

Chapter 16.65 RCW
PUBLIC LIVESTOCK MARKETS

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RCW 16.65.005 Purpose. The purpose of this chapter is to ensure the orderly marketing of livestock, to ensure the financial stability of public livestock markets, and to protect persons who consign livestock to markets and sales. [2003 c 326 s 61.]

Effective dates—2003 c 326: See RCW 16.57.902.

RCW 16.65.010 Definitions. For the purposes of this chapter:

(1) The term "public livestock market" means any place, establishment or facility commonly known as a "public livestock market", "livestock auction market", "livestock sales ring", yards selling on commission, or the like, conducted or operated for compensation or profit as a public livestock market, consisting of pens or other enclosures, and their appurtenances in which livestock is received, held, sold, kept for sale or shipment. The term does not include the operation of a person licensed under this chapter to operate a special open consignment horse sale.

(2) "Department" means the department of agriculture of the state of Washington.

(3) "Director" means the director of the department or his or her duly authorized representative.

(4) "Licensee" means any person licensed under the provisions of this chapter.

(5) "Livestock" includes horses, mules, burros, cattle, sheep, swine, and goats.

(6) "Person" means a natural person, individual, firm, partnership, corporation, company, society, and association, and every officer, agent or employee thereof. This term shall import either the singular or the plural as the case may be.

(7) "Stockyard" means any place, establishment, or facility commonly known as a stockyard consisting of pens or other enclosures and their appurtenances in which livestock services such as feeding, watering, weighing, sorting, receiving and shipping are offered to the public: PROVIDED, That stockyard shall not include any facilities where livestock is offered for sale at public auction, feed lots, or quarantined registered feed lots.

(8) "Packer" means any person engaged in the business of slaughtering, manufacturing, preparing meat or meat products for sale, marketing meat, meat food products or livestock products.

(9) "Special open consignment horse sale" means a sale conducted by a person other than the operator of a public livestock market which is limited to the consignment of horses and donkeys only for sale on an occasional and seasonal basis.

(10) "Livestock inspection" or "inspection" means the examination of livestock or livestock hides for brands or any means of identifying livestock or livestock hides including the examination of documents providing evidence of ownership. [2003 c 326 s 62; 1983 c 298 s 1; 1961 c 182 s 1; 1959 c 107 s 1.]

Effective dates—2003 c 326: See RCW 16.57.902.

RCW 16.65.015 Application of chapter—Exceptions. (1) Except under subsection (2) of this section, this chapter does not apply to:

(a) A farmer selling his or her own livestock.

(b) A farmers' cooperative association or an association of livestock breeders when any class of their own livestock is assembled and offered for sale at a special sale under the association's management and responsibility.

(c) A youth livestock organization such as 4-H, FFA, or other junior livestock group, when any class of livestock owned by the youth members is assembled and offered for sale at a special sale under the organization's management and responsibility.

(2) Any farmer, farmers' cooperative association, livestock breeders' association, or youth livestock organization under subsection (1) of this section, may, upon obtaining a permit from the director, conduct a public sale of his or her or its members livestock on an occasional or seasonal basis. Application for the permit shall be in writing to the director for his or her approval at least fifteen days before the proposed public sale is scheduled to be held. The application must be complete and accompanied by a nonrefundable fee of fifty dollars for each sale, except that the fee is waived for youth livestock organizations. The sale is subject to the livestock and

health inspection requirements as provided in this chapter for sales at public livestock markets, unless otherwise prescribed by rule. [2003 c 326 s 63; 1983 c 298 s 2.]

Effective dates—2003 c 326: See RCW 16.57.902.

RCW 16.65.020 Supervision of markets and special open consignment horse sales—Rules—Interference with director's duties. Public livestock markets and special open consignment horse sales shall be under the direction and supervision of the director, and the director may adopt those rules as are necessary to carry out the purpose of this chapter. It shall be the duty of the director to enforce and carry out the provisions of this chapter and rules adopted under this chapter. No person shall interfere with the director when he or she is performing or carrying out any duties imposed by this chapter or rules adopted under this chapter. [2003 c 326 s 64; 1983 c 298 s 5; 1959 c 107 s 2.]

Effective dates—2003 c 326: See RCW 16.57.902.

RCW 16.65.030 Public livestock market license—Application—Contents—Fee—Public hearing. (1) No person shall operate a public livestock market without first having obtained a license from the director. Application for a license shall be in writing on forms prescribed by the director, and shall include the following:

- (a) A nonrefundable original license application fee of two thousand dollars.
- (b) A legal description of the property upon which the public livestock market shall be located.
- (c) A complete description and blueprints or plans of the public livestock market physical plant, yards, pens, and all facilities the applicant proposes to use in the operation of such public livestock market.
- (d) A financial statement, audited by a certified or licensed public accountant, to determine whether or not the applicant meets the minimum net worth requirements, established by the director by rule, to construct and/or operate a public livestock market. If the applicant is a subsidiary of a larger company, corporation, society, or cooperative association, both the parent company and the subsidiary company must submit a financial statement to determine whether or not the applicant meets the minimum net worth requirements. All financial statement information required by this subsection is confidential information and not subject to public disclosure.
- (e) The schedule of rates and charges the applicant proposes to impose on the owners of livestock for services rendered in the operation of such livestock market.
- (f) The weekly or monthly sales day or days on which the applicant proposes to operate his or her public livestock market sales and the class of livestock that may be sold on these days.
- (g) Projected source and quantity of livestock anticipated to be handled.
- (h) Projected gross dollar volume of business to be carried on, at, or through the public livestock market during the first year's operation.

