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CHAPTER 9.

 LIVESTOCK GENERALLY

ARTICLE 1.

 GENERAL PROVISIONS

**SECTION 47‑9‑10.** Marking, branding or disfiguring large animals of another.

Whoever shall be lawfully convicted of wilfully and knowingly marking, branding or disfiguring any horse, mare, gelding, filly, ass, mule, bull, cow, steer, ox or calf of any other person shall, for each and every such animal which he shall be convicted of marking, branding or disfiguring as aforesaid, be subject to a penalty of one hundred dollars or to imprisonment for a term not exceeding six months or both, in the discretion of the court. In case such offender shall afterwards repeat the same or commit a like offense, on conviction thereof he shall be liable to a fine of two hundred dollars or to imprisonment for a term not exceeding one year or both, in the discretion of the court, for each animal by him so marked, branded or disfigured.

**SECTION 47‑9‑20.** Marking, branding or disfiguring small animals of another.

Whoever shall be lawfully convicted of wilfully and knowingly marking, branding or disfiguring any sheep, goat or hog of any other person shall, for each and every sheep, goat or hog which he shall be convicted of marking, branding or disfiguring as aforesaid, be subject to a penalty of twenty‑five dollars or to imprisonment for a term not exceeding twenty days. In case such offender shall afterwards repeat the same or commit a like offense, on conviction thereof he shall be liable to a fine of fifty dollars or to imprisonment for a term not exceeding thirty days for each and every sheep, goat or hog by him so marked, branded or disfigured.

**SECTION 47‑9‑30.** Use of horse, mare or mule without permission.

Whoever knowingly and wilfully shall take and use any horse, mare or mule without the consent of the owner thereof, but without intent to steal, shall be guilty of a misdemeanor and, upon conviction, shall be punished by a fine of not more than five hundred dollars or by imprisonment for a period of not more than one year or both fine and imprisonment, in the discretion of the court.

**SECTION 47‑9‑40.** Alterations of teeth of horses or mules.

Any person who files down or drills, bores holes or otherwise makes alterations in the teeth of any horse or mule for the purpose of deception as to the age of such animal shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by imprisonment for not exceeding thirty days or by a fine not to exceed one hundred dollars.

**SECTION 47‑9‑50.** Permit required for hauling cattle or swine at night by truck.

It shall be unlawful for any person to load or haul by truck any cattle or swine between the hours of sunset and sunrise, unless such person shall have first applied to the sheriff or magistrate of the district in which it is desired to load such cattle or swine to be hauled or shipped and obtained a written permit to do so. Such permit shall show the name of the permittee, the name of the person from whom the cattle or swine have been purchased or otherwise acquired and a description of such cattle or swine, including marks and brands. All such persons loading or hauling cattle or swine under such permits shall keep the permits on their person during such time and upon signal to stop given by any county or State officer shall stop and upon request shall exhibit such permit. Provided, that a permit shall not be necessary when a bill of sale is issued within twenty‑four hours after a purchase at an organized auction sale. Provided, further, that livestock moving intrastate or interstate that has a freight bill or bill of sale shall not be required to obtain a permit. Loading or transporting any cattle or swine in violation of the provisions of this section shall be a misdemeanor punishable by a fine of not more than one hundred dollars or by a sentence on the public works of the county not exceeding thirty days.

**SECTION 47‑9‑60.** Appeal of livestock and poultry facility permits.

Notwithstanding any other provision of law, only property owners and residents within a two‑mile radius of a permitted livestock or poultry facility, with the exception of a swine facility, may appeal a permit issued by the Department of Health and Environmental Control pertaining to the facility.

**SECTION 47‑9‑65.** Polo horse performance enhancing mineral or drug compounds; certification by compounding pharmacist; penalty.

The compounding pharmacist who fills an order for performance enhancing mineral or drug compounds which are not FDA approved for polo horses prior to a polo match must certify the compound with his signature accompanied by a complete listing of the components contained in the compound. A person who violates the provisions of this section is guilty of a misdemeanor and, upon conviction, must be fined not more than five hundred dollars or imprisoned not more than thirty days.

ARTICLE 3.

