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HOUSE BILL 1538

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State of Washington

62nd Legislature

2011 Regular Session

By Representatives Buys, Blake, Chandler, Taylor, Orcutt, Hinkle, Haler, Johnson, and Warnick

Read first time 01/25/11. Referred to Committee on Agriculture & Natural Resources.

1 AN ACT Relating to animal health inspections; amending RCW  
2 16.36.040, 16.36.050, 16.36.113, 16.36.140, 16.57.160, and 16.57.360;  
3 adding a new section to chapter 16.57 RCW; and prescribing penalties.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 **Sec. 1.** RCW 16.36.040 and 1998 c 8 s 4 are each amended to read as  
6 follows:

7 (1) The director may adopt and enforce rules necessary to carry out  
8 the purpose and provisions of this chapter, and including:

9 (a) Preventing the introduction or spreading of infectious,  
10 contagious, communicable, or dangerous diseases affecting animals in  
11 this state;

12 (b) Governing the inspection and testing of all animals within or  
13 about to be imported into this state; (~~and~~)

14 (c) Designating any disease as a reportable disease; and

15 (d) Designating when a certificate of veterinary inspection, import  
16 health papers, permits, or other transportation documents required by  
17 law or rule must designate a destination with a physical address for  
18 animals entering Washington state and when those animals must be

1 delivered or transported directly to the physical address of that  
2 destination.

3 (2) Rules to prevent the introduction or spread of infectious,  
4 contagious, communicable, or dangerous diseases affecting animals in  
5 this state may differ from federal regulations by being more  
6 restrictive.

7 **Sec. 2.** RCW 16.36.050 and 2010 c 66 s 2 are each amended to read  
8 as follows:

9 (1) It is unlawful for a person to bring an animal into Washington  
10 state without first securing a certificate of veterinary inspection,  
11 reviewed by the state veterinarian of the state of origin, verifying  
12 that the animal meets the Washington state animal health requirements.  
13 This subsection does not apply to:

- 14 (a) (~~Livestock~~) Animals, which are governed by RCW 16.36.140; or  
15 (b) Other animals exempted by the director by rule.

16 (2) For animals imported into Washington state it is unlawful for  
17 a person to transport or deliver an animal to any physical address  
18 other than the physical address of the destination designated by a  
19 certificate of veterinary inspection, import health papers, permits, or  
20 other transportation documents required by law or rule. The director  
21 may exempt animals from this requirement by rule.

22 (3) It is unlawful for a person to intentionally falsely make,  
23 complete, alter, use, or sign a certificate of veterinary inspection or  
24 official animal health document of the department.

25 (~~(+3)~~) (4) It is unlawful for a person to intentionally falsely  
26 apply, alter, or remove an official animal health or official animal  
27 identification tag, permanent mark, or other device.

28 (~~(+4)~~) (5) It is unlawful for a person to willfully hinder,  
29 obstruct, or resist the director, or any peace officer or deputized  
30 state veterinarian acting under him or her, when engaged in the  
31 performance of their duties.

32 (~~(+5)~~) (6) It is unlawful for a person to willfully fail to comply  
33 with or to violate any rule or order adopted by the director under this  
34 chapter.

35 **Sec. 3.** RCW 16.36.113 and 2007 c 71 s 4 are each amended to read  
36 as follows:

1       (1) Any person in violation of this chapter or its rules may be  
2 subject to a civil penalty in an amount of not more than one thousand  
3 dollars for each violation. Each violation is a separate and distinct  
4 offense. Every person who, through an act of commission or omission,  
5 procures, aids, or abets in the violation is in violation of this  
6 chapter or its rules and may be subject to the civil penalty provided  
7 in this section. Moneys collected under this section must be deposited  
8 in the state general fund.

9       (2) The department may charge a time and mileage fee for the cost  
10 of an investigation including inspecting animals and related records  
11 during an investigation of a proven violation of this chapter. The fee  
12 may be up to eighty-five dollars per hour and the current mileage rate  
13 set by the office of financial management. The director may increase  
14 the hourly fee by rule as necessary to cover costs of investigations.  
15 All fees collected pursuant to this subsection shall be deposited in an  
16 account in the agricultural local fund and used to carry out the  
17 purposes of this chapter.