(i) Facts upon which is based the conclusion that the trade area and the livestock industry will benefit because of the proposed market.

(j) Other information as the director may require by rule.

(2) If the director determines that the applicant meets all the requirements of subsection (1) of this section, the director shall conduct a public hearing as provided by chapter 34.05 RCW, and shall grant or deny an application for original license for a public livestock market after considering evidence and testimony relating to the requirements of this section and giving reasonable consideration to:

(a) Benefits to the livestock industry to be derived from the establishment and operation of the public livestock market proposed in the application;

(b) The geographical area that will be affected;

(c) The conflict, if any, with sales days already allocated in the area;

(d) The amount and class of livestock available for marketing in the area;

(e) Buyers available to the proposed market; and

(f) Any other conditions affecting the orderly marketing of livestock.

(3) Before a license is issued to operate a public livestock market, the applicant must:

(a) Execute and deliver to the director a surety bond as required under RCW 16.65.200;

(b) Provide evidence of a custodial account, as required under RCW 16.65.140, for the consignor's proceeds;

(c) Pay the appropriate license fee; and

(d) Provide other information required under this chapter and rules adopted under this chapter. [2003 c 326 s 65; 1995 c 374 s 54; (1994 c 46 s 21 repealed by 1995 c 374 s 55); 1994 c 46 s 12; 1993 c 354 s 1; 1991 c 17 s 1; 1979 ex.s. c 91 s 1; 1971 ex.s. c 192 s 1; 1967 ex.s. c 120 s 5; 1961 c 182 s 2; 1959 c 107 s 3.]

Effective dates—2003 c 326: See RCW 16.57.902.

Prior legislative approval—1994 c 46: "The reenactment of sections 12 through 20 of this act constitutes approval of fee increases for which prior legislative approval is required by RCW 43.135.055 (section 8, chapter 2, Laws of 1994, Initiative Measure No. 601)." [1994 c 46 s 26.]

Effective date—1994 c 46: See note following RCW 15.58.070.

RCW 16.65.037 License—Restrictions—Fees. (1) Any license issued under the provisions of this chapter shall only be valid at the location and for the sales day or days for which the license was issued.

(2) The license fee shall be based on the average gross sales volume per official sales day of a market in the previous twelve months or, for a new market, the projected average gross sales per official sales day of the market during its first year's operation.

(a) The license fee for markets with an average gross sales volume up to and including ten thousand dollars is one hundred sixty-five dollars.

(b) The license fee for markets with an average gross sales volume over ten thousand dollars and up to and including fifty thousand dollars is three hundred thirty dollars.

(c) The license fee for markets with an average gross sales volume over fifty thousand dollars is four hundred ninety-five dollars.

(3) Any applicant operating more than one public livestock market shall make a separate application for a license to operate each public livestock market, and each application shall be accompanied by the appropriate license fee. [2019 c 92 s 10; 2003 c 326 s 66; 1997 c 356 s 9; 1997 c 356 s 8; 1995 c 374 s 57.]

Effective dates—2003 c 326: See RCW 16.57.902.

Effective dates—1997 c 356: See note following RCW 16.57.220.

Effective date—Expiration date—1995 c 374 ss 48, 49, 56, and 57: See note following RCW 16.57.220.

RCW 16.65.040 Public livestock market license—Expiration—Renewal—Penalty. (1) All public livestock market licenses provided for in this chapter expire on March 1st subsequent to the date of issue.

(2) Application for renewal of a public livestock market license shall be in writing on forms prescribed by the director, and shall include:

(a) All information under RCW 16.65.030(1) (d), (e), and (f);

(b) The gross dollar volume of business carried on, at, or through the applicant's public livestock market in the twelve-month period prior to the application for renewal of the license;

(c) Other information as the director may require by rule; and

(d) The appropriate license fee.

(3) If any person fails, refuses, or neglects to apply for a renewal of a preexisting license by March 1st, the person's license shall expire. To reinstate a license, the person shall pay a penalty of twenty-five dollars, which shall be added to the regular license fee, before the license may be reinstated by the director. [2003 c 326 s 67; 1983 c 298 s 6; 1979 ex.s. c 91 s 2; 1959 c 107 s 4.]

Effective dates—2003 c 326: See RCW 16.57.902.

RCW 16.65.042 Special open consignment horse sale license required—Application—Fee—Where and when valid. (1) A person shall not operate a special open consignment horse sale without first obtaining a license from the director. The application for the license shall include:

(a) The schedule of rates and charges the applicant proposes to impose on the owners of horses for services rendered in the operation of the horse sale;

(b) The specific date and exact location of the proposed sale;

(c) Projected quantity and approximate value of horses to be handled; and

(d) Such other information as the director may reasonably require.

