

**Sixty-third Legislative Assembly of North Dakota
In Regular Session Commencing Tuesday, January 8, 2013**

SENATE BILL NO. 2158
(Senators Erbele, Larsen)
(Representatives D. Johnson, Trottier)

AN ACT to amend and reenact section 36-09-20 of the North Dakota Century Code or in the alternative to amend and reenact section 4.1-73-18 of the North Dakota Century Code, relating to bill of sale requirements in livestock transactions.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. If House Bill No. 1026 does not become effective, section 36-09-20 of the North Dakota Century Code is amended and reenacted as follows:

36-09-20. Bill of sale to be given and kept - Copy with shipment - Effect - Penalty.

1. A person may not sell cattle, horses, mules, or any other livestock carrying a registered brand unless:
 - a. ~~The the seller is the owner of the registered brand and delivers a bill of sale for the cattle, horses, mules, or other livestock to the purchaser; or~~
 - b. ~~The seller delivers to the purchaser a bill of sale executed by the owner of the registered brand and endorsed by the seller evidencing the later transaction.~~
2. The bill of sale must include:
 - a. The date;
 - b. The name, address, and signature of the seller;
 - c. The name, address, and signature of an individual who is at least eighteen years of age and who can verify the name and signature of the seller;
 - d. The name and address of the buyer;
 - e. The total number of animals sold;
 - f. A description of each animal sold as to sex and kind; and
 - g. A description of the registered brands.
3. The bill of sale must be kept by the buyer for two years and as long thereafter as the buyer owns any of the animals described in the bill of sale.
4. A copy of the bill of sale must be given to each hauler of the livestock, other than railroads, and must go with the shipment of the livestock while in transit.
5. The bill of sale or a copy of the bill of sale must be shown by the possessor on demand to any peace officer or brand inspector.
6. The bill of sale is prima facie evidence of the sale of the livestock described in the bill of sale.
7. A bill of sale is not required relative to sales of livestock covered by a legal livestock brand inspection.

8. Any person that willfully violates this section is guilty of a class B misdemeanor for a first offense and a class A misdemeanor for a second or subsequent offense.

SECTION 2. AMENDMENT. Section 4.1-73-18 of the North Dakota Century Code, as created by section 2 of House Bill No. 1026, as approved by the sixty-third legislative assembly, is amended and reenacted as follows:

4.1-73-18. Bill of sale - Copy with shipment - Effect - Penalty.

1. a. ~~A~~Except as provided in subsection 2, a person may not sell any livestock carrying a recorded brand unless:
 - ~~a.~~ The the seller is the owner of the recorded brand and delivers a bill of sale for the livestock to the purchaser;~~or~~
 - ~~b.~~ The seller delivers to the purchaser a bill of sale executed by the owner of the recorded brand and endorsed by the seller evidencing the later transaction.
2. The bill of sale must include:
 - ~~a.~~(1) The date;
 - ~~b.~~(2) The name, address, and signature of the seller;
 - ~~c.~~(3) The name, address, and signature of an individual who is at least eighteen years of age and who can verify the name and signature of the seller;
 - ~~d.~~(4) The name and address of the buyer;
 - ~~e.~~(5) The total number of animals sold;
 - ~~f.~~(6) A description of each animal sold as to sex and color; and
 - ~~g.~~(7) A depiction of the recorded brand.
- ~~3.~~b. The buyer shall retain the bill of sale for as long as the buyer owns any animals described in the bill of sale.
- ~~4.~~c. The seller shall provide a copy of the bill of sale to the individual hauling the livestock. The individual shall ensure that the document remains with the livestock while in transit.
- ~~5.~~d. The bill of sale or a copy of the bill of sale must be shown by the possessor on demand to any law enforcement officer or brand inspector.
- ~~6.~~e. The bill of sale is prima facie evidence of the sale of the livestock described in the bill of sale.
- ~~7.~~2. ~~Subsections 1 through 6 do~~Subsection 1 does not apply to the sale of livestock for which a brand inspector has issued a certificate of ownership.
- ~~8.~~3. Any person willfully violating this section is guilty of a class B misdemeanor for a first offense and a class A misdemeanor for a second or subsequent offense.

President of the Senate

Speaker of the House

Secretary of the Senate

Chief Clerk of the House

This certifies that the within bill originated in the Senate of the Sixty-third Legislative Assembly of North Dakota and is known on the records of that body as Senate Bill No. 2158.

Senate Vote: Yeas 44 Nays 0 Absent 3

House Vote: Yeas 93 Nays 0 Absent 1

Secretary of the Senate

Received by the Governor at _____ M. on _____, 2013.

Approved at _____ M. on _____, 2013.

Governor

Filed in this office this _____ day of _____, 2013,

at _____ o'clock _____ M.

Secretary of State