

OKLAHOMA STATUTES  
TITLE 4. ANIMALS

|   |    |
|---|----|
| §4-1. Repealed by Laws 1980, c. 68, § 1, emerg. eff. April 10, 1980.....  | 7  |
| §4-2. Repealed by Laws 1980, c. 68, § 1, emerg. eff. April 10, 1980.....  | 7  |
| §4-11. Repealed by Laws 1980, c. 68, § 1, emerg. eff. April 10, 1980.....   | 7  |
| §4-12. Repealed by Laws 1980, c. 68, § 1, emerg. eff. April 10, 1980.....   | 7  |
| §4-13. Repealed by Laws 1980, c. 68, § 1, emerg. eff. April 10, 1980.....   | 7  |
| §4-14. Repealed by Laws 1980, c. 68, § 1, emerg. eff. April 10, 1980.....   | 7  |
| §4-15. Repealed by Laws 1980, c. 68, § 1, emerg. eff. April 10, 1980.....   | 7  |
| §4-21. Repealed by Laws 1980, c. 68, § 1, emerg. eff. April 10, 1980.....   | 7  |
| §4-22. Repealed by Laws 1980, c. 68, § 1, emerg. eff. April 10, 1980.....   | 7  |
| §4-23. Repealed by Laws 1980, c. 68, § 1, emerg. eff. April 10, 1980.....   | 8  |
| §4-24. Repealed by Laws 1980, c. 68, § 1, emerg. eff. April 10, 1980.....   | 8  |
| §4-25. Repealed by Laws 1980, c. 68, § 1, emerg. eff. April 10, 1980.....   | 8  |
| §4-29.1. Repealed by Laws 1951, p. 91, § 608.....   | 8  |
| §4-29.2. Repealed by Laws 1951, p. 91, § 608.....   | 8  |
| §4-29.3. Repealed by Laws 1951, p. 91, § 608.....   | 8  |
| §4-30.1. Commercial Pet Breeders and Animal Shelter Licensing Act.....  | 8  |
| §4-30.2. Definitions.....   | 8  |
| §4-30.3. Enforcement of act.....  | 10 |
| §4-30.4. Licensure.....   | 10 |
| §4-30.5. Application for licensure - Inspection of applicant.....   | 11 |
| §4-30.6. Requirements for licensure.....  | 11 |
| §4-30.7. Revocation or suspension of license.....   | 12 |
| §4-30.8. Expiration and renewal of license.....   | 13 |
| §4-30.9. Required information updates.....  | 13 |
| §4-30.10. Disclosure of license.....  | 13 |
| §4-30.11. Annual report filings.....  | 14 |
| §4-30.12. Annual health records.....  | 14 |
| §4-30.13. Prohibited conduct - Penalties.....   | 14 |
| §4-30.14. State disclosure duties.....  | 16 |
| §4-30.15. Limitations.....  | 16 |
| §4-30.16. Appropriation of funds.....   | 16 |
| §4-31. Breeding certificates - Duty to furnish - Contents - Form.....   | 17 |
| §4-32. Refusal to furnish certificate - Penalty.....  | 17 |
| §4-41. Animals chasing or injuring livestock - Right to kill - Liability of owner - Warrantless seizure -<br>Court proceedings - Definitions..... | 18 |
| §4-42.1. Personal injury by dog - Liability of owner.....   | 20 |
| §4-42.2. Lawful presence on owner's property, what constitutes - Public place, what is.....   | 20 |
| §4-42.3. Exceptions to application of act - Existing rights and liabilities.....  | 21 |
| §4-42.4. Owners of dangerous dogs, bite or attacks on public property - Penalty.....  | 21 |
| §4-43. Counties over 200,000 population - Regulation and control of dogs running at large -<br>Penalties.....                                     | 22 |
| §4-44. Definitions.....   | 22 |
| §4-45. Certificate of registration for certain dogs required - Exemption - Fee.....   | 23 |
| §4-46. Muzzle and restraint of certain dogs required - Local regulation of dangerous dogs - Dogs not<br>to be declared dangerous.....             | 24 |
| §4-47. Confiscation of dangerous dog - Purpose of act - Other remedies.....   | 25 |
| §4-51. Repealed by Laws 1943, p. 16, § 5.....   | 25 |
| §4-52. Repealed by Laws 1943, p. 16, § 5.....   | 25 |
| §4-53. Repealed by Laws 1943, p. 16, § 5.....   | 26 |
| §4-54. Repealed by Laws 1943, p. 16, § 5.....   | 26 |
| §4-61. Repealed by Laws 1963, c. 220, § 11.....   | 26 |
| §4-62. Repealed by Laws 1941, p. 462, § 1.....  | 26 |

|   |    |
|---|----|
| §4-63. Repealed by Laws 1941, p. 462, § 1.....  | 26 |
| §4-64. Repealed by Laws 1941, p. 462, § 1.....  | 26 |
| §4-65. Repealed by Laws 1941, p. 462, § 1.....  | 26 |
| §4-66. Repealed by Laws 1941, p. 462, § 1.....  | 26 |
| §4-67. Repealed by Laws 1963, c. 220, § 11.....                                       | 26 |
| §4-68. Repealed by Laws 1941, p. 462, § 1.....  | 26 |
| §4-69. Repealed by Laws 1941, p. 462, § 1.....  | 26 |
| §4-70. Repealed by Laws 1941, p. 462, § 1.....  | 26 |
| §4-71. Repealed by Laws 1941, p. 462, § 1.....  | 26 |
| §4-72. Repealed by Laws 1941, p. 462, § 1.....  | 26 |
| §4-73. Repealed by Laws 1941, p. 462, § 1.....  | 26 |
| §4-74. Repealed by Laws 1941, p. 462, § 1.....  | 26 |
| §4-75. Repealed by Laws 1941, p. 462, § 1.....  | 26 |
| §4-81.1. Repealed by Laws 1963, c. 200, § 11.....                                     | 26 |
| §4-81.2. Repealed by Laws 1963, c. 220, § 11.....                                     | 26 |
| §4-81.3. Repealed by Laws 1963, c. 220, § 11.....                                     | 26 |
| §4-81.4. Repealed by Laws 1963, c. 220, § 11.....                                     | 26 |
| §4-82.1. Repealed by Laws 1970, c. 165, § 13.....                                     | 26 |
| §4-82.2. Repealed by Laws 1970, c. 165, § 13.....                                     | 26 |
| §4-82.3. Repealed by Laws 1970, c. 165, § 13.....                                     | 27 |
| §4-82.4. Repealed by Laws 1970, c. 165, § 13.....                                     | 27 |
| §4-82.5. Repealed by Laws 1970, c. 165, § 13.....                                     | 27 |
| §4-82.6. Repealed by Laws 1970, c. 165, § 13.....                                     | 27 |
| §4-82.7. Repealed by Laws 1970, c. 165, § 13.....                                     | 27 |
| §4-82.8. Repealed by Laws 1970, c. 165, § 13.....                                     | 27 |
| §4-82.9. Repealed by Laws 1970, c. 165, § 13.....                                     | 27 |
| §4-82.10. Repealed by Laws 1970, c. 165, § 13.....                                    | 27 |
| §4-85.1. Definitions.....   | 27 |
| §4-85.2. Estrays.....   | 27 |
| §4-85.3. Taking up by landowner or lessee - Investigation - Reports.....              | 27 |
| §4-85.4. Rights and duties of taker-up.....   | 28 |
| §4-85.5. Duties of peace officer.....   | 28 |
| §4-85.6. Sale of unclaimed animals.....   | 29 |
| §4-85.7. Adverse claimants.....   | 30 |
| §4-85.10. Duty to feed and care for estrays.....                                      | 30 |
| §4-85.11. Penalties.....  | 31 |
| §4-85.12. Jurisdiction to settle disputes and claims.....                             | 31 |
| §4-85.13. Claim to ownership of exotic livestock under this chapter - Conditions..... | 31 |
| §4-91. Repealed by Laws 1965, c. 117, § 2, eff. Jan. 1, 1966.....                     | 32 |
| §4-92. Repealed by Laws 1965, c. 117, § 2, eff. Jan. 1, 1966.....                     | 32 |
| §4-93. Repealed by Laws 1965, c. 117, § 2, eff. Jan. 1, 1966.....                     | 32 |
| §4-94. Repealed by Laws 1965, c. 117, § 2, eff. Jan. 1, 1966.....                     | 32 |
| §4-95. Repealed by Laws 1965, c. 117, § 2, eff. Jan. 1, 1966.....                     | 32 |
| §4-96. Repealed by Laws 1965, c. 117, § 2, eff. Jan. 1, 1966.....                     | 32 |
| §4-97. Repealed by Laws 1965, c. 117, § 2, eff. Jan. 1, 1966.....                     | 32 |
| §4-98. Restraint of all domestic animals - Damages for trespass.....                  | 32 |
| §4-99. Failure to keep domestic animals enclosed - Penalties.....                     | 32 |
| §4-101. Repealed by Laws 1965, c. 117, § 2, eff. Jan. 1, 1966.....                    | 33 |
| §4-102. Repealed by Laws 1965, c. 117, § 2, eff. Jan. 1, 1966.....                    | 33 |
| §4-103. Repealed by Laws 1965, c. 117, § 2, eff. Jan. 1, 1966.....                    | 33 |
| §4-104. Repealed by Laws 1965, c. 117, § 2, eff. Jan. 1, 1966.....                    | 33 |
| §4-105. Repealed by Laws 1965, c. 117, § 2, eff. Jan. 1, 1966.....                    | 33 |
| §4-106. Repealed by Laws 1965, c. 117, § 2, eff. Jan. 1, 1966.....                    | 33 |