(2) The application shall be accompanied by a license fee of one hundred dollars. Upon the approval of the application by the director and compliance with this chapter, the applicant shall be issued a license. A special open consignment horse sale license is valid only for the specific date or dates and exact location for which the license was issued. [2003 c 326 s 68; 1983 c 298 s 3.]

Effective dates—2003 c 326: See RCW 16.57.902.

RCW 16.65.044 Public livestock market—Open consignment horse sale—Consignor's name. It is lawful for the operator of a public livestock market or an open consignment horse sale, upon receiving a request to do so, to allow the announcement of the correct and accurate name of the consignor of any cattle or horses being presented for sale to potential buyers. [1991 c 17 s 5.]

RCW 16.65.050 Disposition of fees. All fees provided for under this chapter shall be deposited in an account in the agricultural local fund and used for enforcing and carrying out the purpose and provisions of this chapter and chapter 16.57 RCW. [2003 c 326 s 69; 1959 c 107 s 5.]

Effective dates—2003 c 326: See RCW 16.57.902.

RCW 16.65.060 License to be posted. The licensee's license shall be posted conspicuously in the main office of such licensee's public livestock market or special open consignment horse sale. [1983 c 298 s 7; 1959 c 107 s 6.]

RCW 16.65.080 Denial, suspension, revocation of license—Reasons—Hearing. (1) The director may deny, suspend, or revoke a license when the director finds that a licensee (a) has misrepresented titles, charges, numbers, brands, weights, proceeds of sale, or ownership of livestock; (b) has attempted payment to a consignor or the department by a check the licensee knows not to be backed by sufficient funds to cover such check; (c) has violated any of the provisions of this chapter or rules adopted under this chapter; (d) has violated any laws of the state that require inspection of livestock for health or identification purposes; (e) has violated any condition of the bond, as provided in this chapter.

(2) Upon notice by the director to deny, revoke, or suspend a license, a person may request a hearing under chapter 34.05 RCW.

(3) The director may issue subpoenas to compel the attendance of witnesses, or the production of books or documents anywhere in the state. The applicant or licensee shall have opportunity to be heard, and may have such subpoenas issued as he or she desires. Subpoenas shall be served in the same manner as in civil cases in the superior court. Witnesses shall testify under oath which may be administered by

the director. Testimony shall be recorded, and may be taken by deposition under such rules as the director may prescribe. [2019 c 92 s 9; 2003 c 326 s 70; 1985 c 415 s 9; 1971 ex.s. c 192 s 2; 1961 c 182 s 3; 1959 c 107 s 8.]

Effective dates—2003 c 326: See RCW 16.57.902.

Orders—Appeal: RCW 16.65.450.

RCW 16.65.090 Livestock inspection—Consignor's fee—Inspection fee—Call out fee. (Effective until July 1, 2030.) When livestock inspection is required the licensee shall collect from the consignor and pay to the department an inspection fee, as provided by law, for each animal inspected. However, if in any one sale day the total fees collected for inspection do not exceed \$150, then the licensee shall pay \$150 for the inspection services. The licensee must pay a call out fee of \$20 to the department for each day and for each livestock inspector who performs inspections at a public livestock market. No call out fee is charged for an inspection done by a certified veterinarian or field livestock inspector. [2023 c 46 s 6; 2019 c 92 s 11; 2003 c 326 s 71; 1997 c 356 s 11; 1997 c 356 s 10; 1994 c 46 s 22; 1994 c 46 s 13; 1993 c 354 s 2; 1983 c 298 s 8; 1971 ex.s. c 192 s 3; 1959 c 107 s 9.]

Expiration date—2025 c 287; 2023 c 46 ss 1, 3, 5, and 6: See note following RCW 16.57.015.

Expiration date—2025 c 287; 2023 c 46; 2022 c 158; 2019 c 92 ss 1, 5, 8, and 11: See note following RCW 16.57.015.

Effective dates—2003 c 326: See RCW 16.57.902.

Effective dates—1997 c 356: See note following RCW 16.57.220.

Effective date—1994 c 46 ss 21-25: "Sections 21 through 25 of this act shall take effect July 1, 1997." [1994 c 46 s 29.]

Effective date—1994 c 46: See note following RCW 15.58.070.

Prior legislative approval—1994 c 46: See note following RCW 16.65.030.

RCW 16.65.090 Livestock inspection—Consignor's fee—Inspection fee. (Effective July 1, 2030.) The director shall provide for livestock inspection. When livestock inspection is required the licensee shall collect from the consignor and pay to the department an inspection fee, as provided by law, for each animal inspected. However, if in any one sale day the total fees collected for inspection do not exceed one hundred dollars, then the licensee shall pay one hundred dollars for the inspection services. [2003 c 326 s 71; 1997 c 356 s 11; 1997 c 356 s 10; 1994 c 46 s 22; 1994 c 46 s 13; 1993 c 354 s 2; 1983 c 298 s 8; 1971 ex.s. c 192 s 3; 1959 c 107 s 9.]