 BRANDING OR EARMARKING

**SECTION 47‑9‑210.** Definitions.

The following words and phrases, as used in this article, shall have the following meanings, unless the context otherwise requires:

(1) “Livestock” includes neat cattle, horses, mules, asses, hogs, sheep and goats; and

(2) “Owner” and “stock owner” mean any person who owns livestock.

**SECTION 47‑9‑220.** Branding is lawful.

It is lawful to brand livestock with the owner’s brand in accordance with the provisions of this article.

**SECTION 47‑9‑230.** Earmarking.

In addition to, or as an alternative to, a brand, any person may have an earmark for marking livestock. All provisions of this article relating to brands shall apply to earmarks.

**SECTION 47‑9‑240.** One brand per person.

No person shall have or use more than one brand.

**SECTION 47‑9‑250.** Separate brands of wife or minor.

A wife who owns livestock separate from her husband or a minor who owns livestock separate from his father or guardian may have a brand. The father or guardian of any minor who has a brand shall be responsible for the proper use thereof.

**SECTION 47‑9‑260.** Application and fee for adoption of brand.

Any person desiring to adopt any brand for branding livestock, which brand is not then the recorded brand of another, shall forward to the Secretary of State a facsimile of the desired brand together with a written application to adopt the brand. The application shall state where the brand will appear on the livestock. A fee of three dollars shall be enclosed with the application.

**SECTION 47‑9‑270.** Issuance of certificate.

Upon receipt of the application and the fee, the Secretary of State shall register the brand and issue to the applicant a certificate showing that his brand has been registered, unless the brand is already registered as the brand of another or unless the brand would probably be mistaken for a brand already registered, in either of which cases the Secretary of State shall return the facsimile and the fee to the applicant. The certificate shall show on its face the brand which has been registered and the place where the brand will appear on the livestock.

**SECTION 47‑9‑280.** Recording certificate.

Upon receipt of the certificate provided for in Section 47‑9‑270 from the Secretary of State, the owner shall record the certificate with the clerk of court in every county where he has livestock. For each recording the clerk of court shall receive a fee of one dollar. He shall record the brands in a book for the purpose and the book shall be open to inspection by the public.

**SECTION 47‑9‑290.** Certificate as evidence of ownership of livestock; foreign certificates.

In any criminal or civil action in which title to livestock is involved or proper to be proved, the certificate provided for in Section 47‑9‑270 shall, when recorded as provided for in Section 47‑9‑280, be prima facie evidence of ownership of any livestock bearing the brand shown on the face of the certificate. When livestock is brought into this State from another state or territory in transit beyond the boundaries of this State, a copy of a brand granted or held in the other state or territory, when certified to by the proper officer in that state, shall be received in evidence under the same circumstances, and shall have the same effect, as a certificate issued under the provisions of this article.

**SECTION 47‑9‑300.** Registered brands for livestock.

A registered brand for livestock is the property of the person adopting and registering the brand, his heirs and assigns, until and unless the brand is cancelled or revoked as provided in this article.

**SECTIONS 47‑9‑310 to 47‑9‑320.** Repealed by 2002 Act No. 315, Section 3, eff June 5, 2002.

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**SECTION 47‑9‑330.** Transfers of brands.

Any brand registered under the terms of this article may be conveyed to another by an instrument in writing, in duplicate, duly executed, but the conveyance shall not be complete until the instrument has been registered with the Secretary of State. Upon registration of the instrument and payment of a fee of three dollars, the Secretary of State shall issue to the purchaser, in his name, a new certificate for the remainder of the term of registration. The certificate shall be recorded, and the fee shall be paid, as provided for in Section 47‑9‑280.

**SECTION 47‑9‑340.** Cancellation of registration.

The Secretary of State shall cancel the registration of any brand:

(1) at the written request of the owner; or

(2) upon the order of any court of competent jurisdiction.

**SECTION 47‑9‑350.** Revocation of registration.

The registration of any brand granted under this article may be revoked by the order of any court in this State upon a showing of improper use of the brand.

**SECTION 47‑9‑360.** Age at which livestock should be branded.

If livestock are branded by the owner, they shall be branded as follows: Neat cattle, horses, mules and asses shall be branded before they are twelve months old; hogs, sheep and goats shall be branded before they are six months old. The ages specified herein shall not apply to livestock which have passed those ages at the time they are acquired by the owner or at the time the owner is granted a brand under this article; but all such livestock, if branded by the owner, shall be branded within one month after the time they are acquired by the owner or the time the owner is granted a brand under this article.

