

Excerpts from the California Food and Agricultural Code have been used in this summary. However, this is not a complete text of the applicable code sections. Please contact your local Brand Inspector or Regional Brand Supervisor to obtain more detailed information.

#### When Inspection of Cattle is Required

Pursuant to Section 21051 of the California Food and Agricultural Code, except as otherwise provided, **cattle shall be inspected as follows (Whether the Cattle are Branded or Not):**

- a. Whenever cattle are sold or ownership is transferred.
- b. Prior to movement out of any designated modified point-of- origin inspection area, for purposes other than sale or slaughter and no change of ownership is involved.
- c. Prior to movement out of the state.
- d. Upon entry into a registered feedlot.
- e. Prior to slaughter.
- f. Prior to release or sale from a public saleyard or public or private cattle sales market.
- i. Prior to transportation or movement from premises designated as quarantine, restricted, or isolated areas pursuant to Section 9565.

#### Inspection Fees Per Head (Effective July 1, 2006).

A service charge of \$12.00 will be charged at each site at which an inspection is performed.

All inspections are **\$1.05** with the following exceptions:

- \$.54** California cattle into registered feedlot and cattle shipped from registered feedlot to except for slaughter.
- \$.36** Out-of-state cattle and cattle from a California saleyard shipped directly to a registered feedlot.
- \$.70** Saleyard re-inspection
- \$1.44** Hide Inspections
- \$1.00** California Beef Council on change of ownership.

#### Brand Recording Fees and Penalties

To Record a Brand, submit a completed Brand Application with choices of desired brand designs and location where brand is to be applied.

Pursuant to Section 20662 of the California Food and Agricultural Code, to conform to the objective of this chapter, all applications for recordation of a brand shall be accepted by the chief only if the proposed brand design fulfills the following requirements:

- a. Is not in conflict with any other recorded brand in this state.
- b. Is capable of producing a like design when burned into the hide of an animal.
- c. Is capable of readily symbolizing the intended design to any person who views it.
- d. Lends itself to common verbal description.

Once the Brand has been recorded, the \$60.00 recording fee entitles the applicant to use the brand until the following March 31<sup>st</sup>. At that time, the brand owner shall pay the biennial renewal fee of \$60.00 by April 30<sup>th</sup> of that year.

The purpose of the Transfer of Brand form is to change the ownership of a current Livestock Brand. All persons to whom the brand is currently recorded **and** to whom the brand *will be* transferred must sign the transfer **in front of a Notary Public**. If the registered owner(s) is deceased, the Executor of the Estate must sign for the deceased. A copy of the death certificate and the documentation of the deceased's estate is required to complete the transfer. A brand **cannot** be transferred to or from a company or corporation without one of the following documents:

- Fictitious Business Statement
- Partnership Agreement, naming all partners of the business
- Limited Liability Corporation Papers on file with Secretary of State's office, including a statement of Officers
- Corporation papers on file with Secretary of State's office, including a Statement of Officers

To record a new brand **\$60.00**

To re-record a brand **\$120.00**

To transfer a brand **\$60.00**

Biennial brand renewal fee **\$60.00**

Reinstatement fee **\$85.00**

Penalty for using an unrecorded, forfeited or cancelled brand:

**1<sup>st</sup> Violation** \$100.00, **2<sup>nd</sup> Violation** \$200.00,

**3<sup>rd</sup> Violation** \$500.00

#### Food and Agricultural Code Violations

An owner may recover four times the value of the cattle, plus interest and reasonable expenses from one who has wrongfully taken, killed, or driven cattle off its usual range.

*(F & A CODE, SECTION 21855)*

Any person that is not the owner or does not have the right of possession of any cattle that is found driving such cattle off its usual range, without the consent of the owner, is guilty of grand theft.

*(F & A CODE, SECTION 21852)*

It is unlawful for any person to use an unrecorded, forfeited, or cancelled brand.

*(F & A CODE, SECTION 20605)*

It is unlawful for any person to use a brand on cattle indicating ownership unless, the cattle are owned by him or he has been authorized by the owner of the cattle and the brand is recorded under the owner's name and is on file with the Bureau of Livestock Identification.

*(F & A CODE, SECTION 20607)*

Any person who moves or transports any animal without inspection, as required by law, is liable to the Secretary for a civil penalty in the amount of expenses incurred to investigate and prosecute the violation and return any animals taken unlawfully.