Effective dates—2003 c 326: See RCW 16.57.902.

Effective dates—1997 c 356: See note following RCW 16.57.220.

Effective date—1994 c 46 ss 21-25: "Sections 21 through 25 of this act shall take effect July 1, 1997." [1994 c 46 s 29.]

Effective date—1994 c 46: See note following RCW 15.58.070.

Prior legislative approval—1994 c 46: See note following RCW 16.65.030.

RCW 16.65.100 Livestock inspection—Purchaser's fee. The licensee of each public livestock market or special open consignment horse sale shall collect from any purchaser of livestock requesting inspection a fee as provided by law for each animal inspected. This fee shall be in addition to the fee charged to the consignor for inspection and shall not apply to the minimum fee chargeable to the licensee. [2003 c 326 s 72; 1983 c 298 s 9; 1959 c 107 s 10.]

Effective dates—2003 c 326: See RCW 16.57.902.

RCW 16.65.120 Disposition of proceeds of sale—Limitations on licensee. A licensee shall not, except as provided in this chapter, pay the net proceeds or any part thereof arising from the sale of livestock consigned to the said licensee for sale, to any person other than the consignor of such livestock except upon an order from a court of competent jurisdiction, unless (1) such licensee has reason to believe that such person is the owner of the livestock; (2) such person holds a valid unsatisfied mortgage or lien upon the particular livestock, or (3) such person holds a written order authorizing such payment executed by the owner at the time of or immediately following the consignment of such livestock. [1959 c 107 s 12.]

RCW 16.65.130 Unlawful use of consignor's net proceeds. It shall be unlawful for the licensee to use for his or her own purposes consignor's net proceeds, or funds received by such licensee to purchase livestock on order, through recourse to the so-called "float" in the bank account, or in any other manner. [2011 c 336 s 433; 1959 c 107 s 13.]

RCW 16.65.140 Custodial account for consignor's proceeds—Authorized withdrawals—Accounts and records. Each licensee shall establish a custodial account for consignor's proceeds. All funds derived from the sale of livestock handled on a commission or agency basis shall be deposited in that account. The account shall be drawn on only for the payment of net proceeds to the consignor, or other person or persons of whom the licensee has knowledge is entitled to the proceeds, and to obtain from those proceeds only the sums due the licensee as compensation for the services as are set out in the posted tariffs, and for the sums as are necessary to pay all legal charges against the consignment of livestock which the licensee in the capacity as agent is required to pay for on behalf of the consignor or shipper. The licensee in each case shall keep those accounts and

records that will at all times disclose the names of the consignors and the amount due and payable to each from the funds in the custodial account for consignor's proceeds. The licensee shall maintain the custodial account for consignor's proceeds in a manner that will expedite examination by the director and reflect compliance with the requirements of this section. [2003 c 326 s 73; 1971 ex.s. c 192 s 4; 1959 c 107 s 14.]

Effective dates—2003 c 326: See RCW 16.57.902.

RCW 16.65.150 Penalty for failure to disclose unsatisfied lien, mortgage. The delivery of livestock, for the purpose of sale, by any consignor or vendor to a public livestock market or special open consignment horse sale without making a full disclosure to the agent or licensee of such public livestock market or special open consignment horse sale of any unsatisfied lien or mortgage upon such livestock shall constitute a gross misdemeanor. [1983 c 298 s 10; 1959 c 107 s 15.]

RCW 16.65.160 Delivery of proceeds and invoice to consignor or shipper. The licensee shall deliver the net proceeds together with an invoice to the consignor or shipper within twenty-four hours after the sale or by the end of the next business day if the licensee is not on notice that any other person or persons have a valid interest in the livestock. [1959 c 107 s 16.]

RCW 16.65.170 Records of licensee—Contents. The licensee shall keep accurate records which shall be available for inspection to all parties directly interested therein, and the records shall contain the following information:

(1) The date on which each consignment of livestock was received and sold.

(2) The name and address of the buyer and seller of the livestock.

(3) The number and species of livestock received and sold.

(4) The marks, brands, and identification on the livestock.

(5) All statements of warranty or representations of title material to, or upon which, any sale is consummated.

(6) The gross selling price of the livestock with a detailed list of all charges deducted therefrom.

These records shall be kept by the licensee for one year subsequent to the receipt of such livestock. [2019 c 92 s 12; 2003 c 326 s 74; 1967 c 192 s 1; 1959 c 107 s 17.]

Effective dates—2003 c 326: See RCW 16.57.902.

RCW 16.65.180 Unjust, unreasonable, discriminatory rates or charges prohibited. All rates or charges made for any stockyard services furnished at a public livestock market or special open consignment horse sale shall be just, reasonable, and nondiscriminatory, and any unjust, unreasonable, or discriminatory

rate or charge is prohibited and declared to be unlawful. [1983 c 298 s 11; 1959 c 107 s 18.]

RCW 16.65.190 Schedule of rates and charges. No person shall operate a public livestock market or special open consignment horse sale unless that person has filed a schedule with the application for license to operate a public livestock market or special open consignment horse sale. The schedule shall show all rates and charges for stockyard services to be furnished at the public livestock market or special open consignment horse sale.