**SECTION 47‑9‑370.** Witnesses required when branding purchased or acquired livestock.

If any owner who purchases or acquires livestock from another brands the livestock with his own brand, he shall do so in the presence of at least two disinterested parties. The disinterested parties shall certify in writing that they witnessed the branding of the livestock. The certificate shall also state (a) where the branding occurred, (b) with what brand, if any, the livestock were previously branded and (c) with what brand the livestock were branded or rebranded. The certificate shall be retained by the owner. It shall be unlawful to brand any livestock purchased or acquired from another other than in the manner required by this section.

**SECTION 47‑9‑380.** Unlawful branding.

It is unlawful for any person to brand, or to cause to be branded, any livestock:

(1) With any brand unless it has been registered with and certified by the Secretary of State as his brand and has been recorded with the clerk of court in each county where he has livestock;

(2) With any brand which is registered, certified and recorded as the brand of another; or

(3) With any brand which has been abandoned or the registration of which has been canceled, unless the brand has thereafter been granted to him.

**SECTION 47‑9‑390.** Brand records.

The Secretary of State shall keep an accurate record of all brands registered under the terms of this article and the names and addresses of the owners of the brands, which records shall be open to inspection by the public.

**SECTION 47‑9‑400.** Rules and regulations.

The Secretary of State may promulgate rules and regulations which, in his judgment, may be necessary or proper to supplement or clarify the provisions of this article. The violation of any rule or regulation made and promulgated hereunder shall constitute a violation of this article.

**SECTION 47‑9‑410.** Violations.

Any person convicted of a violation of this article shall be punished by a fine of not less than fifty dollars nor more than five hundred dollars or by imprisonment for not less than thirty days nor more than one year, or by both such fine and imprisonment.

ARTICLE 5.

 IMPORTATION [REPEALED]

**SECTION 47‑9‑510.** Repealed by 1994 Act No. 362, Section 30, eff May 3, 1994.

**SECTION 47‑9‑520.** Repealed by 1994 Act No. 362, Section 30, eff May 3, 1994.

**SECTION 47‑9‑530.** Repealed by 1994 Act No. 362, Section 30, eff May 3, 1994.

**SECTION 47‑9‑540.** Repealed by 1994 Act No. 362, Section 30, eff May 3, 1994.

**SECTION 47‑9‑550.** Repealed by 1994 Act No. 362, Section 30, eff May 3, 1994.

ARTICLE 7.

 EQUINE LIABILITY IMMUNITY

**SECTION 47‑9‑710.** Definitions.

As used in this chapter:

(1) “Engages in an equine activity” means riding, training, providing, or assisting in providing medical treatment of, driving, or being a passenger upon an equine, mounted or unmounted, or a person assisting a participant or show management. It does not include being a spectator at an equine activity, except in cases where the spectator places himself in an unauthorized area and in immediate proximity to the equine activity.

(2) “Equine” means a horse, pony, mule, donkey, or hinny.

(3) “Equine activity” means:

(a) an equine show, fair, competition, performance, or parade that involves a breed of equine and an equine discipline, including, but not limited to, dressage, hunter and jumper horse shows, grand prix jumping, three‑day events, combined training, rodeos, driving, pulling, cutting, polo, steeplechasing, English and western performance riding, endurance trail riding and western games, and hunting;

(b) equine training or teaching activities, or both;

(c) boarding equines;

(d) riding, inspecting, or evaluating an equine belonging to another, whether the owner has received monetary consideration or another thing of value for the use of the equine or is permitting a prospective purchaser of the equine to ride, inspect, or evaluate the equine;

(e) a ride, trip, hunt, or other equine activity, however informal or impromptu, that is sponsored by an equine activity sponsor;

(f) placing or replacing a horseshoe on an equine;

(g) examining or administering medical treatment to an equine by a veterinarian.