|  |    |
|--|----|
| §4-107. Repealed by Laws 1965, c. 117, § 2, eff. Jan. 1, 1966.....   | 33 |
| §4-108. Repealed by Laws 1965, c. 117, § 2, eff. Jan. 1, 1966.....   | 33 |
| §4-109. Repealed by Laws 1965, c. 117, § 2, eff. Jan. 1, 1966.....   | 33 |
| §4-110. Repealed by Laws 1965, c. 117, § 2, eff. Jan. 1, 1966.....   | 33 |
| §4-111. Repealed by Laws 1965, c. 117, § 2, eff. Jan. 1, 1966.....   | 33 |
| §4-112. Repealed by Laws 1965, c. 117, § 2, eff. Jan. 1, 1966.....   | 33 |
| §4-114.1. Repealed by Laws 1965, c. 117, § 2, eff. Jan. 1, 1966.....   | 33 |
| §4-114.2. Repealed by Laws 1965, c. 117, § 2, eff. Jan. 1, 1966.....   | 33 |
| §4-115.1. Repealed by Laws 1965, c. 117, § 2, eff. Jan. 1, 1966.....   | 33 |
| §4-115.2. Repealed by Laws 1965, c. 117, § 2, eff. Jan. 1, 1966.....   | 33 |
| §4-115.3. Repealed by Laws 1965, c. 117, § 2, eff. Jan. 1, 1966.....   | 33 |
| §4-115.4. Repealed by Laws 1965, c. 117, § 2, eff. Jan. 1, 1966.....   | 33 |
| §4-121. Repealed by Laws 1965, c. 117, § 2, eff. Jan. 1, 1966.....   | 33 |
| §4-122. Repealed by Laws 1965, c. 117, § 2, eff. Jan. 1, 1966.....   | 33 |
| §4-131. Repealed by Laws 1965, c. 117, § 2, eff. Jan. 1, 1966.....   | 33 |
| §4-132. Removal of stock from distraint without leave of possessor - Penalty - Civil liability.....  | 34 |
| §4-133. Stock "owner" defined.....   | 34 |
| §4-134. Land "owner" defined.....  | 34 |
| §4-135. Proceedings after distraint - Assessment of damages - Notices - Sale - Surplus.....  | 34 |
| §4-136. Assessment of damages - Filing - Review - Bond - Supersedeas - Delivery of stock to owner<br>appealing - Certification of papers.....  | 35 |
| §4-137. Repealed by Laws 1965, c. 117, § 2, eff. Jan. 1, 1966.....   | 35 |
| §4-138. Repealed by Laws 1965, c. 117, § 2, eff. Jan. 1, 1966.....   | 35 |
| §4-139. Controversy over partition fence - Application to fence viewers - Notice - Authority of<br>viewers.....                                | 35 |
| §4-140. Repair or reconstruction of fence by complainant - Recovery of value and viewers' fees from<br>landowner - Interest.....               | 35 |
| §4-141. Fence viewers - Number - Qualifications - Appointment - Compensation.....  | 35 |
| §4-142. Fence repair.....  | 36 |
| §4-143. Commons - Owners not required to fence - Lands enclosed or used otherwise than as<br>commons - Duty to fence.....                      | 36 |
| §4-144. Severalty owned lands enclosed in common without partition fence - Division of fence line -<br>Construction of fence.....              | 36 |
| §4-145. Opening field for use as commons - Notice.....   | 36 |
| §4-146. Joinder to partition fence - Payment for or rebuilding of half of fence.....   | 37 |
| §4-147. Recorded fence division - Effect on owners and successors.....   | 37 |
| §4-148. Application of term "owner".....   | 37 |
| §4-149. Fence or improvements on land of another - Removal - Damages - Notice to remove - Effect<br>of nonremoval.....                         | 37 |
| §4-150. Fence or improvements on land of another - When not removable.....   | 38 |
| §4-150.1. Property line across an existing boundary or division line fence, notice to adjacent owner -<br>Cause of action - Attorney fees..... | 38 |
| §4-151. Additional powers of fence viewers.....  | 38 |
| §4-152. Erection and removal of line fence.....  | 39 |
| §4-153. Legal proceedings or agreement not barred.....   | 39 |
| §4-154. Lawful fence - Construction - Material - Height - Tightening.....  | 39 |
| §4-155. Damages by animals breaking fences - Seizure.....  | 40 |
| §4-156. Lien of judgment for damages on trespassing stock - Execution.....   | 40 |
| §4-181. Repealed by Laws 1965, c. 117, § 2, eff. Jan. 1, 1966.....   | 40 |
| §4-182. Repealed by Laws 1965, c. 117, § 2, eff. Jan. 1, 1966.....   | 40 |
| §4-183. Repealed by Laws 1965, c. 117, § 2, eff. Jan. 1, 1966.....   | 40 |
| §4-184. Repealed by Laws 1965, c. 117, § 2, eff. Jan. 1, 1966.....   | 40 |
| §4-191. Lien for feeding, grazing and herding.....   | 40 |

|   |    |
|---|----|
| §4-192. Lien for furnishing feed.....   | 40 |
| §4-193. Lien for keeping, boarding or training animal - Scope.....  | 40 |
| §4-194. Repealed by Laws 2011, c. 123, § 13, eff. Nov. 1, 2011.....   | 41 |
| §4-194.1. Foreclosure of lien upon a domestic animal.....   | 41 |
| §4-195. Letting male animals to service - Advertisement of terms - Publication or posting -<br>Acceptance.....  | 43 |
| §4-196. Filing of certificate of service - Lien on offspring - Notice to third parties - Lien without<br>certificate.....                                   | 44 |
| §4-197. Record of certificates - Compensation of register of deeds.....   | 44 |
| §4-198. False or fictitious pedigree - False representation of recording or eligibility for record -<br>Forfeiture of rights.....                           | 44 |
| §4-199. Enforcement of lien by replevin.....  | 45 |
| §4-200. Judgment.....   | 45 |
| §4-201. Proceedings governed by general replevin laws.....  | 45 |
| §4-201.1. Short title.....  | 45 |
| §4-201.2. Definitions.....  | 45 |
| §4-201.3. Livestock lien - Existence - Validity.....  | 47 |
| §4-201.4. Perfection of lien.....   | 48 |
| §4-201.5. Commingled livestock - Priority.....  | 48 |
| §4-201.6. Transfer of lien due to sale.....   | 49 |
| §4-201.7. Lien priority.....  | 49 |
| §4-201.8. Applicability of act.....   | 49 |
| §4-201.9. Prohibition of waiver, relinquishment, or release of lien.....  | 49 |
| §4-201.10. Lien expiration - Commencement of action.....  | 50 |
| §4-201.11. Preference - Owners right to be paid.....  | 51 |
| §4-211. Repealed by Laws 1973, c. 15, § 1.....  | 51 |
| §4-212. Repealed by Laws 1973, c. 15, § 1.....  | 51 |
| §4-213. Repealed by Laws 1973, c. 15, § 1.....  | 51 |
| §4-214. Repealed by Laws 1973, c. 15, § 1.....  | 51 |
| §4-215. Repealed by Laws 1973, c. 15, § 1.....  | 51 |
| §4-216. Repealed by Laws 1973, c. 15, § 1.....  | 51 |
| §4-217. Repealed by Laws 1973, c. 15, § 1.....  | 51 |
| §4-218. Repealed by Laws 1973, c. 15, § 1.....  | 51 |
| §4-219. Repealed by Laws 1973, c. 15, § 1.....  | 51 |
| §4-220. Repealed by Laws 1973, c. 15, § 1.....  | 51 |
| §4-221. Repealed by Laws 1973, c. 15, § 1.....  | 51 |
| §4-222. Repealed by Laws 1973, c. 15, § 1.....  | 51 |
| §4-223. Repealed by Laws 1973, c. 15, § 1.....  | 51 |
| §4-224. Repealed by Laws 1973, c. 15, § 1.....  | 51 |
| §4-225. Repealed by Laws 1973, c. 15, § 1.....  | 51 |
| §4-226. Repealed by Laws 1973, c. 15, § 1.....  | 51 |
| §4-227. Repealed by Laws 1973, c. 15, § 1.....  | 51 |
| §4-228. Repealed by Laws 1973, c. 15, § 1.....  | 51 |
| §4-229. Repealed by Laws 1973, c. 15, § 1.....  | 52 |
| §4-230. Repealed by Laws 1973, c. 15, § 1.....  | 52 |
| §4-251. Duties of parties butchering stock or purchasing hides - Records - Retention of hides for<br>inspection - Violations of provisions - Penalties..... | 52 |
| §4-252. Repealed by Laws 1949, p. 43, § 13.....   | 52 |
| §4-253. Repealed by Laws 1949, p. 43, § 13.....   | 52 |
| §4-254. Repealed by Laws 1949, p. 43, § 13.....   | 52 |
| §4-255. Repealed by Laws 1949, p. 43, § 13.....   | 52 |
| §4-256. Repealed by Laws 1949, p. 43, § 13.....   | 52 |
| §4-257. Repealed by Laws 1949, p. 43, § 13.....   | 52 |