(1) Schedules shall be posted conspicuously at the public livestock market or special open consignment horse sale, and shall plainly state all rates and charges in such detail as the director may require, and shall state any rules which in any manner change, affect, or determine any part of the aggregate of the rates or charges, or the value of the stockyard services furnished. The director may determine and prescribe the form and manner in which the schedule shall be prepared, arranged, and posted.

(2) No changes shall be made in rates or charges so filed and published except after thirty days' notice to the director and to the public filed and posted as set forth under this section, which shall plainly state the changes proposed to be made and the time the changes will go into effect.

(3) No licensee shall charge, demand, or collect a greater or a lesser or a different compensation for a service than the rates and charges specified in the schedule filed with the director and in effect at the time; nor shall a licensee refund or remit in any manner any portion of the rates or charges so specified (but this shall not prohibit a cooperative association of producers from properly returning to its members, on a patronage basis, its excess earnings on their livestock); nor shall a licensee extend to any person at a public livestock market or special open consignment horse sale any stockyard services except as are specified in the schedule. [2003 c 326 s 75; 1983 c 298 s 12; 1959 c 107 s 19.]

Effective dates—2003 c 326: See RCW 16.57.902.

RCW 16.65.200 Licensee's bond to operate market or special open consignment horse sale. Before the license is issued to operate a public livestock market or special open consignment horse sale, the applicant shall execute and deliver to the director a surety bond in a sum as herein provided for, executed by the applicant as principal and by a surety company qualified and authorized to do business in this state as surety. The bond shall be a standard form and approved by the director as to terms and conditions. The bond shall be conditioned that the principal will not commit any fraudulent act and will comply with the provisions of this chapter and the rules adopted under this chapter. The bond shall be to the state in favor of every consignor and/or vendor creditor whose livestock was handled or sold through or at the licensee's public livestock market or special open consignment horse sale: PROVIDED, That if the applicant is bonded as a market agency under the provisions of the packers and stockyards act, (7 U.S.C. 181) as amended, on March 20, 1961, in a sum equal to or greater than the sum required under the provisions of this chapter,

and the applicant furnishes the director with a bond approved by the United States secretary of agriculture, the director may accept the bond and its method of termination in lieu of the bond provided for herein and issue a license if the applicant meets all the other requirements of this chapter.

The total and aggregate liability of the surety for all claims upon the bond shall be limited to the face of the bond. Every bond filed with and approved by the director shall, without the necessity of periodic renewal, remain in force and effect until the license of the licensee is revoked for cause or otherwise canceled. The surety on a bond, as provided herein, shall be released and discharged from all liability to the state accruing on the bond upon compliance with the provisions of RCW 19.72.110 concerning notice and proof of service, but this shall not operate to relieve, release, or discharge the surety from any liability already accrued or which shall accrue (due and to become due hereunder) before the expiration period provided for in RCW 19.72.110 concerning notice and proof of service, and unless the principal shall before the expiration of this period, file a new bond, the director shall immediately cancel the principal's license. [2003 c 326 s 76; 1983 c 298 s 13; 1971 ex.s. c 192 s 5; 1961 c 182 s 4. Prior: 1959 c 107 s 20.]

Effective dates—2003 c 326: See RCW 16.57.902.

RCW 16.65.210 Licensee's bond to operate market—Amount determined by prior business operations—Minimum amount. The sum of the bond to be executed by an applicant for a public livestock market license shall be determined in the following manner:

(1) Determine the dollar volume of business carried on, at, or through, such applicant's public livestock market in the twelve-month period prior to such applicant's application for a license.

(2) Divide such dollar volume of business by the number of official sale days granted such applicant's public livestock market, as herein provided, in the same twelve-month period provided for in subsection (1).

(3) Bond amount shall be that amount obtained by the formula in subsection (2) except that it shall not be an amount less than ten thousand dollars and if that amount shall exceed fifty thousand then that portion above fifty thousand shall be at the rate of ten percent of that value, except that the amount of the bond shall be to the nearest five thousand figure above that arrived at in the formula. [1971 ex.s. c 192 s 6; 1959 c 107 s 21.]

RCW 16.65.220 Licensee's bond to operate market—Amount when no prior business operations—Minimum and maximum amount. If the application for a license to operate a public livestock market is from a new public livestock market which has not operated in the past twelve-month period, the director shall determine a bond, in a reasonable sum, that the applicant shall execute in favor of the state, which shall not be less than ten thousand dollars nor greater than twenty-five thousand dollars: PROVIDED, That the director may at any time, upon written notice, review the licensee's operations and determine whether, because of increased or decreased sales, the amount

of the bond should be altered. [1971 ex.s. c 192 s 7; 1959 c 107 s 22.]

RCW 16.65.230 Licensee's bond to operate market—One bond for each market. Any licensee operating more than one public livestock market shall execute a bond, as herein provided, for each such licensed public livestock market. [1959 c 107 s 23.]

