

**DEPARTMENT OF LIVESTOCK POLICY FOR**  
**RECORDING, TRANSFERRING AND RERECORDING OF BRANDS**

**PURPOSE**

The purpose of this policy is to implement the provisions of Montana Code Annotated (MCA) 81-1-101 which designates the Montana Department of Livestock as the general recorder of marks and brands.

**RECORDING AND TRANSFERRING OF BRANDS**

The Department of Livestock issues brands in accordance with MCA 81-3-103 which requires that brands are “distinguishable with reasonable certainty from all other marks and brands.”

1. New Brand Application
  - a. Brands will be issued in accordance with Administrative Rules of Montana (ARM) 32.18.110.
  - b. Brand applications are available on the Department of Livestock website and in the Helena office.
  - c. Applications shall be processed in the order in which they are received.
  - d. Applicant must list brand choices in preferential order.
  - e. Applicant may choose to have a brand assigned to them by the department by annotating appropriately on the application.
  - f. One application may contain brand requests for up to three different species with one position each and freeze brand for cattle in accordance with ARM 32.18.109.
  - g. Brands will not be held or checked for conflicts by phone or any means other than the proper application.
2. Brand Owner Name
  - a. The brand owner name on a brand application must consist of individuals or entities with documentable proof of identity.
    - i. Individuals must use legal names.
    - ii. Per ARM 32.18.105, businesses and trusts must be registered with the Montana Secretary of State.
  - b. Per ARM 32.18.105, brands owned by multiple individuals or entities shall be designated as either “tenants in common” or “joint tenancy with right of survivorship.”
  - c. Legal Name changes such as for marriage or divorce may be completed with a “Name Change Affidavit” and appropriate duplicate certificate fee.
3. Brand Transfers
  - a. Brands transfers will be completed in accordance with ARM 32.18.110.

- i. Transfer applications must be submitted to the Montana Department of Livestock using the “Assignment of Brand” form found on the reverse side of the official certificate.
    - ii. The “Assignment of Brand” form must contain notarized signatures of current owners listed on the official brand certificate.
    - iii. Brand transfers involving deceased owners will be completed following procedures defined in ARM 32.18.110.
    - iv. A Brand owned by a business (corporation, limited liability company, partnership, etc.) or trust may be transferred with a notarized signature from a principal owner and a completed “Affidavit of Principal.”
  - b. Changes to brand image, position, or species shall be considered a new brand and require a new brand application.
- 4. Fees:
  - a. Brand fees are set by the Board of Livestock as authorized by MCA 81-3-107 and published in ARM 32.2.404.
  - b. In accordance with ARM 32.18.110, fifty percent of the brand application or brand transfer fee is nonrefundable.
  - c. Application and transfer fees shall not be prorated.

## **RERECORDING OF BRANDS**

1. Per MCA 81-3-104, each tenth year after 1921 is the year for rerecording artificial marks and brands.
2. The brand rerecord period begins on January 1<sup>st</sup> and ends on Dec 31<sup>st</sup> of each rerecord year.
3. Brands not rerecorded will become inactive and no grace period is allowed.
4. For a period of 90 days following the rerecord period, only the last recorded brand owner may apply for the inactive brand. These applications are treated as new brand applications and are subject to the conflict check process outlined in this policy.

## **ACCEPTABLE BRAND CHARACTERS AND IMAGES**

Brands can be comprised of characters and/or images.

1. Characters:
  - a. A, B, C, D, E, F, G, H, J, K, L, M, N, O, P, Q, R, S, T, U, V, W, X, Y, Z
  - b. 1, 2, 3, 4, 5, 6, 7, 8, 9
  - c. Box, Diamond, Heart, Triangle, Spade
  - d. Bar, Slash, Quarter Circle, Mill Iron, Rafter
2. Images
  - a. Images are characters not listed above but are used in livestock brands currently recorded with the Montana Department of Livestock.

- b. This does not include images that are recorded in ornamental brands, but not livestock brands.

**CONFLICTS**

1. State-wide Character Conflicts

- a. Characters classified as state-wide conflicts are considered one in the same throughout the entire state.
- b. State-wide conflicts remain when both characters are rotated the same direction (90 degrees either direction or 180 degrees).
- c. State-wide character conflict list:














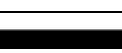











Character	Conflict
A	Λ
C	Ɔ
E	Ǝ
G	6
L	└
P	ρ
S	5
Z	2
□	◇
+	X
4	4
∧	∩

2. Regional Character Conflicts

- a. Regional character conflicts are evaluated based on the county or counties of range listed on the application plus all adjoining counties to the county or counties of range.
- b. Characters classified as regional conflicts are considered one in the same.
- c. Regional conflicts remain when both characters are rotated the same direction (90 degrees either direction or 180 degrees).
- d. Regional character conflict list:



