|  |    |
|--|----|
| §4-258. Repealed by Laws 1949, p. 43, § 13.....  | 52 |
| §4-259. Repealed by Laws 1949, p. 43, § 1, 13.....   | 52 |
| §4-260. Repealed by Laws 1949, p. 43, § 13.....  | 52 |
| §4-261. Repealed by Laws 1949, p. 43, § 13.....  | 52 |
| §4-262. Repealed by Laws 1949, p. 43, § 13.....  | 52 |
| §4-263. Repealed by Laws 1949, p. 43, § 13.....  | 53 |
| §4-264. Repealed by Laws 1949, p. 43, § 13.....  | 53 |
| §4-265. Repealed by Laws 1949, p. 43, § 13.....  | 53 |
| §4-266. Repealed by Laws 1949, p. 43, § 13.....  | 53 |
| §4-267. Repealed by Laws 1949, p. 43, § 13.....  | 53 |
| §4-268. Fraudulent branding - Branding over or obliterating previous brand - Penalties - Definitions.<br>..... | 53 |
| §4-269. Destruction of cattle hides or brands a misdemeanor.....   | 53 |
| §4-270. Repealed by Laws 1965, c. 400, § 4, eff. July 1, 1965.....   | 53 |
| §4-270.1. Repealed by Laws 1968, c. 107, § 3, eff. April 1, 1968.....  | 53 |
| §4-270.2. Enforcement of laws pertaining to livestock brands.....  | 53 |
| §4-270.3. Repealed by Laws 1980, c. 68, § 1, emerg. eff. April 10, 1980.....                                   | 54 |
| §4-271. Repealed by Laws 1955, p. 97, art. 11, § 7.....  | 54 |
| §4-272. Repealed by Laws 1955, p. 97, art. 11, § 7.....  | 54 |
| §4-273. Repealed by Laws 1955, p. 97, art. 11, § 7.....  | 54 |
| §4-274. Repealed by Laws 1955, p. 97, art. 11, § 7.....  | 54 |
| §4-275. Repealed by Laws 1955, p. 97, art. 11, § 7.....  | 54 |
| §4-276. Repealed by Laws 1955, p. 97, art. 11, § 7.....  | 54 |
| §4-277. Repealed by Laws 1955, p. 97, art. 11, § 7.....  | 54 |
| §4-278. Repealed by Laws 1955, p. 97, art. 11, § 7.....  | 54 |
| §4-279. Repealed by Laws 1955, p. 97, art. 11, § 7.....  | 54 |
| §4-280. Repealed by Laws 1955, p. 97, art. 11, § 7.....  | 54 |
| §4-281. Repealed by Laws 1955, p. 97, art. 11, § 7.....  | 54 |
| §4-282. Repealed by Laws 1955, p. 97, art. 11, § 7.....  | 54 |
| §4-283. Repealed by Laws 1955, p. 97, art. 11, § 7.....  | 54 |
| §4-284. Repealed by Laws 1955, p. 97, art. 11, § 7.....  | 54 |
| §4-291. Repealed by Laws 1943, p. 17, § 1.....   | 54 |
| §4-292. Repealed by Laws 1943, p. 17, § 1.....   | 54 |
| §4-293. Repealed by Laws 1943, p. 17, § 1.....   | 54 |
| §4-294. Repealed by Laws 1943, p. 17, § 1.....   | 54 |
| §4-295. Repealed by Laws 1943, p. 17, § 1.....   | 55 |
| §4-311. Repealed by Laws 1941, p. 464, § 1.....  | 55 |
| §4-312. Repealed by Laws 1941, p. 464, § 1.....  | 55 |
| §4-313. Repealed by Laws 1941, p. 464, § 1.....  | 55 |
| §4-314. Repealed by Laws 1941, p. 464, § 1.....  | 55 |
| §4-315. Repealed by Laws 1941, p. 464, § 1.....  | 55 |
| §4-316. Repealed by Laws 1941, p. 464, § 1.....  | 55 |
| §4-317. Repealed by Laws 1941, p. 464, § 1.....  | 55 |
| §4-318. Repealed by Laws 1941, p. 464, § 1.....  | 55 |
| §4-319. Repealed by Laws 1941, p. 464, § 1.....  | 55 |
| §4-320. Repealed by Laws 1980, c. 68, § 1, emerg. eff. April 10, 1980.....                                     | 55 |
| §4-331. Repealed by Laws 1980, c. 68, § 1, emerg. eff. April 10, 1980.....                                     | 55 |
| §4-332. Repealed by Laws 1980, c. 68, § 1, emerg. eff. April 10, 1980.....                                     | 55 |
| §4-333. Repealed by Laws 1980, c. 68, § 1, emerg. eff. April 10, 1980.....                                     | 55 |
| §4-334. Repealed by Laws 1980, c. 68, § 1, emerg. eff. April 10, 1980.....                                     | 55 |
| §4-335. Repealed by Laws 1980, c. 68, § 1, emerg. eff. April 10, 1980.....                                     | 55 |
| §4-341. Livestock shippers - Right to furnish feed.....  | 55 |
| §4-342. Refusal to permit lessees of pens to furnish feed - Penalties.....                                     | 56 |

|   |    |
|---|----|
| §4-351. Driver of vehicle carrying livestock, domestic fowls or ratite - Permit or statement authorizing movement - Violations - Penalties..... | 56 |
| §4-361. Repealed by Laws 1955, p. 97, art. 11, § 7.....   | 57 |
| §4-362. Repealed by Laws 1955, p. 97, art. 11, § 7.....   | 57 |
| §4-363. Repealed by Laws 1955, p. 97, art. 11, § 7.....   | 57 |
| §4-364. Repealed by Laws 1955, p. 97, art. 11, § 7.....   | 57 |
| §4-365. Repealed by Laws 1955, p. 97, art. 11, § 7.....   | 57 |
| §4-366. Repealed by Laws 1955, p. 97, art. 11, § 7.....   | 57 |
| §4-367. Repealed by Laws 1955, p. 97, art. 11, § 7.....   | 57 |
| §4-368. Repealed by Laws 1955, p. 97, art. 11, § 7.....   | 57 |
| §4-369. Repealed by Laws 1955, p. 97, art. 11, § 7.....   | 57 |
| §4-370. Repealed by Laws 1955, p. 97, art. 11, § 7.....   | 57 |
| §4-371. Repealed by Laws 1955, p. 97, art. 11, § 7.....   | 57 |
| §4-372. Repealed by Laws 1955, p. 97, art. 11, § 7.....   | 57 |
| §4-373. Repealed by Laws 1955, p. 97, art. 11, § 7.....   | 57 |
| §4-391. Definitions.....  | 57 |
| §4-392. Application and issuance of license.....  | 58 |
| §4-393. Expiration and renewal of licenses.....   | 58 |
| §4-394. Delivery of animals on demand – Municipal ordinances relating to impoundment and scientific research.....                               | 58 |
| §4-395. Transportation of dogs - Purposes for which used.....   | 59 |
| §4-396. Return of dogs subsequently claimed - Immunity from liability.....  | 59 |
| §4-397. Revocation of licenses.....   | 59 |
| §4-398. Obtaining dogs from other sources.....  | 59 |
| §4-399. Rules and regulations - Inspections and investigations.....   | 60 |
| §4-400. Interpretation and construction of law.....   | 60 |
| §4-401. Misdemeanors.....   | 60 |
| §4-402. Partial invalidity.....   | 60 |
| §4-421. Repealed by Laws 1959, p. 129, § 9.....   | 60 |
| §4-421.1. Repealed by Laws 1959, p. 129, § 9.....   | 60 |
| §4-422. Repealed by Laws 1959, p. 129, § 9.....   | 61 |
| §4-423. Repealed by Laws 1959, p. 129, § 9.....   | 61 |
| §4-424. Repealed by Laws 1959, p. 129, § 9.....   | 61 |
| §4-425. Repealed by Laws 1959, p. 129, § 9.....   | 61 |
| §4-426. Repealed by Laws 1959, p. 129, § 9.....   | 61 |
| §4-427. Repealed by Laws 1959, p. 129, § 9.....   | 61 |
| §4-428. Repealed by Laws 1980, c. 68, § 1, emerg. eff. April 10, 1980.....  | 61 |
| §4-429. Repealed by Laws 1980, c. 68, § 1, emerg. eff. April 10, 1980.....  | 61 |
| §4-430. Repealed by Laws 1980, c. 68, § 1, emerg. eff. April 10, 1980.....  | 61 |
| §4-431. Repealed by Laws 1980, c. 68, § 1, emerg. eff. April 10, 1980.....  | 61 |
| §4-432. Repealed by Laws 1980, c. 68, § 1, emerg. eff. April 10, 1980.....  | 61 |
| §4-499. Short title.....  | 61 |
| §4-499.1. Definitions.....  | 61 |
| §4-499.2. Spaying or neutering as condition for release of certain animals.....   | 62 |
| §4-499.3. Refund of deposit upon proof of spaying or neutering.....   | 62 |
| §4-499.4. Rules - Sterilization agreement.....  | 62 |
| §4-499.5. Extension of time to spay or neuter.....  | 63 |
| §4-499.6. Death of adopted animal - Refund of deposited funds.....  | 63 |
| §4-499.7. Disposition of forfeited funds - Record of accounts.....  | 64 |
| §4-499.8. Adoption standards.....   | 64 |
| §4-499.9. Construction of act.....  | 64 |
| §4-499.10. Failure to comply with act.....  | 64 |
| §4-501. Disposal of animals kept for pleasure - Method.....   | 64 |

|  |    |
|--|----|
| §4-502. Denatured sodium pentobarbital - Method of administration - Possession and purchase by certified animal euthanasia technician..... | 65 |
| §4-503. Carbon monoxide - Administration.....  | 66 |
| §4-504. Carbon monoxide chambers - Equipment required.....   | 67 |
| §4-505. Repealed by Laws 2000, c. 199, § 8, eff. Nov. 1, 2000.....   | 67 |
| §4-506. Municipality not having proper facilities and personnel - Manner of disposal.....  | 67 |
| §4-507. Violation of act as nuisance - Injunction - Abatement.....   | 67 |
| §4-508. Exemptions.....  | 68 |
| §4-511. Definitions.....   | 68 |
| §4-512. Seizure of abandoned or neglected animals - Divestment of ownership.....   | 68 |
| §4-602. Pet overpopulation - Gifts, grants and donations - Programs.....   | 69 |
| §4-701. Short title - Care and Disposition of Disaster Animals Act.....  | 69 |
| §4-702. Definitions.....   | 69 |
| §4-703. Holding periods.....   | 71 |
| §4-704. Transfer to animal shelter.....  | 72 |
| §4-705. Removal from the state - Penalties.....  | 72 |
| §4-706. Application and construction of act.....   | 73 |
| §4-707. Enforcement.....   | 73 |
| §4-801. Public accommodations - Policy to prohibit animals - Service animal exception.....   | 73 |

§4-1. Repealed by Laws 1980, c. 68, § 1, emerg. eff. April 10, 1980.

§4-2. Repealed by Laws 1980, c. 68, § 1, emerg. eff. April 10, 1980.

§4-11. Repealed by Laws 1980, c. 68, § 1, emerg. eff. April 10, 1980.

§4-12. Repealed by Laws 1980, c. 68, § 1, emerg. eff. April 10, 1980.

§4-13. Repealed by Laws 1980, c. 68, § 1, emerg. eff. April 10, 1980.

§4-14. Repealed by Laws 1980, c. 68, § 1, emerg. eff. April 10, 1980.

§4-15. Repealed by Laws 1980, c. 68, § 1, emerg. eff. April 10, 1980.

§4-21. Repealed by Laws 1980, c. 68, § 1, emerg. eff. April 10, 1980.

§4-22. Repealed by Laws 1980, c. 68, § 1, emerg. eff. April 10, 1980.

§4-23. Repealed by Laws 1980, c. 68, § 1, emerg. eff. April 10, 1980.

§4-24. Repealed by Laws 1980, c. 68, § 1, emerg. eff. April 10, 1980.

§4-25. Repealed by Laws 1980, c. 68, § 1, emerg. eff. April 10, 1980.

§4-29.1. Repealed by Laws 1951, p. 91, § 608.

§4-29.2. Repealed by Laws 1951, p. 91, § 608.

§4-29.3. Repealed by Laws 1951, p. 91, § 608.

§4-30.1. Commercial Pet Breeders and Animal Shelter Licensing Act.

This act shall be known and may be cited as the "Commercial Pet Breeders and Animal Shelter Licensing Act" and shall be administered by the State Board of Agriculture.

Added by Laws 2012, c. 302, § 1, eff. July 1, 2012. Amended by Laws 2013, c. 289, § 1.

§4-30.2. Definitions.

