

**PRESCRIBED PRACTICE FOR  
RECORDING, TRANSFERRING AND RERECORDING OF BRANDS**

These rules are put into practice to implement the provisions of Title 81-1-102, MCA which allows the department to create and administer a program for recording, rerecording and transfer of livestock brands. The prescribed practices provide clarification and continuity of policies and procedures previously used as guidelines.

**RECORDING AND TRANSFERRING OF BRANDS**

All Montana brands must be issued through the Department of Livestock Helena Brand Office.

1. All forms or model letters issued for purposes of recording brands or clarifying brand recording requirements are considered part of the brand rules and practices of the Board of Livestock.
2. The Department of Livestock, as one of its primary duties to the livestock industry, provides brands that are distinguishable with reasonable certainty from all other marks and brands.
  - a. Department employees have advanced opportunity to acquire desirable brands.
  - b. Employees shall not take unfair advantage of this opportunity, and may not record:
    - i. More than three brands at any time;
    - ii. Brands by phone;
    - iii. For others in any manner;
    - iv. Any brand which has not been available for recording less than sixty days;
  - c. Employees attempting to circumvent these rules are subject to disciplinary action.
3. Fees
  - a. Brand fees are set by the Board of Livestock as authorized by statute. Current fees are available in ARM 32.2.404.
  - b. Fees for new brands or transfers shall not be prorated.
  - c. Fifty percent of the fee to record a new brand or transfer a brand is non-refundable.
    - i. If an applicant fails to respond to Brand Office correspondence for a period of six months, the entire new brand or brand transfer fee becomes non-refundable.
4. Brand Owner Name
  - a. The brand owner name on new brand applications and brand transfers must consist of individuals or entities with documentable proof of identity.
    - i. Individuals must use legal names.
    - ii. **Businesses & trusts must be registered with Montana Secretary of State.**
  - b. Where multiple individuals or entities appear on a brand owner name, either “and” or “or” must be used between owner names per ARM 32.18.105. No other notation or description is allowed (ex. DBA, hyphens, commas, parentheses, in care of, “and/or”).
  - c. Legal Name Change
    - i. A legal name change, such as for marriage, may be completed with a Name Change Affidavit and appropriate duplicate certificate fee.
5. Changes to brand image, species, or position require submission of a New Brand Application.
6. New Brand Applications:
  - a. Application forms for new brands are available on the Department website and at the Helena Brand Office.

- b. The application and appropriate fee must be submitted to the Brand Recorder for processing.
  - i. The applicant must list brand choices in preferential order.
  - ii. One application may contain up to three different species with one position each and Freeze Brand for cattle per ARM 32.18.109.
- c. **Applications will be processed in the order in which they are received.**
- d. Notwithstanding any other provision or policy, a brand will not be held or checked for conflicts by phone.
- e. The Brand Recorder shall process the application in the following manner:
  - i. Verify that the application is complete and the correct fee has been submitted.
    - 1. If incomplete, the entire application and fee are returned with instructions to correct the information and resubmit.
  - ii. Deposit fee.
  - iii. Check for conflicts in the order listed on the application.
    - 1. The first brand on the application that does not conflict with existing brands will be issued to the applicant.
  - iv. Issue brand and/or communicate results with applicant:
    - 1. If none of the applicant's submissions are available, the Brand Recorder may check a similar brand for conflicts and offer it as an alternative.
    - 2. If an available brand was not on the original application, the applicant must complete a new application containing the exact image and location of the brand presented as available.
    - 3. The applicant will have 10 working days from the date of the offer letter to accept an available brand, whether it was submitted on the original application or offered as an alternative, after which the brand must be rechecked for conflicts.

#### 7. Brand Transfers

- a. Brand transfer requests must be submitted to the Helena Brand Office with the appropriate fee.
- b. Transfer requests must be completed using the Assignment of Brand form, located on the reverse side of the current official brand certificate, or an approved Assignment of Brand included with the current official brand certificate.
- c. The Assignment of Brand must include the notarized signatures of the original owners as listed on the front of the official brand certificate;
- d. If the original owner of the transferring brand is deceased, a copy of the death certificate, personal representative papers, or appropriate documentation must be provided to complete the transfer;
  - i. Certified copies may be required at the Department's discretion to ensure the authenticity of the documents.

### **CONFLICT CHECKING PROCEDURES**

- 1. Upon receipt of a brand application, the Brand Recorder checks conflicts as follows:
  - a. Verify that brand contains only acceptable characters.
    - i. A, B, C, D, E, F, H, J, K, L, M, N, O, P, R, S, T, U, V, W, X, Y, Z,
    - ii. 2, 3, 4, 5, 6, 7, 8, 9

- iii. Box, Diamond, Heart, Triangle, Cross
- iv. Bar, Slash, Quarter Circle
- b. Verify that brand is in an acceptable format:  
*'H' and 'B' may be replaced with any acceptable character in i.-iii. (above) and/or rotated 90 degrees either direction. Triangle and Heart may be rotated 90 degrees either direction or inverted.*


- c. Check brand for open positions;
- d. Check for brand recordings in the same or adjoining county on the same side;
  - i. Rib or Shoulder and Hip shall not be considered a conflict, but rib and shoulder may be (Contact the District Investigator(s) in the area)
- e. Check for state-wide conflicts.  
*May be rotated 90 degrees either direction or 180 degrees.*

- i.
- ii.
- iii.
- iv.
- v.
- vi.
- vii.
- viii.
- ix.
- x.
- xi.

