

## CHAPTER 36-21 GENERAL PROVISIONS

### **36-21-01. Regulations governing fraudulent registration of purebred livestock - Penalty.**

Any person who shall:

1. Fraudulently represent any animal to be purebred;
2. Post or publish, or cause to be posted or published, any false pedigree or certificate;
3. Procure by fraud, false pretense, or misrepresentation the registration of any animal which is to be used for service, sale, or exchange in this state for the purpose of deception as to the pedigree thereof;
4. Sell or otherwise dispose of any animal as a purebred when the person knows or has reason to believe that the animal is not the offspring of a regularly registered purebred sire and dam; or
5. Sell or otherwise dispose of any animal as a registered purebred by the use of a false pedigree or certificate of registration,

is guilty of a class B misdemeanor.

### **36-21-02. Abuse of animals prohibited - Penalty.**

Repealed by S.L. 1971, ch. 341, § 12.

### **36-21-03. Lien for caring for abused animal - Priority - Where prior lien of record exists.**

Repealed by S.L. 1971, ch. 341, § 12.

### **36-21-04. Unlawful killing or selling of livestock - Penalty.**

Repealed by S.L. 1975, ch. 106, § 673.

### **36-21-05. Skinning dead livestock - Restrictions governing.**

No person other than the owner or the owner's agent or employee may skin, or remove the skin, hide, or pelt from the carcass of any neat cattle, swine, or sheep found dead, except when such animal is killed by a railroad train, in which case the employees of the railroad may remove the hide from such animal.

### **36-21-06. Maiming or torturing animals - Misdemeanor.**

Repealed by S.L. 1971, ch. 341, § 12.

### **36-21-07. Keeping houses or pits for fighting animals - Encouraging or promoting fights between animals - Misdemeanor.**

Repealed by S.L. 1971, ch. 341, § 12.

### **36-21-08. Instigating or promoting fights between animals - Misdemeanor.**

Repealed by S.L. 1971, ch. 341, § 12.

### **36-21-09. Officer's duty to arrest person instigating or promoting fights between animals.**

Repealed by S.L. 1971, ch. 341, § 12.

### **36-21-10. Dogs, wolves, and coyotes worrying livestock or poultry may be killed.**

Any person may kill any dog, wolf, or coyote kept as a domestic animal:

1. When the person sees such animal in the act of killing, chasing, worrying, or damaging any livestock or poultry; or
2. When the person discovers such animal under circumstances which satisfactorily show that recently it has been engaged in killing or chasing sheep.

A person who kills any dog, wolf, or coyote under conditions specified in this section is not liable in any civil action to the owner of such animal.

**36-21-11. Owners of dogs liable for damages done to livestock - Procedure when damages done by pack of dogs.**

The owner of any dog which kills, wounds, or chases any sheep or other domestic animal or poultry belonging to another person is liable to such other person for all damages caused thereby. If one or more of several dogs which are owned by different persons participates in the killing, wounding, or chasing of sheep or other domestic animals or poultry while running together, the owners of the respective dogs so running together may be sued jointly, and a joint verdict and judgment may be rendered against the owners of such dogs. If one or more of the defendants pays such a joint judgment, the payor or payors may have contribution from the defendants who have not paid in an appropriate action in which the respective damages committed by the several dogs running together may be prorated. No exemption is allowed to any person against whom a judgment is entered under the provisions of this section.

**36-21-12. Killing of livestock by railroad is prima facie evidence of negligence.**

The killing or damaging of any livestock by a railroad car or locomotive is prima facie evidence of carelessness and negligence on the part of the railway company or corporation.

**36-21-13. Exemplary damages for wrongful injuries to domestic animals.**

Exemplary damages may be given to the owner of any animal for any wrongful injury thereto when such injury is committed willfully or by gross negligence.

**36-21-14. Licensing of weighmen - Fees.**

Repealed by S.L. 1991, ch. 375, § 1.

**36-21-15. Sale of livestock by weight.**

All livestock sold by weight at any public market must be sold subject to weight at the place of sale on the day sold by the auctioneer.

**36-21-16. Licensing - Duration - Renewals - Refusal - Revocation or suspension.**

Repealed by S.L. 1991, ch. 375, § 1.

**36-21-17. False weighing.**

Repealed by S.L. 1991, ch. 375, § 1.

**36-21-18. Title to property to remain in market until settlement made.**

Before any person, association, copartnership, firm, corporation, or limited liability company may become a purchaser at any sale conducted by an auction market established under the laws of this state, such prospective purchaser must file satisfactory evidence with the operator of such auction market that any check, draft, or bill of exchange issued and delivered to such auction market in payment of any livestock purchased shall be honored by the drawee bank at the time of presentation for payment, and until such check, draft, or other bill of exchange has been duly honored and paid, the title to the livestock so purchased is in the auction market making such sale.

**36-21-19. Equine processing assessment - Continuing appropriation - Provision of grants.**

1. For each equine processed at an equine processing facility in this state, the owner of the facility shall submit to the agriculture commissioner, at the time and in the manner directed by the commissioner, an assessment in the amount of five dollars. The commissioner shall forward the assessment to the state treasurer for deposit in the equine processing fund.

2. All moneys in the equine processing fund are appropriated on a continuing basis to the agriculture commissioner to be used as follows:
  - a. The agriculture commissioner shall return to the state general fund the fifty thousand dollars appropriated to the department of commerce for the equine processing facility feasibility study.
  - b. Upon completion of the requirement set forth in subdivision a, the commissioner shall:
    - (1) Provide an annual grant equaling forty percent of any assessments collected to Dickinson state university in support of the equine management program;
    - (2) Provide an annual grant equaling forty percent of any assessments collected to North Dakota state university in support of the equine studies program; and
    - (3) Provide an annual grant equaling twenty percent of any assessments collected to public or private entities conducting equine research or offering hippotherapy to individuals with disabilities.