*(F & A CODE, SECTION 21051.3)*

In addition to any other penalty provided by this chapter (Inspection of Cattle), the Secretary may levy a civil penalty against any person who violates this chapter of an amount not to exceed one hundred dollars (\$100) for each violation.

*(F & A CODE, SECTION 21051.4)*

#### Special Inspection Permits and Fees

- Fifty Mile Pasture to Pasture Permit across state line. (\$50.00 annually)
- Inspection Contract for Breeding Bulls and Project Calves. (No fee)
- Registered Feedlot, Special Transportation Permit. (\$15.00 per book)
- Permit for the use of out-of-state brand on suckling calves. (\$100.00 annually)
- Forty Mile Pasture to Pasture Permit out of Modified Point-Of-Origin Area. (\$50.00 annually)

#### Strays and Fences

Pursuant to Section 17042 of the California Food and Agricultural Code, any person that takes an estray animal shall confine it in a secure place, and shall immediately file with the Secretary a notice containing all of the following:

- A description of the animal seized.
- The marks and brands, if any.
- The probable value of the animal.
- A statement of the date and place where it was taken up and confined.

It is a misdemeanor to willfully or negligently allow livestock to be unattended upon a public road. This includes the requirement of maintaining a good and substantial fence.

*(F & A CODE, SECTIONS 16902 AND 17121)*

Penalty **per animal** for shipping a stray to a destination inspection point, i.e. saleyard, feedlot, or slaughter plant:

**1<sup>st</sup> Violation** \$50.00, **2<sup>nd</sup> Violation** \$100.00,  
**3<sup>rd</sup> Violation** \$200.00, **4<sup>th</sup> Violation** \$500.00

*(This penalty is in addition to any other expense incurred such as feed and/or transportation in returning the stray to its rightful owner.)*

#### Required Documents for Transportation of Cattle

- A Brand Inspection Certificate.
- A Saleyard Outbidding.
- A Bill of Sale or Consignment (Yellow Slip).
- A 40-Mile Special Movement Permit.
- A 50-Mile Special Movement Permit.
- A Special Transportation Permit (for slaughter cattle only).

#### Surveillance

- A brand inspector or peace officer may stop anyone transporting cattle, hides, carcasses, or a portion of a carcass on a public thoroughfare for the purpose of making an investigation.

(F & A CODE, SECTION 20438)

- A Brand Inspection Certificate, Saleyard Outbidding, or Bill of Sale or Consignment must be presented to any brand inspector or peace officer upon request.
  - An inspector shall seize any bovine animal, horse, mule, or burro, or the hide or carcass of any such animal, which is within any of the following classes:
    - Found in the possession of a person that cannot prove ownership.
    - Presented for inspection and which is not claimed by the consignor or consignee.
- (F & A CODE, SECTION 16521)
- Any expense which is incurred in caring for any property seized pursuant to this part shall be paid by the person presenting the property for inspection. The cost of caring for the property so held is a lien upon the property. The lien may be enforced in the manner prescribed by Section 3052 of the Civil Code.
- (F & A CODE, SECTION 16526)

**Proof of Ownership**

Evidence of ownership of an animal or hide may include any of the following:

- a. A recorded brand registered in the name of the person in possession of the animal.
  - b. A brand inspection certificate.
  - c. A bill of sale from the owner of the brand on the animal or hide.
  - d. In the case of an unbranded animal or hide, a bill of sale which gives a description.
  - e. A dairy exemption number.
- (F & A CODE, SECTION 16522)

A dairy exemption number shall be evidence of ownership of cull beef cows and bulls of a recognized dairy breed presented for sale at a registered or posted saleyard or licensed slaughter plant for immediate slaughter. The dairy exemption number shall be written on the bill of consignment.

(F & A CODE, SECTION 16522.5)

**PRESENTING PROOF OF  
OWNERSHIP AT  
THE TIME OF BRAND  
INSPECTION IS MANDATORY**

(Rev. 12/1/2008)



**CALIFORNIA  
DEPARTMENT FOOD  
AND AGRICULTURE**  
Animal Health And  
Food Safety Services  
**Bureau Of  
Livestock Identification**

**Things You Might Like  
To Know About Us**

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