **40-20-26.2.** The ~~provisions of~~ Notwithstanding § 40-20-26.1 ~~notwithstanding~~,
29 ownership of livestock with the seller's South Dakota recorded and healed brand or the

1 owner's unbranded livestock may be transferred by means of an authorized bill of sale,
2 without a brand inspection. The bill of sale ~~shall~~ must be on a form prescribed by the
3 board. A copy of ~~an authorized~~ the bill of sale ~~shall~~ must be forwarded to the board.

4 An authorized bill of sale ~~does is~~ is not a substitute for the inspection of livestock
5 being removed from the ownership inspection area of ~~South Dakota~~ this state.

6 An authorized bill of sale may not be used to transfer ~~no~~ ownership of more than
7 five head of livestock to any one buyer. Multiple authorized bills of sale may not be
8 executed to subdivide numbers of livestock greater than five to any one buyer.

9 ~~The transfer of livestock without an authorized bill of sale under this section or in~~
10 ~~violation of the requirements relating to the number of livestock that may be transferred~~
11 ~~to a single buyer is a Class 1~~ A violation of this section is a Class 2 misdemeanor.