RCW 16.65.232 Licensee's bond to operate special open consignment horse sale—Amount determined by estimate of business—Minimum amount. The sum of the bond to be executed by an applicant for a special open consignment horse sale license shall be determined by estimating the dollar volume of business to be carried on, at, or through the applicant's proposed special open consignment horse sale. The bond amount shall be that amount estimated as the applicant's dollar volume of business. However, the bond shall not be in an amount less than ten thousand dollars. If the amount exceeds fifty thousand dollars, then that portion above fifty thousand dollars shall be at the rate of ten percent of that value, except that the amount of the bond shall be to the nearest greater five thousand dollar figure. [1983 c 298 s 4.]

RCW 16.65.235 Cash or other security in lieu of surety bond—Rules. In lieu of the surety bond required under the provisions of this chapter, an applicant or licensee may file with the director a deposit consisting of cash or other security acceptable to the director. The director may adopt rules necessary for the administration of such security. [2003 c 326 s 77; 1973 c 142 s 3.]

Effective dates—2003 c 326: See RCW 16.57.902.

RCW 16.65.240 Action on bond—Fraud of licensee. Any vendor or consignor creditor claiming to be injured by the fraud of any licensee may bring action upon said bond against both principal and surety in any court of competent jurisdiction to recover the damages caused by such fraud. [1959 c 107 s 24.]

RCW 16.65.250 Action on bond—Failure to comply with chapter. The director or any vendor or consignor creditor may also bring action upon said bond against both principal and surety in any court of competent jurisdiction to recover the damages caused by any failure to comply with the provisions of this chapter and the rules and/or regulations adopted hereunder. [1959 c 107 s 25.]

RCW 16.65.260 Licensee's failure to pay vendor, consignor—Complaint—Director's powers and duties. In case of failure by a licensee to pay amounts due a vendor or consignor creditor whose livestock was handled or sold through or at the licensee's public livestock market or special open consignment horse sale, as evidenced by a verified complaint filed with the director, the director may

proceed immediately to ascertain the names and addresses of all vendor or consignor creditors of the licensee, together with the amounts due and owing to them and each of them by the licensee, and shall request all vendor and consignor creditors to file a verified statement of their respective claims with the director. This request shall be addressed to each known vendor or consignor creditor at his or her last known address. [2003 c 326 s 78; 1983 c 298 s 14; 1959 c 107 s 26.]

Effective dates—2003 c 326: See RCW 16.57.902.

RCW 16.65.270 Licensee's failure to pay vendor, consignor—Failure of vendor, consignor to file claim. If a vendor or consignor creditor so addressed fails, refuses or neglects to file in the office of the director his or her verified claim as requested by the director within sixty days from the date of such request, the director shall be relieved of further duty or action on behalf of the producer or consignor creditor. [2003 c 326 s 79; 1959 c 107 s 27.]

Effective dates—2003 c 326: See RCW 16.57.902.

RCW 16.65.280 Licensee's failure to pay vendor, consignor—Duties of director when names of creditors not available. Where by reason of the absence of records, or other circumstances making it impossible or unreasonable for the director to ascertain the names and addresses of all vendor and consignor creditors, the director, after exerting due diligence and making reasonable inquiry to secure the information from all reasonable and available sources, may make demand on the bond on the basis of information then in his or her possession, and thereafter shall not be liable or responsible for claims or the handling of claims which may subsequently appear or be discovered. [2003 c 326 s 80; 1959 c 107 s 28.]

Effective dates—2003 c 326: See RCW 16.57.902.

RCW 16.65.290 Licensee's failure to pay vendor, consignor—Settlement, compromise of claims—Demand on bond—Discharge. Upon ascertaining all claims and statements in the manner herein set forth, the director may then make demand upon the bond on behalf of those claimants whose statements have been filed, and shall have the power to settle or compromise said claims with the surety company on the bond, and is empowered in such cases to execute and deliver a release and discharge of the bond involved. [1959 c 107 s 29.]

RCW 16.65.300 Licensee's failure to pay vendor, consignor—Refusal by surety company to pay demand—Action on bond—New bond, suspension or revocation of license on failure to file. Upon the refusal of the surety company to pay the demand, the director may bring an action on the bond in behalf of vendor and consignor creditors. Upon any action being commenced on the bond, the director may require the filing of a new bond. Immediately upon the recovery in any action on the bond the licensee shall file a new bond. Upon

failure to file the new bond within ten days, such a failure shall constitute grounds for the suspension or revocation of the license. [2003 c 326 s 81; 1959 c 107 s 30.]

Effective dates—2003 c 326: See RCW 16.57.902.

RCW 16.65.310 Licensee's failure to pay vendor, consignor—Settlement, compromise—Creditors share—Priority of state's claim. In any settlement or compromise by the director with a surety company as provided in RCW 16.65.290, where there are two or more consignor and/or vendor creditors that have filed claims, either fixed or contingent, against a licensee's bond, such creditors shall share pro rata in the proceeds of the bond to the extent of their actual damage: PROVIDED, That the claims of the state and the department which may accrue from the conduct of the licensee's public livestock market shall have priority over all other claims. [1959 c 107 s 31.]