18       **Sec. 4.** RCW 16.36.140 and 2010 c 66 s 3 are each amended to read  
19 as follows:

20       (1) It is unlawful for a person to bring (~~livestock~~) an animal  
21 into Washington state without first securing a certificate of  
22 veterinary inspection, reviewed by the state veterinarian of the state  
23 of origin, verifying that the (~~livestock~~) animal meets Washington  
24 state animal health requirements. This subsection does not apply to  
25 (~~livestock~~) animals that:

26       (a) Have been exempted by the director by rule; or

27       (b) Will be delivered within twelve hours after entry into  
28 Washington state to:

29       (i) An approved, inspected feed lot for slaughter;

30       (ii) A federally inspected slaughter plant; or

31       (iii) A licensed public livestock market for sale and subsequent  
32 delivery within twelve hours to:

33       (A) An approved, inspected feed lot for slaughter; or

34       (B) A federally inspected slaughter plant.

35       (2) The director may monitor (~~livestock~~) animals entering  
36 Washington state. Persons importing, transporting, receiving, feeding,  
37 or housing imported (~~livestock~~) animals shall:

1 (a) Comply with the requirement and any exemptions specified in  
2 subsection (1) of this section; and

3 (b) Make the (~~livestock~~) animal and related records available for  
4 inspection by the director.

5 ~~(3) ((The department may charge a time and mileage fee for  
6 inspecting livestock and related records during an investigation of a  
7 proven violation of this section. The fee is eighty five dollars per  
8 hour and the current mileage rate set by the office of financial  
9 management. The director may increase the hourly fee by rule as  
10 necessary to cover costs of investigations. All fees collected  
11 pursuant to this subsection shall be deposited in an account in the  
12 agricultural local fund and used to carry out the purposes of this  
13 chapter.~~

14 ~~(4))~~) The director may adopt and enforce rules necessary to carry  
15 out the purpose and provisions of this section.

16 **Sec. 5.** RCW 16.57.160 and 2010 c 66 s 6 are each amended to read  
17 as follows:

18 (1) The director may adopt rules:

19 (a) Designating any point for mandatory inspection of cattle or  
20 horses or the furnishing of proof that cattle or horses passing or  
21 being transported through the point have been inspected or identified  
22 and are lawfully being transported;

23 (b) Providing for issuance of individual horse and cattle  
24 identification certificates or other means of horse and cattle  
25 identification; (~~and~~)

26 (c) Designating the documents that constitute other satisfactory  
27 proof of ownership for cattle and horses. A bill of sale may not be  
28 designated as documenting satisfactory proof of ownership for cattle;  
29 and

30 (d) Designating when inspection certificates, certificates of  
31 permit, or other transportation documents required by law or rule must  
32 designate a physical address of a destination. Cattle and horses must  
33 be delivered or transported directly to the physical address of that  
34 destination.

35 (2) A self-inspection certificate may be accepted as satisfactory  
36 proof of ownership for cattle if the director determines that the self-  
37 inspection certificate, together with other available documentation,

1 sufficiently establishes ownership. Self-inspection certificates  
2 completed after June 10, 2010, are not satisfactory proof of ownership  
3 for cattle.

4 NEW SECTION. **Sec. 6.** A new section is added to chapter 16.57 RCW  
5 to read as follows:

6 It is unlawful for a person to transport or deliver cattle or  
7 horses to any destination other than the physical address of the  
8 destination designated on an inspection certificate, certificate of  
9 permit, or other transportation document when required by law or rule.  
10 The director may exempt cattle and horses from this requirement by  
11 rule.

12 **Sec. 7.** RCW 16.57.360 and 2003 c 326 s 42 are each amended to read  
13 as follows:

14 (1)(a) The department is authorized to issue notices of and enforce  
15 civil infractions in the manner prescribed under chapter 7.80 RCW.

16 (b) The violation of any provision of this chapter and/or rules  
17 adopted under this chapter shall constitute a class I civil infraction  
18 as provided under chapter 7.80 RCW unless otherwise specified herein.

19 (2) The department may charge a time and mileage fee for the cost  
20 of an investigation including inspecting animals and related records  
21 during an investigation of a proven violation of this chapter. The fee  
22 may be up to eighty-five dollars per hour and the current mileage rate  
23 set by the office of financial management. The director may increase  
24 the hourly fee by rule as necessary to cover costs of investigations.  
25 All fees collected pursuant to this subsection shall be deposited in an  
26 account in the agricultural local fund and used to carry out the  
27 purposes of this chapter.

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