

## **BRANDS**

### **Frequently Asked Questions**

#### **Why should I brand my livestock?**

Your brand is your proof of ownership and the best way to identify your livestock.

#### **How are brand records used?**

- Law enforcement criminal investigations use brands on a local, state, and federal level;
- Texas Animal Health Commission and USDA-APHIS trace back for animal disease;
- Agricultural lending institutions use brands to secure livestock loans;
- County sheriff offices determine ownership of stray livestock;
- Judges and attorneys reference brands in many types of civil litigations involving livestock; and
- County clerks often receive a subpoena to testify in court as to the accuracy of their brand registration procedure.

#### **Where do I need to register my brand?**

The County Clerk's office in the county or counties you are running livestock.

#### **How do I register my brand?**

Brands are registered in Texas by the county clerk of the county in which you run livestock. The brand must be registered by the county clerk for the brand to be considered a legal means of ownership.

In Oklahoma, the [Oklahoma Cattlemen's Association](#) is responsible for brand registration.

#### **How long is my brand registration good?**

Texas brand registration is good for a 10-year period. The new period starts on Aug. 31, 2011, and goes through Feb. 29, 2012. At that time, all brands must be re-registered.

#### **Do I have to re-register my brand?**

Yes. In Texas, brands have to be re-registered every 10 years.

Brand re-registration always begins in the year ending with a 1. For example, the next brand re-registration period begins Aug. 31, 2011, and closes Feb. 29, 2012.

If you do not re-register within that period, then your brand is up for grabs by someone else. Brands must be re-registered within that period regardless of the date it was originally registered.

[Section 144.04 Texas Agriculture Code](#)

#### **If I register a brand on Aug. 1, 2011, will I have to re-register my brand after Aug. 31, 2011?**

Yes, all brands must be re-registered regardless of original registration date.

#### **Does my brand registration automatically renew?**

No.

#### **If a brand is not re-registered by the current owner within the 6-month grace period (Aug. 31, 2011, to Feb. 29, 2012), can I register it?**

Yes, after 6 months the brand is available to anyone.

**How much does it cost to register or re-register my brand?**

Cost may vary by county. The county clerk office may charge the same fee for brand transfers as for registering a new brand.

**How can I find an old brand my ancestors used?**

The county clerk office is the only place that has archived files.

**How can I find out if the brand design I want to register is already being used?**

The county clerk office can give you that information.

**Can I register more than one brand?**

Yes, it is lawful for any owner to have, own and use more than one brand and/or mark.

**Can I register more than one brand on a form?**

No. Use one form for each brand you wish to register.

**Is brand location important?**

The brand location is as important as the brand itself. The same brand may be registered in the same county as long as the location on the animal is different.

**If I register my brand design on the left hip, can someone else register the same brand design in another location in the same county?**

Yes, the same brand design can be registered in the same county by different individuals as long as the location of the brand is different.

**Can someone else have the same brand design registered that I do?**

Yes, in other counties. Your brand registration is good only in the county or counties where you register it.

**Do I need to register earmarks, electronic devices or tattoos?**

Yes.

**Can I transfer a brand to another family member?**

Brands may be transferred. This requires a notarized affidavit signed by the current brand holder that relinquishes title of the brand to the transferee. *Brand transfers must be sent to TSCRA.*

**What if the owner passes away and the heir want to register the brand?**

The heir must provide proof of will or family agreement along with death certificate.

**Can a minor have a registered brand?**

Yes. A parent or legal guardian can sign for the child. The proper use of a brand is the parent/guardian's responsibility.

**I bought a horse with a brand. How do I locate where the horse came from?**

If the horse came from Texas, you will need to know in which county the owner registered the brand. The county clerk's office has the current and the archived brand registration files. There is no statewide registry in Texas.

**Who do I contact if I find an animal that does not belong to me?**

According to Chapter 142 of the [Texas Agriculture Code](#), *"...report the presence of the estray to the sheriff of the county in which the estray is discovered."*

### **What should I do if I am bringing cattle in from another state to be grazed in Texas?**

You should register your brand in the Texas county in which you will be grazing the cattle. Check with the [Texas Animal Health Commission](#) for permits needed to enter the state.

### **Is there a penalty for using a brand that is not registered?**

Yes, this is considered a misdemeanor.

### **Can I brand my livestock without registering the brand?**

No, it is illegal to brand an animal unless the brand has first been properly registered.

### **Where can I find the Texas law regarding livestock brands?**

See the [2005 Texas Agriculture Code CHAPTER 144. MARKS AND BRANDS](#) or read the relevant section here:

- **Section 144.041 of the Texas Agriculture Code addresses recording of marks and brands:**
  - § 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 (Texas and Southwestern Cattle Raisers Association).

### **Why is TSCRA involved in this?**

TSCRA traces its beginning to 1877, when a group of ranchers formed an association to combat livestock theft. As the largest and oldest livestock association in Texas, TSCRA represents more than 15,000 beef cattle producers, ranching families and businesses who manage approximately 4 million head of cattle on more than 51 million acres of range and pasture land, primarily in Texas and Oklahoma. TSCRA provides law enforcement and livestock inspection services, legislative and regulatory advocacy, industry news and information, insurance services and educational opportunities for its members and the industry.

The 29 commissioned peace officers who serve as the TSCRA special rangers investigate approximately 1,000 agricultural crime cases each year and recover an average of \$5 million in stolen cattle and assets for ranchers each year.

TSCRA special rangers are commissioned through the Texas Department of Public Safety or the Oklahoma State Bureau of Investigation. Those special rangers stationed along the Texas/Oklahoma border are dually commissioned to investigate agricultural crime in both states.

TSCRA special rangers are stationed in districts in Texas and Oklahoma where they:

- investigate thefts of cattle, horses, saddles, trailers, equipment, and even poaching
- pursue white-collar criminals who commit agricultural fraud
- inspect livestock to determine ownership and prevent theft after a natural disaster such as wildfire, flood or hurricane
- determine the ownership of estray, or stray, livestock
- educate landowners on how to prevent theft and spoil the plans of thieves
- keep the peace

*Texas and Southwestern Cattle Raisers Association Law Enforcement • 1301 West Seventh Street, Suite 201 • Fort Worth, Texas 76102 • 1-800-242-7820  
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## **BRANDS**

### **Questions from County Clerks:**

#### **How should we handle similar brands?**

If a party comes in to register a brand, which the clerk feels is too similar to a brand currently registered, the clerk has the right/authority to refuse to register that brand. It is the clerk's duty to make sure duplicate brands are not registered in the same location on an animal.

#### **How do I handle a dispute over the rightful owner of a brand?**

The party who has registered or used the brand the longest has ownership of the brand.

#### **How often should I send in the brand registrations?**

You may submit brands daily or weekly, but no later than 30 days from the time registered.

Records may be sent to TSCRA several ways:

1. **E-mail** scanned forms to [brands@tscra.org](mailto:brands@tscra.org)
2. **Fax** forms to 817-887-4402
3. **Mail** to TSCRA offices
4. **Electronic Records** (spreadsheets, etc.) may be submitted to TSCRA. For more information, contact TSCRA.
5. Some software providers now offer **Automated Transfer** of brand records to TSCRA. For more information, contact TSCRA or your service provider.

- TSCRA stores these records electronically.
- Records may be searched by name, county, brand or other criteria.
- Through TSCRA, county clerks and sheriff's offices will also have access to a searchable brand database.