- f. Check for Regional Character Conflicts
  - i. May be updated by the Brands Review Advisory Committee as needed in between BOL meetings for final approval.

## REGIONAL CHARACTER CONFLICTS

Conflicts listed below are evaluated in the same county and adjacent counties indicated on the brand application. If the figures in the character column are rotated, the conflicts listed would rotate the same as the character. Conflicts listed for characters with symmetry would be a conflict in all orientations for which the symmetry exists.

Character	Conflicts
<b>A</b>	<b>Λ H R Δ</b>
<b>B</b>	<b>E K P R 3 8</b>
<b>C</b>	<b>G O 6 9 Ɔ Ɔ</b>
<b>D</b>	<b>◇ O P Ъ □ Ɔ ▷</b>
<b>E</b>	<b>F L Σ ε</b>
<b>F</b>	<b>E P ≠ √</b>
<b>H</b>	<b>† M N 4 † † † W</b>
<b>J</b>	<b>└ U ∩</b>
<b>K</b>	<b>B H R X Y</b>
<b>L</b>	<b>E ⊥ V I ∩</b>
<b>M</b>	<b>∩ H N ∩</b>
<b>N</b>	<b>H V</b>
<b>O</b>	<b>C D ◇ □</b>
<b>P</b>	<b>B D F R</b>
<b>R</b>	<b>B H K P A</b>
<b>S</b>	<b>5 8 2 Σ</b>
<b>T</b>	<b>† Y 7 ∩ I</b>
<b>U</b>	<b>J V ∩</b>

V	♡ U Y ▽ ∇ ◊ W X
W	⊓ H V ω N
X	H K + Y V
Y	K T ▽ V ∇ X
Z	2 7 2 2 L
2	Z 7 2 9 ♡
3	B ∃ 3 8
4	+ H ⊔ 4
5	S 6
6	C G O
7	T > Z 7 1 2 9
8	B 3 S
9	∩ 9 7
◊	D O □ Δ V Λ
♡	▽ V ω 2
□	◊ O
+	T X 4 H 4 I -
Δ	A Λ ⊔ L ◊ ♡
⤿	⤿ — —
—	⤿ ⤿ —
/	\

## **RERECORDING OF BRANDS**

1. Each 10th year after 1921 is the year for rerecording marks and brands.
2. The brand owner is responsible for rerecording their brand(s) during the rerecord year.
3. Brands that are transferred during the rerecord year must pay a separate fee, per ARM 32.18.111(3).
4. If the department receives a rerecord notice which appears to be different than the previous recording, it shall verify the ownership or treat it as if it were a transfer of the brand.
5. Brands that are not rerecorded prior to the rerecord deadline expire and are no longer the property of the last recorded brand owner.
  - a. For a period of 90 days following the rerecord deadline, only the last recorded brand owner may apply for an expired brand.
    - i. Expired brands must pass the conflict check process.
    - ii. Expired brands that do not meet the current policies for new brand applications will not be reissued.

## **BRANDS REVIEW ADVISORY COMMITTEE**

1. This committee makes recommendations to the Brand Recorder to assist in the resolution of issues and conflicts including those not specifically addressed in the Department's brand recording practice statement.
2. The committee shall meet as necessary to review brand applications that have conflicts per Brand Recorder research.
3. The committee is made up of the executive officer, brands division administrator, assistant administrator, brands recorder, and district investigator.

## **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. The use of scatter brands is inconsistent with the department's policy and responsibility of providing easily recognized and distinguishable brands to all livestock owners.
3. Scatter brands will no longer be issued; those on record will be continued subject to their cancellation where possible.

## **FEEDLOT BRANDS**

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

## **JAW & NECK BRANDS**

1. Except for Department of Livestock Animal Health Division use, jaw and neck brands for cattle shall not be issued.

## **BRAND POSITION**

1. Brands will be recorded by position.
  - a. Each position shall be a separate brand.
  - b. Positions are available on horses, cattle, hogs, bison and sheep:
2. Horse Positions: There are eight primary positions available on horses:
  - a. left thigh or right thigh
  - b. left shoulder or right shoulder
  - c. left jaw or right jaw (not worked for conflicts unless requested)
  - d. left neck or right neck (not worked for conflicts unless requested)
3. Cattle Positions: There are six primary positions available for cattle:
  - a. left hip or right hip
  - b. left rib or right rib
  - c. left shoulder or right shoulder (not worked for conflicts unless requested)
4. Hogs: Brands on hogs will be by request only and issued on a case by case basis.
5. Bison Positions: There are four primary positions available for bison:
  - a. Left or Right Hip
  - b. Left or Right Rib
6. Sheep: Paint brands will be issued for positions on left/right rib, left/right hip, left/right shoulder and back