As used in the Commercial Pet Breeders and Animal Shelter Licensing Act:

1. "Adult animal" means an intact female animal twelve (12) months of age or older;

2. "Animal" means a dog or a cat;

3. "Animal shelter" means any nongovernmental facility that maintains ten or more dogs and cats operated by or under contract for the state, a county, a municipal corporation, or any other political subdivision of the state for the purpose of impounding or harboring seized, stray, homeless, abandoned or unwanted dogs or cats; and any facility that maintains ten or more dogs and cats operated, owned, or maintained by any person or organization for such purpose, but not including any facility that does not house or harbor dogs or cats on the premises and only operates through a system of fostering in private homes;

4. "Animal shelter operator" means any individual, entity, association, trust, or corporation that operates a nongovernmental facility that maintains ten or more dogs and cats for the purpose of impounding or harboring seized, stray, homeless, abandoned or unwanted dogs or cats, but not including any facility that does not house or harbor dogs or cats on the premises and only operates through a system of fostering in private homes;

5. "Board" means the State Board of Agriculture;

6. "Cat" means a mammal that is wholly or partly of the species *Felis domesticus*;

7. "Commercial breeder" and "commercial pet breeder" mean any individual, entity, association, trust, or corporation who possesses



eleven or more intact female animals for the use of breeding or dealing in animals for direct or indirect sale or for exchange in return for consideration;

8. "Commercial pet breeder license" means a license issued to any person that qualifies and is licensed as a commercial pet breeder;

9. "Animal shelter license" means a license issued to any applicant that qualifies and is licensed as an animal shelter operator;

10. "Department" means the Oklahoma Department of Agriculture, Food, and Forestry;

11. "Dog" means a mammal that is wholly or partly of the species *Canis familiaris*;

12. "Facility" means the premises used by one or more animal shelter operators or commercial breeders. The term includes all buildings, property, and confinement areas in a single location used to conduct the animal shelter or commercial breeding business;

13. "Family member" means the parent, spouse, child, or sibling of an individual;

14. "Humane society" means a nonprofit organization exempt from federal income taxation as an organization described in Section 501(c)(3), Internal Revenue Code of 1986, as amended, that has as a principal purpose the prevention of animal cruelty or the sheltering of, caring for, and providing of homes for lost, stray, and abandoned animals;

15. "Inspector" means an authorized agent of the Board or any other qualified person authorized by the Department to conduct inspections;

16. "Intact female animal" means a female animal, nine (9) months of age or older, and not spayed;

17. "Kitten" means a cat less than twelve (12) months old;

18. "Local animal control authority" means a municipal or county animal control office with authority over the premises in which an animal is kept or, in an area that does not have an animal control office, the county sheriff;

19. "Marketing" means the solicitation for sale of animals;

20. "Noncommercial breeder" means any individual, entity, association, trust, or corporation who possesses ten or fewer intact female animals for the use of breeding or dealing in animals for direct or indirect sale or for exchange in return for consideration;

21. "Person" means any individual, association, trust, corporation, limited liability company, partnership, or other entity;

22. "Pet" means a dog or cat, including a puppy or kitten;

23. "Possess" means to have custody of or control over;

24. "Puppy" means a dog less than twelve (12) months old; and

25. "Veterinarian" means a person currently licensed to practice veterinary medicine in Oklahoma.

Added by Laws 2012, c. 302, § 2, eff. July 1, 2012. Amended by Laws 2013, c. 289, § 2.

§4-30.3. Enforcement of act.

A. The State Board of Agriculture shall enforce and administer the provisions of the Commercial Pet Breeders and Animal Shelter Licensing Act.

B. The Board shall adopt the rules necessary to enforce and administer the Commercial Pet Breeders and Animal Shelter Licensing Act, including but not limited to rules that:

1. Establish standards for care;

2. Establish reasonable and necessary fees;

3. Establish exemptions for intact female animals held solely for the purpose of training and that are not bred, with documentation to include sales and training records;

4. Establish provisions related to initial and renewal applications, revocation or nonrenewal of licenses, procedures for sale of animals, and procedures for making complaints; and

5. Establish any other rules deemed necessary by the Board.

Added by Laws 2012, c. 302, § 3, eff. July 1, 2012. Amended by Laws 2013, c. 289, § 3.

§4-30.4. Licensure.

A. A person shall not act, offer to act, or hold himself or herself out as a commercial pet breeder or operate an animal shelter in this state unless the person holds a license obtained pursuant to the Commercial Pet Breeders and Animal Shelter Licensing Act for each facility that the person owns or operates in this state.

B. It shall be unlawful for any person to act as a commercial pet breeder licensee, or operate as an animal shelter licensee, or to hold himself or herself out as such, unless the person shall have been licensed to do so under the Commercial Pet Breeders and Animal Shelter Licensing Act.

C. An applicant for an animal shelter or commercial pet breeder license shall meet the criteria established by the State Board of Agriculture through rules promulgated pursuant to the Commercial Pet Breeders and Animal Shelter Licensing Act.

D. Any animal shelter operator or commercial pet breeder that applies for an animal shelter or commercial pet breeder license no later than September 1, 2013, shall not be required to meet any cage-size requirement more stringent than United States Department of Agriculture standards. Regardless of license application date, any animal shelter operator or commercial pet breeder replacing or adding cages after September 1, 2013, shall meet the cage-size requirements as of the date of replacement or addition.

Added by Laws 2012, c. 302, § 4, eff. July 1, 2012. Amended by Laws 2013, c. 289, § 4.

§4-30.5. Application for licensure - Inspection of applicant.

A. The Oklahoma Department of Agriculture, Food, and Forestry may contract with a local veterinarian licensed by the state, other state agency or any other qualified person to conduct or assist in an initial prelicense inspection and annual inspections.

B. The Department shall arrange for an inspection at a facility prior to issuance of an initial animal shelter or commercial pet breeder license for that facility.

1. The Department shall not issue an animal shelter or commercial pet breeder license to any person until the Department receives an initial prelicense inspection report from the inspector in a format approved by the Department certifying that the facility meets the requirements of the Commercial Pet Breeders and Animal Shelter Licensing Act.

2. Prior to the initial prelicense inspection, each applicant shall pay to the Department a nonrefundable inspection fee.

C. The Department, at least annually, shall arrange for the inspection of each facility of a licensed animal shelter operator or commercial breeder. The inspection shall be conducted during normal business hours and the animal shelter operator, commercial breeder or a representative of the facility shall be present during the inspection.

D. The inspector shall submit an inspection report to the Department not later than ten (10) days after the date of the inspection on a form prescribed by the Department and provide a copy of the report to the animal shelter operator, commercial breeder or the representative.

E. On receipt of a valid written complaint alleging a violation of the Commercial Pet Breeders and Animal Shelter Licensing Act, an authorized agent of the State Board of Agriculture, a local animal control authority, or an inspector designated by the Department may investigate the alleged violation.

F. The Department shall not hire any humane society group or member of any humane society group to perform any inspection required by the Commercial Pet Breeders and Animal Shelter Licensing Act. Added by Laws 2012, c. 302, § 5, eff. July 1, 2012. Amended by Laws 2013, c. 289, § 5.

§4-30.6. Requirements for licensure.

A. The Oklahoma Department of Agriculture, Food, and Forestry shall issue an animal shelter or commercial pet breeder license to each applicant who:

1. Meets the requirements of the Commercial Pet Breeders and Animal Shelter Licensing Act;

2. Applies to the Department on the form prescribed by the Department; and

3. Pays the required fee.

B. An animal shelter operator or commercial pet breeder shall obtain a separate license for each facility where animals are kept. A separate license shall be issued for each facility, regardless of the number of animals at each facility.

C. If a single facility is shared by more than one person, each person shall be required to become individually licensed if:

1. For commercial pet breeders, eleven or more intact females used for breeding are housed at the facility; or

2. For animal shelter operators, ten or more cats and dogs are maintained at the facility.

D. A license issued under the Commercial Pet Breeders and Animal Shelter Licensing Act is valid until July 1 for a commercial pet breeder and January 1 for an animal shelter operator in each calendar year and is nontransferable.

E. The nonrefundable animal shelter license and renewal fee shall be the same as the fee for a commercial pet breeder with eleven to twenty intact female animals.

Added by Laws 2012, c. 302, § 6, eff. July 1, 2012. Amended by Laws 2013, c. 289, § 6; Laws 2014, c. 14, § 1, eff. July 1, 2014.

#### §4-30.7. Revocation or suspension of license.

The Oklahoma Department of Agriculture, Food, and Forestry may deny a license, or renewal thereof, or revoke a license of any applicant, animal shelter operator or commercial pet breeder who fails to meet the standards of animal care or fails to follow the application process adopted by the Department, or if the person:

1. Is convicted of a crime involving animal cruelty;

2. Is convicted of violating the Commercial Pet Breeders and Animal Shelter Licensing Act more than three times;

3. Is convicted of a type of felony specified by subparagraphs a through pp of paragraph 2 of Section 571 of Title 57 of the Oklahoma Statutes;

4. Is convicted of a felony punishable under the Oklahoma Racketeer-Influenced and Corrupt Organizations Act; or

5. Has held or applied for a United States Department of Agriculture license pursuant to the Animal Welfare Act and whose license was suspended or revoked, or whose application was refused due to the improper care of animals.

Added by Laws 2012, c. 302, § 7, eff. July 1, 2012. Amended by Laws 2013, c. 289, § 7.

#### §4-30.8. Expiration and renewal of license.

A. An animal shelter operator or commercial pet breeder who is not in violation of the Commercial Pet Breeders and Animal Shelter Licensing Act or any rule adopted under the Commercial Pet Breeders

and Animal Shelter Licensing Act may renew the license of the person by:

1. Submitting a renewal application to the Oklahoma Department of Agriculture, Food, and Forestry on the form prescribed by the Department;

2. Complying with any other renewal requirements adopted by the Department; and

3. Paying the required fee.

B. Any person who fails to apply for a renewal in a manner prescribed by the Department, and whose license has expired, may not engage in activities that require a license until the license has been renewed.

C. Not later than sixty (60) days before the expiration of the license, the Department shall send written notice of the impending license expiration to the animal shelter operator or commercial pet breeder at the last-known address according to the records of the Department.

Added by Laws 2012, c. 302, § 8, eff. July 1, 2012. Amended by Laws 2013, c. 289, § 8.

#### §4-30.9. Required information updates.

An animal shelter operator or commercial pet breeder shall notify the Oklahoma Department of Agriculture, Food, and Forestry in writing not later than ten (10) days after the date any change occurs in the address, name, management, substantial control, or ownership of the business or operation.

Added by Laws 2012, c. 302, § 9, eff. July 1, 2012. Amended by Laws 2013, c. 289, § 9.