RCW 16.65.320 Investigations by director—Complaints. For the purpose of enforcing the provisions of this chapter, the director on the director's own motion or upon the verified complaint of any vendor or consignor against any licensee, or agent, or any person assuming or attempting to act as such, shall have full authority to make any and all necessary investigations. The director is empowered to administer oaths of verification of such complaints. [1985 c 415 s 10; 1959 c 107 s 32.]

RCW 16.65.330 Investigations—Powers of director. For the purpose of making investigations as provided for in RCW 16.65.320, the director may enter a public livestock market and examine any records required under the provisions of this chapter. The director shall have full authority to issue subpoenas requiring the attendance of witnesses before him or her, together with all books, memorandums, papers, and other documents relative to the matters under investigation, and to administer oaths and take testimony thereunder. [2011 c 336 s 434; 1959 c 107 s 33.]

RCW 16.65.340 Testing, examination, etc., of livestock for disease—Veterinarian employed by the market. The director shall, when livestock is sold, traded, exchanged, or handled at or through a public livestock market, require such testing, treating, identifying, examining and recordkeeping of such livestock by a Washington state licensed and accredited veterinarian employed by the market as in the director's judgment may be necessary to prevent the spread of brucellosis, tuberculosis, paratuberculosis, pseudorabies, or any other infectious, contagious, or communicable disease among the livestock of this state. The state veterinarian or his or her authorized representative may conduct additional testing and examinations for the same purpose. [2003 c 326 s 82; 1967 c 192 s 2; 1959 c 107 s 34.]

Effective dates—2003 c 326: See RCW 16.57.902.

RCW 16.65.350 Examinations—Sanitary and health practices and standards—Rules. The director shall adopt rules regarding sanitary practices, health practices and standards, and the examination of animals at public livestock markets. [2003 c 326 s 83; 1959 c 107 s 35.]

Effective dates—2003 c 326: See RCW 16.57.902.

RCW 16.65.360 Facilities—Sanitation—Requirements. Licensees shall provide facilities and sanitation for the prevention of livestock diseases at their public livestock markets, as follows:

(1) The floors of all pens and alleys that are part of a public livestock market shall be constructed of concrete or similar impervious material and kept in good repair, with a slope of not less than one-fourth inch per foot to adequate drains leading to an approved sewage system: PROVIDED, That the director may designate certain pens within such public livestock markets as feeding and holding pens and the floors and alleys of such pens shall not be subject to the aforementioned surfacing requirements.

(2) Feeding and holding pens maintained in an area adjacent to a public livestock market shall be constructed and separated from such public livestock market, in a manner prescribed by the director, in order to prevent the spread of communicable diseases to the livestock sold or held for sale in such public livestock market.

(3) All yards, chutes and pens used in handling livestock shall be constructed of such materials which will render them easily cleaned and disinfected, and such yards, pens and chutes shall be kept clean, sanitary and in good repair at all times, as required by the director.

(4) Sufficient calf pens of adequate size to prevent overcrowding shall be provided, and such pens, when used, shall be cleaned and disinfected no later than the day subsequent to each sale.

(5) All swine pens, when used, shall be cleaned and disinfected no later than the day subsequent to each sale.

(6) A water system carrying a pressure of forty pounds and supplying sufficient water to thoroughly wash all pens, floors, alleys and equipment shall be provided.

(7) Sufficient quarantine pens of adequate capacity shall be provided. Such pens shall be used to hold only cattle reacting to brucellosis and tuberculosis or to quarantine livestock with other contagious or communicable diseases and shall be:

(a) hard surfaced with concrete or similar impervious material and shall be kept in good repair;

(b) provided with separate watering facilities;

(c) painted white with the word "quarantine" painted in red letters not less than four inches high on such quarantine pen's gate;

(d) provided with a tight board fence not less than five and one-half feet high;

(e) cleaned and disinfected not later than one day subsequent to the date of sale.

To prevent the spread of communicable diseases among livestock, the director shall have the authority to cause the cleaning and disinfecting of any area or all areas of a public livestock market and equipment or vehicles with a complete coverage of disinfectants approved by the director. [1959 c 107 s 36.]

RCW 16.65.370 Watering, feeding facilities—Unlawful acts. Pens used to hold livestock for a period of twenty-four hours or more in a public livestock market shall have watering and feeding facilities for livestock held in such pens. It shall be unlawful for a public livestock market to hold livestock for a period longer than twenty-four hours without feeding and watering such livestock. An operator of a public livestock market may also refuse to accept the consignment of any livestock that the licensee may believe to have been inadequately fed or otherwise inadequately cared for prior to the delivery of the livestock in question to the public livestock market. [1991 c 17 s 2; 1959 c 107 s 37.]

RCW 16.65.380 Adequate facilities and space required for veterinarians to function. Public livestock market facilities shall include adequate space and facilities necessary for market, federal, or state veterinarians to properly carry out their functions as prescribed by law and rules adopted under law or as prescribed by applicable federal law or regulation. [2003 c 326 s 84; 1959 c 107 s 38.]

Effective dates—2003 c 326: See RCW 16.57.902.

