

CHAPTER 13

(HB 312)

AN ACT relating to stray equines and cattle.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

➔Section 1. KRS 259.120 is amended to read as follows:

Stray equines and stray cattle shall be taken up and posted in the following manner:

- (1) (a) **Documentation of** stray equines shall be taken before a **county judge/executive**~~[justice of the peace]~~ of the district, who shall administer to the taker-up an oath, in substance, that the equine was taken up by him as a stray and that he has not defaced or altered the marks, ~~for~~ brands, **or other identifiers, including but not limited to microchips or freeze brands**, of the equine.
- (b) **Documentation of** stray cattle shall be taken before a **county judge/executive**~~[justice of the peace]~~ of the district, who shall administer to the taker-up an oath, in substance that the cattle were taken by him as strays on his premises within the preceding ten (10) days and that he has not defaced or altered the marks or brands of the cattle.
- (c) **Duties of the county judge/executive pertaining to stray equines shall be to:**
 1. **Contract with a licensed veterinarian, who shall document the stray equine's breed, color, sex, marks, brands, scars, and other distinguishing features, perform a microchip scan, and identify the existence of lip tattoos, freeze brands, or microchips;**
 2. **Record the veterinarian's findings, the name and residence of the taker-up, and the location of the stray equine in a book to be kept by him for that purpose;**
 3. **Maintain documentation in electronic and paper format; and**
 4. **Send a copy of the documentation of the stray equine to the Office of the State Veterinarian, who shall post notification on the Office of the State Veterinarian's Web site. The Office of the State Veterinarian shall post one (1) photograph of the stray equine's front view, including its head and feet, and one (1) photograph of the stray equine's side view from muzzle to tail.**~~[The justice shall then value the stray equine or cattle himself and take a correct description of the flesh marks, age and brands of the same, all of which, together with the name and residence of the taker up, he shall record in a book to be kept by him for that purpose. He shall]~~
- (2) **The county judge/executive shall** give to the taker-up a copy of the **documentation for the** record and **immediately** deliver to the county clerk a certified copy of the same record~~[within thirty (30) days]~~.
- (3)~~(2)~~ The clerk shall immediately record the stray certificate of the **county judge/executive as provided by the taker-up**~~[justice]~~ in a book to be kept by him for that purpose.~~[His fee for this service shall be seventy-five cents (\$0.75) to be paid by the taker-up.]~~
- (4)~~(3)~~ The taker-up shall **immediately post**~~[cause to be posted]~~ a copy of the **county judge/executive's**~~[justice's]~~ certificate in the sheriff's office with jurisdiction over the area where the stray cattle or stray equine was taken up~~[within one (1) month]~~ after he has posted the stray. **Hold time for stray equines shall begin after all documentation has been properly filed and posted by the county judge/executive and taker-up.**
- (5)~~(4)~~ (a) **If ownership is found from identifiers of the stray equine such as lip tattoos, freeze brands, or microchips, efforts shall be made by the county/judge executive or his designee to ascertain the owner by investigatory due diligence in locating the owner and providing notice before holding time expires. The owner/claimants of the stray equine shall reimburse the county judge/executive for the cost of the veterinarian's assessment per the contracted agreement.**
- (b) The taker-up shall be paid by the owner of the stray, if and when he claims the stray or its value, ~~the fee paid the clerk]~~and the actual **itemized** costs incurred by the taker-up for keeping the stray equine or cattle. **In the event that a dispute arises relating to ownership, adverse claimants, third-party claims or liens, value of the equine, or actual itemized expenses incurred, the parties may file an action in a court of competent jurisdiction of the county in which the stray equine was taken up. The filing of an action under this paragraph shall toll holding time as to vesting of ownership interests.**

- (c) The taker-up may have the stray equine *sterilized only after the fifteen (15) day holding period has expired and ownership vested pursuant to Section 2 of this Act, and any pending court cases pertaining to the stray equine have been resolved*~~[gelded, in which case the owner shall also pay the taker-up for the actual cost incurred for the gelding].~~

➔Section 2. KRS 259.130 is amended to read as follows:

The absolute ownership of a stray equine shall vest in the taker-up at the expiration of *fifteen (15)*~~[ninety (90)]~~ days after the *county judge/executive*~~[justice]~~ has received the evidence of the *required documentation*,~~[valuation and]~~ administered the oath to the taker-up, *and the county judge/executive and taker-up have filed and posted the required documentation pursuant to Section 1 of this Act*. The absolute ownership of stray cattle shall vest in the taker-up after the expiration of twelve (12) months from the day on which the cattle have been posted.

➔Section 3. KRS 259.140 is amended to read as follows:

- (1) If~~[stray equines or]~~ cattle taken up under KRS 259.120 are sold for a profit before absolute ownership of the~~[stray equines or]~~ stray cattle has vested in the taker-up as provided by KRS 259.130, then the taker-up shall pay to the owner upon demand and proof of ownership the amount received for the~~[stray equine or]~~ stray cattle less the amount owed by the owner to the taker-up under KRS 259.120. The owner shall not be entitled to any payment from the taker-up under this section if demand for payment is made more than *fifteen (15)*~~[ninety (90)]~~ days after the posting of the stray equine *and vesting of ownership pursuant to Section 2 of this Act* or more than twelve (12) months after the posting of the stray cattle under KRS 259.120.
- (2) *County judges/executive or participating state agency*~~[Justices of the peace]~~, county clerks, and all other local government employees acting in good faith in the discharge of the duties imposed by KRS 259.105, 259.110, 259.120, 259.130, and this section shall be immune from criminal and civil liability for any act related to the taking up and posting of stray equines or stray cattle.

Signed by Governor March 19, 2015.