#### §4-30.10. Disclosure of license.

An animal shelter operator and commercial pet breeder shall prominently display a copy of the animal shelter license or commercial pet breeder license at the facility of the animal shelter or commercial pet breeder. A commercial pet breeder shall include the commercial pet breeder license number in each advertisement for the sale or transfer of an animal by the commercial pet breeder. A commercial pet breeder shall include in each contract for the sale or transfer of an animal by the commercial pet breeder the commercial pet breeder license number.

Added by Laws 2012, c. 302, § 10, eff. July 1, 2012. Amended by Laws 2013, c. 289, § 10.

#### §4-30.11. Annual report filings.

A. Not later than February 1 of each year, a commercial pet breeder shall submit to the Oklahoma Department of Agriculture, Food, and Forestry an annual report on a form prescribed by the Department setting forth the number of adult intact female animals held at the

facility at the end of the prior year and such other information regarding the commercial pet breeder's prior year's operations as required by the Department.

B. The commercial pet breeder shall keep a copy of the annual report at the facility of the commercial pet breeder and, on request, make the report available to the authorized agent of the Board, a local animal control authority, or any other inspector designated by the Department.

C. A license holder that has more than one facility shall keep separate records and file a separate report for each facility.  
Added by Laws 2012, c. 302, § 11, eff. July 1, 2012.

#### §4-30.12. Annual health records.

A. An animal shelter operator and commercial pet breeder shall maintain a separate health record for each animal in the facility of the animal shelter operator and commercial breeder documenting the healthcare of the animal.

B. The health record shall include:

1. The breed, sex, color, and identifying marks of the animal;  
and
2. A record of all inoculations, medications, and other veterinary medical treatment received by the animal while in the possession of the animal shelter operator and commercial pet breeder.

C. The animal shelter operator and commercial pet breeder shall make the health records available on request to the Oklahoma Department of Agriculture, Food, and Forestry, an authorized agent of the Board, a local animal control authority, or any other inspector designated by the Department.

Added by Laws 2012, c. 302, § 12, eff. July 1, 2012. Amended by Laws 2013, c. 289, § 11.

#### §4-30.13. Prohibited conduct - Penalties.

A. After notice and opportunity for a hearing in accordance with the Administrative Procedures Act, if the State Board of Agriculture finds any person in violation of the Commercial Pet Breeders and Animal Shelter Licensing Act or any rule promulgated or order issued pursuant thereto, the Board shall have the authority to assess an administrative penalty of not less than One Hundred Dollars (\$100.00) and not more than Ten Thousand Dollars (\$10,000.00) for each violation. Each animal, each action, or each day a violation continues may constitute a separate and distinct violation. During each license year of the facility, a facility shall not be subject to more than Ten Thousand Dollars (\$10,000.00) in administrative penalties assessed pursuant to this subsection.

B. A person commits an offense if the person violates the Commercial Pet Breeders and Animal Shelter Licensing Act or any rule adopted under the Commercial Pet Breeders and Animal Shelter

Licensing Act. Each animal to which a violation applies and each day that violation continues constitutes a separate offense. An offense under this subsection is a misdemeanor punishable as provided in subsection F of this section.

C. A person commits an offense if the person knowingly falsifies information in a license application, annual report, or record required under the Commercial Pet Breeders and Animal Shelter Licensing Act. An offense under this subsection is a misdemeanor punishable as provided in subsection F of this section.

D. An unlicensed commercial pet breeder commits an offense if the breeder advertises animals for sale. An offense under this subsection is a misdemeanor punishable as provided in subsection F of this section.

E. An animal shelter or commercial pet breeder commits an offense if the animal shelter or commercial breeder interferes with, hinders, or thwarts any inspection or investigation under the Commercial Pet Breeders and Animal Shelter Licensing Act or refuses to allow an inspector full access to all areas of the facility where animals are kept or cared for and all records required to be kept under the Commercial Pet Breeders and Animal Shelter Licensing Act or any rule adopted under the Commercial Pet Breeders and Animal Shelter Licensing Act. An offense under this subsection is a misdemeanor punishable as provided in subsection F of this section.

F. 1. Any violation of subsection B, C or D of this section shall be punishable by a fine not to exceed Five Hundred Dollars (\$500.00).

2. Any violation of subsection E of this section shall be punishable by a fine not to exceed One Thousand Dollars (\$1,000.00).

G. In addition to penalties and fines, the Board shall have authority to obtain injunctions against anyone who violates the Commercial Pet Breeders and Animal Shelter Licensing Act, and shall have authority to obtain or impose civil monetary penalties on anyone who violates the Commercial Pet Breeders and Animal Shelter Licensing Act, and upon obtaining a court order, shall have authority to seize and impound animals in the possession, custody, or care of that person if there is reason to believe that the health, safety, or welfare of the animals is endangered, or the animals are in imminent danger. The reasonable costs of transportation, care, and feeding of seized and impounded animals shall be paid by the person from whom the dogs or cats were seized and impounded.

H. Nothing in the Commercial Pet Breeders and Animal Shelter Licensing Act shall preclude the Board from seeking penalties in district court in the maximum amount allowed by law. The assessment of penalties in an administrative enforcement proceeding shall not prevent the subsequent assessment by a court of the maximum civil or criminal penalties for violations of the Commercial Pet Breeders and Animal Shelter Licensing Act and rules promulgated pursuant thereto.

I. Any person assessed an administrative or civil penalty may be required to pay, in addition to the penalty amount and interest thereon, attorney fees and costs associated with the collection of the penalties.

J. If any person refuses, denies or interferes with any right of access, the Board shall have the right to apply to and obtain from a district court an administrative or other warrant as necessary to enforce the right of access and inspection.

Added by Laws 2012, c. 302, § 13, eff. July 1, 2012. Amended by Laws 2013, c. 289, § 12.

#### §4-30.14. State disclosure duties.

The State Board of Agriculture shall maintain and post on its website the directory of animal shelters and commercial pet breeders licensed pursuant to the Commercial Pet Breeders and Animal Shelter Licensing Act. The Board shall post on its website the directory of animal shelters and commercial pet breeders who have been denied licensing, or whose licenses have been revoked.

Added by Laws 2012, c. 302, § 14, eff. July 1, 2012. Amended by Laws 2013, c. 289, § 13.

#### §4-30.15. Limitations.

A. The Commercial Pet Breeders and Animal Shelter Licensing Act shall not affect the applicability of any other law, rule, order, ordinance, or other legal requirement of the federal government, this state, or a political subdivision of this state.

B. The Commercial Pet Breeders and Animal Shelter Licensing Act shall not prevent a municipality or county from prohibiting or further regulating by order or ordinance, the possession, breeding, or selling of dogs or cats.

Added by Laws 2012, c. 302, § 15, eff. July 1, 2012. Amended by Laws 2013, c. 289, § 14.

#### §4-30.16. Appropriation of funds.

A. There is hereby created in the State Treasury a revolving fund for the Oklahoma Department of Agriculture, Food, and Forestry to be designated the Commercial Pet Breeders and Animal Shelter Assistance Revolving Fund. All monies accruing to the credit of the Commercial Pet Breeders and Animal Shelter Assistance Revolving Fund are hereby appropriated and may be budgeted and expended by the Department for the purposes set forth in subsection C of this section. The fund shall be a continuing fund not subject to fiscal year limitations and shall consist of:

1. All monies received by the Department for sheltering of seized animals pursuant to the Commercial Pet Breeders and Animal Shelter Licensing Act; and



2. Money received by the Department in the form of gifts, grants, reimbursements, or from any other source intended to be used for the purposes specified by or collected pursuant to the provisions of this section of the Commercial Pet Breeders and Animal Shelter Licensing Act.

B. The monies deposited in the Commercial Pet Breeders and Animal Shelter Assistance Revolving Fund shall be excluded from budget and expenditure limitations and shall at no time become part of the general budget of the Department or any other state agency. Except as provided for in this section, no monies from the Commercial Pet Breeders and Animal Shelter Assistance Revolving Fund shall be transferred for any purpose to any other state agency or any account of the Department or be used for the purpose of contracting with any other state agency or reimbursing any other state agency for any expense.

C. The Commercial Pet Breeders and Animal Shelter Assistance Revolving Fund shall be utilized for defraying veterinary costs for animals in the event of a removal of animals from an animal shelter or commercial pet breeder. The fund may, in the discretion of the State Board of Agriculture, also be used to defray costs associated with care of animals including, but not limited to, feed and shelter. Added by Laws 2012, c. 302, § 16, eff. July 1, 2012. Amended by Laws 2013, c. 289, § 15.

§4-31. Breeding certificates - Duty to furnish - Contents - Form.

The owner or keeper of any registered male animals who collect a fee for the service of same, shall upon request of the owner of any registered female of the same breed which has been bred to such registered male animal, and the fee therefor paid, furnish to such owner a breeding certificate, giving name and register number of such male animal and the date of such service, such information to be furnished in the form required by the breeders' association with which such animals are registered, to the end that the offspring may be registered.

Added by Laws 1915, c. 40, § 1.

§4-32. Refusal to furnish certificate - Penalty.

Refusal to comply with the provisions of section one hereof shall be a misdemeanor punishable by a fine of not more than Fifty Dollars (\$50.00).

Added by Laws 1915, c. 40, § 2.

§4-41. Animals chasing or injuring livestock - Right to kill - Liability of owner - Warrantless seizure - Court proceedings - Definitions.

A. It shall be lawful for a person to kill any animal of the family canidae or the family felidae found chasing livestock off the

premises of the owner of the animal if the person is the owner or occupant of the property on which the animal is chasing the livestock or if the person is authorized to kill such an animal by the owner or occupant of such property.

B. The owner of any animal of the family canidae or the family felidae that kills or injures any livestock shall be jointly and severally liable to any person so damaged, to the full amount of the injury done and damages caused, including reasonable attorney fees and litigation expenses.

C. 1. Any animal control officer or any municipal, county or state law enforcement officer may seize a potentially dangerous dog without a warrant:

- a. if the dog is continuing to run at large at the time of the seizure,
- b. if the officer has probable cause to believe the dog is a dangerous dog and the threat to the health, safety and welfare of livestock or persons is of a continuing nature under the circumstances, or
- c. pursuant to Section 47 of this title.

2. Any animal seized pursuant to this subsection shall be held by the appropriate animal control authority until the appropriate terms and conditions of release necessary to protect the health, safety and welfare of livestock and persons with whom the dangerous dog may come in contact are established by the supervisor of the animal control authority or a court of competent jurisdiction and agreed to by the owner.