(4) “Equine activity sponsor” means an individual, a group, a club, a partnership, or a corporation, whether the sponsor is operating for profit or nonprofit, which sponsors, organizes, or provides the facilities for an equine activity, including, but not limited to, a pony club, 4‑H club, hunt club, riding club, school and college‑sponsored class, program, and activity, therapeutic riding program, and an operator, instructor, and promoter of an equine facility, including, but not limited to, a stable, clubhouse, ponyride string, fair, and an arena at which the activity is held.

(5) “Equine professional” means a person engaged for compensation in:

(a) instructing a participant or renting to a participant an equine for the purpose of riding, driving, or being a passenger upon the equine;

(b) renting equipment or tack to a participant; or

(c) examining or administering medical treatment to an equine as a veterinarian.

(6) “Inherent risk of equine activity” means those dangers or conditions which are an integral part of equine activities, including, but not limited to:

(a) the propensity of an equine to behave in ways that may result in injury, harm, or death to a person on or around the equine;

(b) the unpredictability of an equine’s reaction to sound, sudden movement, an unfamiliar object, a person, or another animal;

(c) certain hazards such as surface and subsurface conditions;

(d) collisions with other equines or objects; and

(e) the potential of a participant to act in a negligent manner that may contribute to injury to the participant or others, as failing to maintain control over the animal or not acting within the participant’s ability.

(7) “Participant” means a person, amateur or professional, who engages in an equine activity, whether or not a fee is paid to participate in the equine activity.

**SECTION 47‑9‑720.** Equine liability immunity; exceptions to grant of immunity.

(A) Except as provided in subsection (B), an equine activity sponsor or an equine professional is not liable for an injury to or the death of a participant resulting from an inherent risk of equine activity, and no participant or participant’s representative may make a claim against, maintain an action against, or recover from an equine activity sponsor, or an equine professional, for injury, loss, damage, or death of the participant resulting from an inherent risk of equine activity.

(B) Nothing in subsection (A) prevents or limits the liability of an equine activity sponsor, or an equine professional, if the equine activity sponsor, or equine professional:

(1)(a) provided the equipment or tack and knew or should have known that the equipment or tack was faulty, and the equipment or tack was faulty to the extent that it caused the injury; or

(b) provided the equine and failed to make reasonable and prudent efforts to determine the ability of the participant to engage safely in the equine activity and to manage safely the particular equine based on the participant’s representations of his ability;

(2) owns, leases, rents, or otherwise is in lawful possession and control of the land or facilities upon which the participant sustained injuries because of a dangerous latent condition which was known or should have been known to the equine activity sponsor, equine professional, or person and for which warning signs have not been conspicuously posted;

(3) committed an act or omission that constitutes wilful or wanton disregard for the safety of the participant and that act or omission caused the injury; or

(4) intentionally injured the participant.

(C) Nothing in subsection (A) prevents or limits the liability of an equine activity sponsor or an equine professional under liability provisions as set forth in the products liability laws.

(D) The provisions of this article shall not cover or apply to any liability arising from the ownership, maintenance, or use of any motor vehicle.

**SECTION 47‑9‑730.** Warning signs; contract to contain warning notice; immunity revoked for failure to comply.

(A) An equine professional and an equine activity sponsor shall post and maintain signs which contain the warning notice specified in subsection (B). These signs must be placed in a clearly visible location on or near stables, corrals, or arenas where the equine professional or the equine activity sponsor conducts equine activities. The warning notice specified in subsection (B) must appear on the sign in black letters with each letter a minimum of one inch in height. A written contract entered into by an equine professional or by an equine activity sponsor to provide professional services, instruction, or rental of equipment, tack, or an equine to a participant, whether or not the contract involves equine activities on or off the location or site of the business of the equine professional or the equine activity sponsor, must contain in clearly readable print the warning notice specified in subsection (B).

(B) A sign and contract described in subsection (A) must contain the following warning notice:

WARNING

Under South Carolina law, an equine activity sponsor or equine professional is not liable for an injury to or the death of a participant in an equine activity resulting from an inherent risk of equine activity, pursuant to Article 7, Chapter 9 of Title 47, Code of Laws of South Carolina, 1976.

(C) Failure to comply with the requirements concerning warning signs and notices provided in this section prevents an equine activity sponsor or equine professional from invoking the privileges of immunity provided by this article.