Character	Conflict(s)
<b>A</b>	<b>Λ Δ</b>
<b>B</b>	<b>ER 3 8</b>
<b>C</b>	<b>Ɔ G O Ɔ</b>
<b>D</b>	<b>O □ Ɔ</b>
<b>E</b>	<b>Ɔ F Σ</b>
<b>F</b>	<b>EP</b>
<b>G</b>	<b>Ɔ O 6 Q</b>
<b>H</b>	<b>MNW</b>
<b>J</b>	<b>└ U ɹ</b>
<b>K</b>	<b>XY</b>
<b>L</b>	<b>└ ⊥</b>
<b>M</b>	<b>π H N 3</b>
<b>N</b>	<b>MH</b>
<b>O</b>	<b>CD</b>
<b>P</b>	<b>Ɔ F</b>
<b>Q</b>	<b>O G C</b>
<b>R</b>	<b>B</b>

S	5 8 Σ
T	7
U	J V O
V	U Y Δ ∇
W	Ш H ω N
X	+ K Y
Y	K V ∇ X
Z	2 2 2
1	/
2	Z 2
3	B E 3 8
4	4 F
5	S
6	G B
7	T >
8	B 3 S
9	9
◇	□
♡	▽ ♡

### 3. Image Conflicts

- a. Due to the wide variety of images, applications for brands which contain images will be checked for conflict against images classified as same or similar.
- b. Brands containing images will also be conflict checked against existing brands consisting of a character(s) to ensure distinguishability.
- c. Examples of similar images include but are not limited:

Image Name	Image	Similar Image
Club		  
Wine Glass		    
Bell		 
Spear/Arrow		   

## **BRANDS POSITIONS**

1. Brands will be recorded by position
  - a. Each position shall be a separate brand.
  - b. Positions are available on cattle, horses, hogs, bison and sheep.
2. Cattle positions
  - a. There are 6 positions available for cattle brands:
    - i. Left or right hip
    - ii. Left or right rib
    - iii. Left or right shoulder
  - b. Shoulder and rib brands are evaluated for conflicts together.
  - c. Jaw and neck brands on cattle are reserved for use by the Department of Livestock Animal Health and Food Safety Division.
3. Horse positions
  - a. There are 8 positions available for horse brands:
    - i. Left or right thigh
    - ii. Left or right shoulder
    - iii. Left or right jaw
    - iv. Left or right neck
4. Hogs
  - a. Hog brands will be issued upon request
5. Bison positions
  - a. There are 4 primary positions available for bison brands:
    - i. Left or right hip
    - ii. Left or right rib
6. Sheep
  - a. Paint brands will be issued for the following positions:
    - i. Left or right rib
    - ii. Left or right hip
    - iii. Left or right shoulder
    - iv. Back
  - b. Hot iron brands for sheep will be issued upon request

## **BRAND FORMATS**

1. Brands containing multiple characters must be oriented in one of the following manners:
  - a. Horizontally
  - b. Vertically
  - c. Diagonally (either direction)
2. Characters in a brand must be spaced in a manner consistent with being a single brand and cannot be confused as multiple brands.
3. "Tumbling" characters will not be allowed.

4. Brands will be conflict checked against brands containing characters or character conflicts in the same or similar format.
5. Monogram brands will be conflict checked against brands containing the same characters and character conflicts in the same orientation.

### **SCATTER BRANDS**

1. Scatter brands are defined as a single brand recording in which an image or images must be applied to multiple locations on a single animal.
2. Scatter brands will no longer be issued; those currently recorded with the department will remain unless they are not rerecorded.

### **FEEDLOT BRANDS**

1. Feedlot brands are available subject to the following:
  - a. The use of the brand is restricted to the specific feedlot recording the brand;
  - b. The feedlot brand must be recorded on either hip and applied near the tail head.
  - c. The recorded feedlot brand cannot be less than 2" in height.

### **APPEAL PROCESS**

1. Applicants who feel that the Brand Recorder incorrectly denied a brand application may appeal the decision utilizing the procedures set forth in ARM 32.2.102.

### **BRANDS ADVISORY COMMITTEE**

1. The Brands Advisory Committee is a standing committee whose duty is to assist the Board of Livestock in developing or updating the Brand Policy.
2. The committee is assembled and chaired by the chair of the Board of Livestock.
3. In addition to the board chair, the committee shall consist of:
  - a. At least one other member of the Board of Livestock
  - b. Two Members of the Montana State Legislature
    - i. Preferably one member from each chamber
  - c. Representatives from livestock industry stakeholder groups
    - i. Stakeholder groups will be asked to nominate a representative for the committee but are not required to do so.

### **DEPARTMENT OF LIVESTOCK EMPLOYEE EXPECTATIONS**

1. Department of Livestock employees shall not take unfair advantage of their position to record brands.
2. Examples of taking unfair advantage include:
  - a. Recording brands by phone
  - b. Recording brands for others in any manner



- c. Attempting to record any brand which has not been available for recording less than 60 days
  - d. Profiting from the sale of recorded brands
- 3. Employees who violate these rules are subject to disciplinary action in accordance with the Montana Department of Livestock Employee Handbook.