D. 1. Upon commencement of any civil action to assess damages pursuant to this section, the court upon its own motion, or upon a motion by the plaintiff, and with notice to the defendant, and after a hearing thereon, may issue an order requiring seizure of a dog if the court has found probable cause to believe:

- a. the dog is a potentially dangerous dog and the threat to the health, safety and welfare of livestock or persons is of a continuing nature under the circumstances, or
- b. the dog will be adjudicated a common nuisance pursuant to subsection G of this section.

2. Any dog seized pursuant to this subsection shall be held by the appropriate animal control authority until conclusion of the civil action or until the court enters an order prescribing the appropriate terms and conditions of release necessary to protect the health, safety and welfare of livestock and persons with whom the animal may come in contact.

E. The cost for the seizure and confinement of an animal as authorized by subsection C or D of this section shall be borne by the owner of the animal. However, in any civil action filed pursuant to this section, if the owner of the animal is the prevailing party,

such costs shall be taxed in the case against the nonprevailing party.

F. Nothing in this section shall be interpreted so as to require any municipality or county to:

1. Operate or maintain an animal welfare facility; or
2. Accept or hold any seized animal from a municipal, county or state law enforcement officer, other than its own.

G. The court, before whom a recovery is had for any injury or damages as set forth in this section, shall declare the animal found to have occasioned the injury to be a common nuisance, and order the defendant to kill or cause to be killed, such animal within twenty-four (24) hours after the rendition of the judgment. Appeals shall be allowed in all such cases. Any appeals shall be prosecuted in a manner as prescribed by general statutes governing appeals.

H. The provisions of Sections 45, 46 and 47 of this title shall also apply to a dangerous dog as defined in subsection I of this section.

I. For purposes of this section:

1. "Livestock" means any cattle, bison, hog, sheep, goat, equine, domesticated rabbits, chicken or other poultry and shall include exotic livestock;
2. "Exotic livestock" means commercially raised exotic livestock including animals of the families bovidae, cervidae and antilocapridae or birds of the ratite group;
3. "Potentially dangerous dog" means any dog that, while the dog was allowed to run at large off the property of the owner, when unprovoked, on more than one occasion, was found to be chasing or aggressively creating a substantial threat to the health, safety and welfare of livestock or persons;
4. "Dangerous dog" means any dog that, while the dog was allowed to run at large off the property of the owner:
  - a. when unprovoked, killed or injured livestock, or
  - b. has been previously found to be a potentially dangerous dog, the owner having received notice of such by the animal control authority in writing, and continues to be found chasing or aggressively creating a substantial threat to the health, safety and welfare of livestock or persons;
5. "Animal control authority" means the same as defined in Section 44 of this title;
6. "Animal control officer" means the same as defined in Section 44 of this title; and
7. "Owner" means the same as defined in Section 44 of this title.

R.L.1910, § 120. Amended by Laws 1935, p. 190, § 1; Laws 1949, p. 39, § 1, emerg. eff. Feb. 15, 1949; Laws 1993, c. 36, § 1, eff. July 1, 1993; Laws 2002, c. 187, § 2, eff. Nov. 1, 2002; Laws 2007, c. 40,

§ 1, eff. July 1, 2007; Laws 2013, c. 278, § 1, emerg. eff. May 14, 2013.

§4-42.1. Personal injury by dog - Liability of owner.

The owner or owners of any dog shall be liable for damages to the full amount of any damages sustained when his dog, without provocation, bites or injures any person while such person is in or on a place where he has a lawful right to be.

Added by Laws 1947, p. 32, § 1. Amended by Laws 1980, c. 75, § 1, eff. Oct. 1, 1980.

§4-42.2. Lawful presence on owner's property, what constitutes - Public place, what is.

For the purpose of Sections 42.1 through 42.3 of this title and Section 1 of this act a person shall be considered to be lawfully upon the private property of the owner of a dog when he or she is on the property in the performance of any duty imposed upon the person by the laws of this state, or its political subdivision, or by the laws of the United States, or the postal regulations of the United States, or when reading meters, or making repairs to any public utility or service located on the premises, or when working on the property at the request of the owner or any tenant having a lease upon any portion of the property, or when on the property upon the invitation, either expressed or implied, of the owner or lessee of such property, or when on the property for any other lawful purpose. The term "public place" shall, for the purpose of Sections 42.1 through 42.3 of this title and Section 1 of this act, mean and include any and all public streets, sidewalks, alleyways, easements, buildings, parks, playgrounds and recreational facilities, and any and all places of business, amusement or entertainment which are privately owned, wherein merchandise, property, services, entertainment or facilities are offered for sale, hire, lease, or use.

Added by Laws 1947, p. 32, § 2, emerg. eff. March 11, 1947. Amended by Laws 2006, c. 262, § 2, emerg. eff. June 7, 2006.

§4-42.3. Exceptions to application of act - Existing rights and liabilities.

Provided that this act shall not apply to rural areas of this state or to any cities or towns that do not have city or village United States mail delivery service. Provided, nothing herein shall be construed as diminishing any right or liability for injury by dog bites now existing under the laws of this state.

Added by Laws 1947, p. 32, § 3.

§4-42.4. Owners of dangerous dogs, bite or attacks on public property - Penalty.

A. It is unlawful for the owner of any dog that previously has:

1. When unprovoked inflicted bites on any person or severely injured any person either on public or private property; or
2. When unprovoked created an imminent threat of injury or death to any person,

to permit such dog to run at large or aggressively bite or attack any person while such person is lawfully upon public or private property. Upon conviction, the violator shall be guilty of a misdemeanor punishable by imprisonment in the county jail for not more than one (1) year, or by imposition of a fine not to exceed Five Thousand Dollars (\$5,000.00), or by both such fine and imprisonment. In addition, the owner shall be liable for damages as provided in Section 42.1 of Title 4 of the Oklahoma Statutes.

B. The owner of any dangerous dog as defined by Section 44 of Title 4 of the Oklahoma Statutes, or any dog that is described in subsection A of this section, that attacks any person causing the death of such person shall, upon conviction, be guilty of a felony punishable by imprisonment in the custody of the Department of Corrections for not more than five (5) years, or by the imposition of a fine not to exceed Twenty-five Thousand Dollars (\$25,000.00), or by both such fine and imprisonment.

C. It is unlawful for any person to release any dog upon a law enforcement officer while the officer is in the performance of official duties. Upon conviction, the violator shall be guilty of a felony punishable by imprisonment in the custody of the Department of Corrections for not more than five (5) years, or imprisonment in the county jail for not more than one (1) year, or by imposition of a fine not exceeding Five Thousand Dollars (\$5,000.00), or by both such fine and imprisonment.

D. It shall be an affirmative defense to a prosecution pursuant to subsection A or B of this section that the injury or death was sustained by a person who, at the time, was committing a willful criminal act upon the premises of the owner of the dog or was assaulting the owner of the dog.

Added by Laws 2006, c. 262, § 1, emerg. eff. June 7, 2006.

§4-43. Counties over 200,000 population - Regulation and control of dogs running at large - Penalties.

The board of county commissioners of any county with a population of two hundred thousand (200,000) or more according to the last Federal Decennial Census may regulate or prohibit the running at large of dogs within said county, and cause such dogs as may be running at large to be impounded and disposed of as otherwise provided for by law or sold to discharge the costs and penalties provided for the violation of such prohibition and the expense of impounding and keeping the same for such sale; and may also provide for the erection of all needful pens, pounds and buildings for the

use of said county at any place within said county. It shall be the duty of the board of county commissioners of any county undertaking the regulation and taxation of dogs in said county under this act to establish and enforce rules governing the same, and they shall enter into a definite cooperative agreement with the sheriff of said county prescribing said rules and regulations and the manner and terms of enforcement thereof, and for the financing and compensation therefor. The board of county commissioners may also regulate and provide for taxing the owners and harborers of dogs, and authorize the humane killing or disposal of dogs, found at large, contrary to any ordinance regulating the same. Any person, firm or corporation who violates any rule or regulation made by such board of county commissioners under the authority of this act shall be guilty of a misdemeanor and shall be punished as provided by the laws of this state in any court of competent jurisdiction, provided that in the case of continuing offenses, each day on which the offense occurs shall constitute a separate offense.

Added by Laws 1959, p. 25, § 1.

#### §4-44. Definitions.

As used in Section 44 et seq. of this title:

1. "Potentially dangerous dog" means any dog that:
  - a. when unprovoked inflicts bites on a human either on public or private property, or
  - b. when unprovoked attacks a dog which results in the death of said dog either on public or private property;
2. "Dangerous dog" means any dog that:
  - a. has inflicted severe injury on a human being without provocation on public or private property,
  - b. has been previously found to be potentially dangerous, the owner having received notice of such by the animal control authority in writing and the dog thereafter aggressively bites, attacks, or endangers the safety of humans, or
  - c. has been previously found to be potentially dangerous, the owner having received notice of such by the animal control authority in writing and the dog thereafter attacks a dog which results in the death of said dog either on public or private property;
3. "Severe injury" means any physical injury that results in broken bones or lacerations requiring multiple sutures or cosmetic surgery;
4. "Proper enclosure of a dangerous dog" means, while on the owner's property, a dangerous dog shall be securely confined indoors or in a securely enclosed and locked pen or structure with at least one hundred fifty (150) square feet of space for each dog kept therein which is over six (6) months of age, and which is suitable to

prevent the entry of children and designed to prevent the animal from escaping. Such pen or structure shall have secure sides and a secure top, and shall also provide protection from the elements for the dog;

5. "Animal control authority" means an entity acting alone or in concert with other local governmental units for enforcement of the animal control laws of the city, county and state and the shelter and welfare of animals;

6. "Animal control officer" means any individual employed, contracted with, or appointed by the animal control authority for the purpose of aiding the enforcement of this act or any other law or ordinance relating to the licensure of animals, control of animals, or seizure and impoundment of animals, and includes any state or local law enforcement officer or other employee whose duties in whole or in part include assignments that involve the seizure and impoundment of any animal; and

7. "Owner" means any person, firm, corporation, organization, or department possessing, harboring, keeping, having an interest in, or having control or custody of an animal.

Added by Laws 1991, c. 199, § 1, eff. Feb. 1, 1992. Amended by Laws 2001, c. 159, § 1, emerg. eff. May 1, 2001; Laws 2006, c. 262, § 3, emerg. eff. June 7, 2006.

#### §4-45. Certificate of registration for certain dogs required - Exemption - Fee.

A. It is unlawful for an owner to have a dangerous dog in the state without certificate of registration issued under this section. This section shall not apply to dogs used by law enforcement officials for police work.