RCW 16.65.390 Adequate space and facilities required for livestock inspectors and veterinarians to function. Public livestock market facilities shall include space and facilities necessary for livestock inspectors and veterinarians to properly carry out their duties, as provided by law and rules adopted under law, in a safe and expeditious manner. [2003 c 326 s 85; 1959 c 107 s 39.]

Effective dates—2003 c 326: See RCW 16.57.902.

RCW 16.65.400 Weighing of livestock at public livestock market.

- (1) Each public livestock market licensee shall maintain and operate approved weighing facilities for the weighing of livestock at such licensee's public livestock market.
- (2) All dial scales used by the licensee shall be of adequate size to be readily visible to all interested parties and shall be equipped with a mechanical weight recorder.
- (3) All beam scales used by the licensee shall be equipped with a balance indicator, a weigh beam and a mechanical weight recorder, all readily visible to all interested parties.
- (4) All scales used by the licensee shall be checked for balance at short intervals during the process of selling and immediately prior to the beginning of each sale day.
- (5) The scale ticket shall have the weights mechanically imprinted upon the tickets when the weigh beam is in balance during the process of weighing, and shall be issued in triplicate, for all livestock weighed at a public livestock market. A copy of the weight tickets shall be issued to the buyer and seller of the livestock weighed. [2003 c 326 s 86; 1983 c 298 s 15; 1961 c 182 s 5; 1959 c 107 s 40.]

Effective dates—2003 c 326: See RCW 16.57.902.

RCW 16.65.410 Packer's interest in market limited. It shall be unlawful for a packer to own or control more than a twenty percent interest in any public livestock market, directly or indirectly through stock ownership or control, or otherwise by himself or herself or through his or her agents or employees. [2011 c 336 s 435; 1959 c 107 s 41.]

RCW 16.65.420 Application for change of or additional sales days, special sales—Considerations for allocation. (1) Any application for a change of sales day or days or additional sales day or days for an existing salesyard shall be subject to approval by the director, subsequent to a hearing and the director is hereby authorized to approve these days and class of livestock which may be sold on these days. In considering the approval or denial of these sales days, the director shall give appropriate consideration, among other relevant factors, to the following:

- (a) The geographical area which will be affected;
- (b) The conflict, if any, with sales days already allocated in the area;
- (c) The amount and class of livestock available for marketing in the area;
- (d) Buyers available to such market;
- (e) Any other conditions affecting the orderly marketing of livestock.

(2) No special sales shall be conducted by the licensee unless the licensee has applied to the director in writing fifteen days prior to such proposed sale. Each application must be accompanied by a nonrefundable fee of fifty dollars.

(3) In any case that a licensee fails to conduct sales on the sales days allocated to the licensee, the director shall, subsequent to a hearing, be authorized to revoke an allocation for nonuse. The rate of usage required to maintain an allocation shall be established by rule. [2003 c 326 s 87; 1991 c 17 s 3; 1963 c 232 s 16; 1961 c 182 s 6. Prior: 1959 c 107 s 42.]

Effective dates—2003 c 326: See RCW 16.57.902.

RCW 16.65.424 Additional sales days limited to sales of horses and/or mules. The director has the authority to grant a licensee an additional sales day, or days, limited to the sale of horses and/or mules and may if requested grant the licensee, by permit, the authority to have the sale at premises other than at his or her public livestock market if the facilities are approved by the director as being adequate for the protection of the health and safety of the horses and/or mules. For the purpose of such limited sale the facility requirements of RCW 16.65.360 shall not be applicable. [2003 c 326 s 88; 1963 c 232 s 19.]

Effective dates—2003 c 326: See RCW 16.57.902.

RCW 16.65.430 Information and records available to director and news services. Information and records of the licensee that are necessary for the compilation of adequate reports on the marketing of

livestock shall be made available to the director or any news service, publishing or broadcasting such market reports. [1959 c 107 s 43.]

RCW 16.65.440 Penalty. (1) Except as provided in subsection (2) of this section, any person who violates any provisions or requirements of this chapter or rules adopted by the director pursuant to this chapter is guilty of a misdemeanor.

(2) A second or subsequent violation is a gross misdemeanor. [2012 c 25 s 3. Prior: 2003 c 326 s 89; 2003 c 53 s 116; 1959 c 107 s 44.]

Effective dates—2003 c 326: See RCW 16.57.902.

Intent—Effective date—2003 c 53: See notes following RCW 2.48.180.

RCW 16.65.445 Public hearings. The director shall hold public hearings upon any proposal to adopt any new or amended rules and all hearings for the denial, revocation, or suspension of a license issued under this chapter or in any other adjudicative proceeding, and shall comply in all respects with chapter 34.05 RCW, the Administrative Procedure Act. [2003 c 326 s 90; 1989 c 175 s 55; 1961 c 182 s 7.]

Effective dates—2003 c 326: See RCW 16.57.902.

Effective date—1989 c 175: See note following RCW 34.05.010.

RCW 16.65.450 Orders—Appeal. Any licensee or applicant who feels aggrieved by an order of the director may appeal to the superior court of the county in the state of Washington of the residence of the licensee or applicant where the trial on such appeal shall be held de novo. [1991 c 17 s 4; 1959 c 107 s 46.]