

Sec. 144.001, Agriculture Code concerning Marks and Brands

§ 144.001. OWNER'S MARKS AND BRANDS. (a) Each person who has cattle, hogs, sheep, or goats shall have and may use one or more earmarks, brands, tattoos, or electronic devices differing from the earmarks, brands, tattoos, and electronic devices of the person's neighbors.

(b) A person who owns a horse may have and use one or more of the following to identify the horse:

- (1) a brand differing from the brand of the person's neighbors, including a fire or electric heat brand, freeze brand, acid brand, or hoof brand;
- (2) an earmark differing from the earmark of the person's neighbors;
- (3) a tattoo differing from the tattoo of the person's neighbors;
- (4) an electronic device; or
- (5) another generally accepted identification method.

Acts 1981, 67th Leg., p. 1353, ch. 388, § 1, eff. Sept. 1, 1981.

Amended by Acts 1997, 75th Leg., ch. 780, § 2, eff. Sept. 1, 1997; Acts 2003, 78th Leg., ch. 368, § 1, eff. Sept. 1, 2003.

§ 144.002. BRANDS OF MINORS. A minor who owns cattle, hogs, or one or more horses may have one or more marks or brands, but the parent or guardian of the minor is responsible for the proper use of the mark or brand.

§ 144.003. AGE FOR MARKING OR BRANDING. (a) Cattle shall be marked with the earmark or branded with the brand of the owner on or before the date they are one year old.

(b) Hogs, sheep, and goats shall be marked with the earmark of the owner on or before the date they are six months old.

§ 144.041. MARKS AND BRANDS TO BE RECORDED. (a) Each person who owns cattle, hogs, sheep, or goats shall record that person's earmarks, brands, tattoos, and electronic devices with the county clerk of the county in which the animals are located.

(b) A person who owns a horse shall record an identification mark authorized by Section 144.001(b) with the county clerk of the county in which the animal is located.

(c) The county clerk shall keep a record of the marks and brands of each person who applies to the clerk for that purpose.

(d) A person may record that person's marks and brands in as many counties as necessary.

(e) A person may record any mark or brand that the person desires to use if no other person has recorded the mark or brand, without regard to whether that person has previously recorded a mark or brand.

(f) Not later than the 30th day after the date a county clerk receives a record relating to cattle or horses under this section, the clerk shall forward a copy of the record to the association authorized to inspect livestock under 7 U.S.C. Section 217a.

§ 144.042. RECORDING. In recording a mark, electronic device, tattoo, or brand, the county clerk shall note the date on which the mark, electronic device, tattoo, or brand is recorded. In addition, the person recording a mark, electronic device, tattoo, or brand shall designate the part of the animal on which the mark, electronic device, tattoo, or brand is to be placed and the clerk shall include that in the records.

§ 144.043. EFFECT OF RECORDING. (a) Any dispute about an earmark or brand shall be decided by reference to the mark and brand records of the county clerk, and the mark or brand of the oldest date prevails.

(b) A recorded mark or brand is the property of the person causing the record to be made and is subject to sale, assignment, transfer, devise, and descent the same as other personal property.

§ 144.044. RERECORDING. (a) Not later than six months after August 30 of 1981 and of every 10th year thereafter, each person who owns livestock mentioned in this chapter shall have that person's marks and brands recorded with the county clerk, regardless of whether or not the marks or brands have been previously recorded.

(b) The person who, according to the records of the county, first recorded the mark or brand in the county is entitled to have the mark or brand recorded in that person's name. If the records do not show who first recorded the mark or brand in the county, the person who has been using the mark or brand the longest is entitled to have it recorded in that person's name.

(c) After the expiration of six months from each recording under this section, the marks and brands recorded prior to recording under this section have no force and effect and only the records made after each recording under this section may be examined or considered in recording marks and brands in the county.

(d) Not later than the 30th day after the date a county clerk receives a record relating to cattle or horses under this section, the clerk shall forward a copy of the record to the association authorized to inspect livestock under 7 U.S.C. Section 217a.

§ 144.101. DEFINITION. In this subchapter, "director" means the director of the Department of Public Safety.

§ 144.102. RIGHT TO REGISTER. In accordance with this subchapter, a person who owns one or more horses, hogs, dogs, sheep, or goats in this state is entitled to register for exclusive use any tattoo mark or other generally accepted identification method that is not previously recorded.

§ 144.104. APPLICATION FOR REGISTRATION. (a) A person shall apply to the director for registration of a tattoo mark. The application must be signed by the applicant or the applicant's agent and show:

- (1) the applicant's place of residence;
- (2) the applicant's citizenship;
- (3) the location of the livestock owned by the applicant;
- (4) the kinds of livestock owned by the applicant; and
- (5) the place or part of the animal on which the tattoo mark is to be placed.

(b) An application for registration of a tattoo mark must have attached a drawing of the tattoo mark for which registration is sought. The drawing must be signed by the applicant or the applicant's agent and must comply with the requirements of the director. The applicant shall furnish as many copies of the drawing as required by the director.

§ 144.105. CERTIFICATE OF REGISTRATION. The director shall examine or cause to be examined each application for

registration and shall immediately issue a certificate of registration after determining that there is satisfactory evidence that the registration should be made.

§ 144.106. PROTEST OF REGISTRATION. (a) A person who would be damaged by the issuance of a certificate of registration may file a written notice of protest of that issuance with the director. The notice must be sworn to and filed not later than the 20th day after the date on which the protested application for registration is filed. In addition, the notice must state the grounds for the protest.

(b) After receiving a notice of protest, the director shall conduct hearings and take other steps necessary to determine whether the application for registration should be granted or denied. Except as provided by Subsection (c) of this section, the decision of the director is final and the director must provide reasons for the decision.

(c) If the director abuses discretion, the contestant may appeal the decision of the director to a district court of the county in which the contestant resides.

§ 144.107. EFFECT OF REGISTRATION. The registration of a tattoo mark under this subchapter creates an exclusive right to use that mark in this state. In a criminal or civil action in a court of this state, a registered tattoo mark is prima facie evidence of the ownership of the tattooed livestock.

§ 144.108. FILING WITH COUNTY CLERK. The director shall forward a certified copy of each registration to the county clerk of the county of the applicant's residence. The county clerk shall

file the certificate in records maintained for that purpose.

§ 144.109. ASSIGNMENT OF REGISTERED TATTOO MARK. (a) A

certificate of registration and the exclusive right to use a tattoo mark may be assigned in connection with the goodwill of a ranch, farm, or other business in which the tattoo mark is used if written notice of the assignment, sworn to by the assignor, is filed with the director.

(b) A certificate of registration and the exclusive right to use a tattoo mark may not be assigned except as provided by this section.