B. The animal control authority of the city or county in which an owner has a dangerous dog shall issue a certificate of registration to the owner of such animal if the owner presents to the animal control unit sufficient evidence of:

1. A proper enclosure to confine a dangerous dog and the posting of the premises with a clearly visible warning sign that there is a dangerous dog on the property. In addition, the owner shall conspicuously display a sign with a warning symbol that informs children of the presence of a dangerous dog; and

2. A policy of liability insurance, such as homeowner's insurance, or surety bond, issued by an insurer qualified under Title 36 of the Oklahoma Statutes in the amount of not less than Fifty Thousand Dollars (\$50,000.00) insuring the owner for any personal injuries inflicted by the dangerous dog.

C. If an owner has the dangerous dog in an incorporated area that is serviced by both a city and county animal control authority, the owner shall obtain a certificate of registration from the city authority.

D. Cities and/or counties may charge an annual fee not to exceed Ten Dollars (\$10.00), in addition to regular dog licensing fees, if any are charged, not to exceed Ten Dollars (\$10.00), to register dangerous dogs. Fees shall be retained by the city or county issuing license.

Added by Laws 1991, c. 199, § 2, eff. Feb. 1, 1992.

§4-46. Muzzle and restraint of certain dogs required - Local regulation of dangerous dogs - Dogs not to be declared dangerous.

A. It is unlawful for an owner of a dangerous dog to permit the dog to be outside the proper enclosure as defined by Section 44 of this title, unless the dog is muzzled and restrained by a substantial chain or leash and remains under the physical restraint of a responsible person over sixteen (16) years of age. The muzzle shall be made in a manner that will not cause injury to the dog or interfere with its vision or respiration but shall prevent it from biting any person or animal.

B. Potentially dangerous or dangerous dogs may be regulated through local, municipal and county authorities, provided the regulations are not breed specific. Nothing in this act shall prohibit such local governments from enforcing penalties for violation of such local laws.

C. Dogs shall not be declared dangerous if the threat, injury, or damage was sustained by a person who, at the time, was committing a willful trespass or other tort upon the premises occupied by the owner of the dog, or was tormenting, abusing, or assaulting the dog or has, in the past, been observed or reported to have tormented, abused, or assaulted the dog or was committing or attempting to commit a crime.

Added by Laws 1991, c. 199, § 3, eff. Feb. 1, 1992. Amended by Laws 2006, c. 262, § 4, emerg. eff. June 7, 2006.

§4-47. Confiscation of dangerous dog - Purpose of act - Other remedies.

A. Any dangerous dog shall be immediately confiscated by an animal control authority if:

1. The dog is not validly registered under Section 45 of this title;
2. The owner does not secure the liability insurance coverage or surety bond required under Section 45 of this title;
3. The dog is not maintained in the proper enclosure as defined by Section 44 of this title; and
4. The dog is outside of the dwelling of the owner, or outside the proper enclosure and not under physical restraint of the responsible person as required by Section 46 of this title.

B. The owner of a dangerous dog shall, upon conviction, be guilty of a misdemeanor punishable by imprisonment in the county jail



for not more than one (1) year or by the imposition of a fine not to exceed Five Thousand Dollars (\$5,000.00), or by both such fine and imprisonment for any violation of the laws relating to dangerous dogs resulting in the confiscation of such dog pursuant to any provision of subsection A of this section.

C. The owner of a dangerous dog shall be guilty of a misdemeanor punishable by imprisonment in the county jail for not more than one (1) year, or by the imposition of a fine not to exceed Five Thousand Dollars (\$5,000.00), or by both such fine and imprisonment for any personal injury caused by such dangerous dog. The fine, at the discretion of the court, may be offset by payments made by the dog owner to any victim of an injury or attack by the dog. However, insurance payments may not be considered as an offset. In addition, the court may require the owner to perform forty (40) hours of community service. The court may suspend any portion of the community service requirement set forth in this section. It shall be an affirmative defense to a prosecution pursuant to this subsection that the injury was sustained by a person who, at the time, was committing a willful criminal act upon the premises occupied by the owner of the dog or was assaulting the owner of the dog.

D. It is the purpose of Sections 44 through 47 of this title to provide additional and cumulative remedies to control dangerous and potentially dangerous dogs in this state. Nothing in this act shall be construed to abridge or alter rights of action or remedies of victims under the common law or statutory law, criminal or civil. Added by Laws 1991, c. 199, § 4, eff. Feb. 1, 1992. Amended by Laws 2006, c. 262, § 5, emerg. eff. June 7, 2006.

§4-51. Repealed by Laws 1943, p. 16, § 5.

§4-52. Repealed by Laws 1943, p. 16, § 5.

§4-53. Repealed by Laws 1943, p. 16, § 5.

§4-54. Repealed by Laws 1943, p. 16, § 5.

§4-61. Repealed by Laws 1963, c. 220, § 11.

§4-62. Repealed by Laws 1941, p. 462, § 1.

§4-63. Repealed by Laws 1941, p. 462, § 1.

§4-64. Repealed by Laws 1941, p. 462, § 1.

§4-65. Repealed by Laws 1941, p. 462, § 1.

§4-66. Repealed by Laws 1941, p. 462, § 1.

§4-67. Repealed by Laws 1963, c. 220, § 11.

§4-68. Repealed by Laws 1941, p. 462, § 1.

§4-69. Repealed by Laws 1941, p. 462, § 1.

§4-70. Repealed by Laws 1941, p. 462, § 1.

§4-71. Repealed by Laws 1941, p. 462, § 1.

§4-72. Repealed by Laws 1941, p. 462, § 1.

§4-73. Repealed by Laws 1941, p. 462, § 1.

§4-74. Repealed by Laws 1941, p. 462, § 1.

§4-75. Repealed by Laws 1941, p. 462, § 1.

§4-81.1. Repealed by Laws 1963, c. 200, § 11.

§4-81.2. Repealed by Laws 1963, c. 220, § 11.

§4-81.3. Repealed by Laws 1963, c. 220, § 11.

§4-81.4. Repealed by Laws 1963, c. 220, § 11.

§4-82.1. Repealed by Laws 1970, c. 165, § 13.

§4-82.2. Repealed by Laws 1970, c. 165, § 13.

§4-82.3. Repealed by Laws 1970, c. 165, § 13.

§4-82.4. Repealed by Laws 1970, c. 165, § 13.

§4-82.5. Repealed by Laws 1970, c. 165, § 13.

§4-82.6. Repealed by Laws 1970, c. 165, § 13.

§4-82.7. Repealed by Laws 1970, c. 165, § 13.

§4-82.8. Repealed by Laws 1970, c. 165, § 13.

§4-82.9. Repealed by Laws 1970, c. 165, § 13.

§4-82.10. Repealed by Laws 1970, c. 165, § 13.

§4-85.1. Definitions.

A. As used in this act, "domestic animals" shall include all domestic animals including, but not limited to, cattle, bison, hogs, sheep, goats, equidae, chickens or other poultry and exotic livestock. The term "domestic animals" shall not include dogs and cats.

B. As used in this section, "exotic livestock" means commercially raised exotic livestock including animals of the families bovidae, cervidae and antilocapridae or birds of the ratite group.

Added by Laws 1970, c. 165, § 1. Amended by Laws 1974, c. 29, § 1, emerg. eff. April 11, 1974; Laws 1993, c. 36, § 2, eff. July 1, 1993; Laws 2000, c. 206, § 1, emerg. eff. May 19, 2000; Laws 2007, c. 5, § 13, eff. Nov. 1, 2007.

§4-85.2. Estrays.

Any domestic animal found running at large upon public or private lands in the State of Oklahoma, whose owner is unknown in the vicinity of the premises where found, shall be known as an "estrays", and it shall be unlawful for any person, company or corporation or either of their employees or agents to take up an estray and retain possession of same, except as provided in this act.

Added by Laws 1970, c. 165, § 2. Amended by Laws 2000, c. 206, § 2, emerg. eff. May 19, 2000; Laws 2007, c. 5, § 14, eff. Nov. 1, 2007.

§4-85.3. Taking up by landowner or lessee - Investigation - Reports.

Any landowner or lessee of land may take up any domestic animal that strays upon his premises or any public thoroughfare adjoining the same. When any person shall take up any stray animal, he shall make a reasonable investigation immediately to ascertain the owner of such animal and, within seven (7) days, he shall report such taking up to the county sheriff of the county in which the animal was taken up, giving a description of the animal, setting forth the brand, sex, and approximate age of such animal. When the identity of the owner of any stray animal is known to the taker-up he shall communicate to the said owner that the animal has strayed and that he has taken it up. The taker-up may require the owner of any strayed animal he has taken up to pay the actual cost of its keep while so taken up plus all damages that the strayed animal caused to the premises. When one who has taken up a strayed animal is unable, after investigation, to ascertain by whom the animal is owned, or when an owner of a strayed animal is identified and known to be such but neglects or fails to pay the cost of the animal's keep while taken up plus all damages it caused to the premises of the taker-up and remove the animal from the possession of the taker-up the latter shall report all facts relative to the matter to the sheriff of the county in which the animal was taken up.

Added by Laws 1970, c. 165, § 3. Amended by Laws 1974, c. 29, § 2, emerg. eff. April 11, 1974; Laws 1980, c. 161, § 1, eff. Oct. 1, 1980.

§4-85.4. Rights and duties of taker-up.

Upon taking up an estray animal or animals, and after sending a description to the county sheriff, the taker-up shall be entitled to hold the same lawfully until relieved of its custody by the sheriff. Should a claimant for said animal apply to the taker-up for possession of this animal, the taker-up shall at once notify the sheriff, and should the sheriff be satisfied that said applicant is the rightful owner, he shall issue an order authorizing the taker-up to grant possession of the estray to the rightful owner. The owner shall be required to pay to the taker-up the actual cost for keeping the estray, together with the actual amount of any damages suffered by the taker-up as a result of the estray being upon his premises and such costs and damages shall be approved by the district judge and shall be entered on the order by the sheriff.

Added by Laws 1970, c. 165, § 4. Amended by Laws 1980, c. 161, § 2, eff. Oct. 1, 1980.

§4-85.5. Duties of peace officer.

A. 1. Upon receiving notice of the taking up of any strayed animal, it shall be the duty of any peace officer, unless the owner thereof is identified and known by the peace officer to be the owner, to make or cause to be made an examination of the brand records and reports of lost, strayed and stolen livestock.

2. If from these records the name of the owner or probable owner can be determined, the owner shall be notified forthwith of the taking up of the strayed animal.

3. If the name of the owner or probable owner cannot be determined, the officer shall arrange for the housing of the animal as provided by subsection B of this section.

B. The Department of Public Safety and any municipality, county, or other political subdivision of this state may establish a list of facilities, including, but not limited to, livestock sales facilities or veterinary clinics, for an official rotation log for the keeping of strayed animals pursuant to the request of or at the direction of any officer of the Department or a municipality, county, or other political subdivision. The Department of Public Safety may promulgate rules for the implementation and administration of this section.

C. Upon the owner's proving to the satisfaction of the peace officer that the animal is lawfully the owner's, the peace officer shall allow the animal to be taken by the owner, upon payment of the actual cost for keeping it together with the amount of any damages

suffered by the taker-up as a result of the strayed animal being upon the premises of the taker-up.

D. If the owner fails to pay the charges, the animal shall be sold according to provisions of Section 85.6 of this title.

E. After all costs and expenses incurred for the care, transportation, and sale of such animal have been deducted from the gross sale proceeds, the net amount shall be paid to the owner. Added by Laws 1970, c. 165, § 5. Amended by Laws 1974, c. 29, § 3, emerg. eff. April 11, 1974; Laws 1997, c. 44, § 1, eff. Nov. 1, 1997; Laws 2000, c. 253, § 1, eff. Nov. 1, 2000; Laws 2004, c. 130, § 1, emerg. eff. April 20, 2004.

#### §4-85.6. Sale of unclaimed animals.

A. If a peace officer is unable to determine the owner or probable owner of any strayed animal from brand records and other reports of lost, strayed and stolen livestock, the sheriff shall cause to be published in a newspaper having general circulation in the county in which the strayed animal has been taken up, a description of the animal which shall contain sex, age and brand or brands but shall not contain color, or marks or other descriptive information. The notice shall be published for two (2) consecutive weekly issues. If after such publication the sheriff is still unable to determine the owner, the animal shall be sold by the sheriff, at either the nearest approved and licensed slaughter facility or the nearest approved and licensed or federally inspected livestock auction market from where taken up, inside the State of Oklahoma.

B. The approved selling firm shall forward by mail to the sheriff a check for the proceeds and other sales information, listing a description, sex, weight, selling price per pound and total sales price less normal and customary marketing fees.

C. The sheriff shall pay to the taker-up of an unclaimed stray animal the actual cost for keeping it, together with the actual amount of any damages suffered by the taker-up as a result of the strayed animal being upon the premises.

D. All remaining money, if any, shall be deposited with the county treasurer to be held by the treasurer in a special fund from which payment may be made to a claimant who has been determined by the district court to be the owner of the stray animal. If not expended pursuant to court order within one (1) year the funds so deposited shall be credited to the County General Fund. Added by Laws 1970, c. 165, § 6. Amended by Laws 1974, c. 29, § 4, emerg. eff. April 11, 1974; Laws 1997, c. 44, § 2, eff. Nov. 1, 1997; Laws 2000, c. 253, § 2, eff. Nov. 1, 2000; Laws 2010, c. 377, § 1, eff. Nov. 1, 2010.

#### §4-85.7. Adverse claimants.

In the event that there is more than one (1) claimant to any estray after the publication of the notice, as provided by this act, and if a contest or controversy ensues as a result of adverse claimants, then after the publication the sheriff shall certify the matter to the district court of the county in which the estray is taken up, and the small claims division of the district court shall docket said matter in a proper docket supplied by the county for such purpose, and the claimants shall have ten (10) days from the date of such docketing of said matter to file affidavits in support of their several claims. The district court shall also have the right and authority to hear oral testimony at any reasonable time on notice to the claimants to determine the ownership of such estray, and after said hearing the district court shall enter a finding determining the ownership of said estray. Such finding shall have the same effect and force as a judgment and shall be appealable as other matters from the district court but such appeals shall be taken within ten (10) days. In the event two (2) or more claimants are found to be the owners of such estrays, the expenses incurred by the taker-up shall be assessed pro rata to the owners. They shall jointly pay for the keeping of such estrays as is customary in the community for pasturing, feed and keeping of such animals, together with the cost of the proceeding including publication costs.  
Added by Laws 1970, c. 165, § 7.

§4-85.10. Duty to feed and care for estrays.

Any person taking up an estray as hereinbefore provided shall feed and care for said estray.

Added by Laws 1970, c. 165, § 10.

§4-85.11. Penalties.

If any person unlawfully takes up or conceals an estray, or fails to comply with the provisions of this act, such person so offending shall be guilty of the felony of larceny of domestic animals and shall be punished according to the provisions of Section 1716 of Title 21 of the Oklahoma Statutes.

Added by Laws 1970, c. 165, § 11. Amended by Laws 1974, c. 29, § 5, emerg. eff. April 11, 1974; Laws 1997, c. 133, § 121, eff. July 1, 1999.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 121 from July 1, 1998, to July 1, 1999.

§4-85.12. Jurisdiction to settle disputes and claims.

In event the taker-up and the owner and/or claimant cannot agree as to the amount of damages or expenses involved, the small claims division of the district court in the county where estray is located shall have jurisdiction to adjudicate the matter, as well as

determine claims between more than one person who claim ownership of the stray.

Added by Laws 1970, c. 165, § 12.

§4-85.13. Claim to ownership of exotic livestock under this chapter - Conditions.

A. A person may claim to be the owner of exotic livestock under this chapter only if:

1. The exotic livestock is tagged, branded, banded, or marked in another manner that identifies the exotic livestock as being the property of the claimant; or

2. The person acquired the exotic livestock by purchase, gift, devise, inheritance, or other lawful transfer or the exotic livestock was born or hatched on property owned or leased by the claimant or on other property under an agreement with the claimant in which the claimant may assert ownership of the exotic livestock and:

a. the exotic livestock, when normally in the possession of the owner, is impounded within a fence or by another restraining device that is generally appropriate to prevent the escape of the type of animal claimed, or

b. the animal claimed is of such rarity or has such genetic marking or other attributes as to identify the exotic livestock as having come from the claimant's stock having the same rarity or attributes.

B. Under subsection A of this section, a lawful transfer does not include the live taking of an exotic livestock in this state on property that is owned or leased by a person other than the claimant.

Added by Laws 1993, c. 36, § 3, eff. July 1, 1993.

§4-91. Repealed by Laws 1965, c. 117, § 2, eff. Jan. 1, 1966.

§4-92. Repealed by Laws 1965, c. 117, § 2, eff. Jan. 1, 1966.

§4-93. Repealed by Laws 1965, c. 117, § 2, eff. Jan. 1, 1966.

§4-94. Repealed by Laws 1965, c. 117, § 2, eff. Jan. 1, 1966.

§4-95. Repealed by Laws 1965, c. 117, § 2, eff. Jan. 1, 1966.

§4-96. Repealed by Laws 1965, c. 117, § 2, eff. Jan. 1, 1966.

§4-97. Repealed by Laws 1965, c. 117, § 2, eff. Jan. 1, 1966.

§4-98. Restraint of all domestic animals - Damages for trespass.

All domestic animals shall be restrained by the owner thereof at all times and seasons of the year from running at large in the State of Oklahoma. Damages caused by the domestic animals trespassing upon

lands of another shall be recovered in a manner provided by law. For the purpose of this act, domestic animals shall include cattle, horses, swine, sheep, goats, exotic livestock and all other animals not considered wild. The term "domestic animals" shall not include domestic house pets.

Added by Laws 1965, c. 117, § 1, eff. Jan. 1, 1966. Amended by Laws 2000, c. 206, § 3, emerg. eff. May 19, 2000; Laws 2007, c. 5, § 15, eff. Nov. 1, 2007.

§4-99. Failure to keep domestic animals enclosed - Penalties.

A. Any person who:

1. Willfully omits to keep a domestic animal such person owns or has charge of within a suitable enclosure;
2. Allows the animal to be unrestrained or to run at large, with notice, actual or constructive, that the enclosure within which the animal is kept is open; or
3. Knowingly causes a domestic animal to escape confinement, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than Fifty Dollars (\$50.00) for each offense, or not more than thirty (30) days' imprisonment in the county jail for each offense, or by both fine and imprisonment.

B. For the purpose of this act, the term "domestic animals" shall not include domestic house pets.

Added by Laws 1972, c. 131, § 1, emerg. eff. April 7, 1972. Amended by Laws 2000, c. 206, § 4, emerg. eff. May 19, 2000; Laws 2007, c. 5, § 16, eff. Nov. 1, 2007.

§4-101. Repealed by Laws 1965, c. 117, § 2, eff. Jan. 1, 1966.

§4-102. Repealed by Laws 1965, c. 117, § 2, eff. Jan. 1, 1966.

§4-103. Repealed by Laws 1965, c. 117, § 2, eff. Jan. 1, 1966.

§4-104. Repealed by Laws 1965, c. 117, § 2, eff. Jan. 1, 1966.

§4-105. Repealed by Laws 1965, c. 117, § 2, eff. Jan. 1, 1966.

§4-106. Repealed by Laws 1965, c. 117, § 2, eff. Jan. 1, 1966.

§4-107. Repealed by Laws 1965, c. 117, § 2, eff. Jan. 1, 1966.

§4-108. Repealed by Laws 1965, c. 117, § 2, eff. Jan. 1, 1966.

§4-109. Repealed by Laws 1965, c. 117, § 2, eff. Jan. 1, 1966.

§4-110. Repealed by Laws 1965, c. 117, § 2, eff. Jan. 1, 1966.



§4-111. Repealed by Laws 1965, c. 117, § 2, eff. Jan. 1, 1966.

§4-112. Repealed by Laws 1965, c. 117, § 2, eff. Jan. 1, 1966.

§4-114.1. Repealed by Laws 1965, c. 117, § 2, eff. Jan. 1, 1966.

§4-114.2. Repealed by Laws 1965, c. 117, § 2, eff. Jan. 1, 1966.

§4-115.1. Repealed by Laws 1965, c. 117, § 2, eff. Jan. 1, 1966.

§4-115.2. Repealed by Laws 1965, c. 117, § 2, eff. Jan. 1, 1966.

§4-115.3. Repealed by Laws 1965, c. 117, § 2, eff. Jan. 1, 1966.

§4-115.4. Repealed by Laws 1965, c. 117, § 2, eff. Jan. 1, 1966.

§4-121. Repealed by Laws 1965, c. 117, § 2, eff. Jan. 1, 1966.

§4-122. Repealed by Laws 1965, c. 117, § 2, eff. Jan. 1, 1966.

§4-131. Repealed by Laws 1965, c. 117, § 2, eff. Jan. 1, 1966.

§4-132. Removal of stock from distraint without leave of possessor -  
Penalty - Civil liability.

If any person, by force or otherwise, without leave of the person having the stock under distraint remove the stock from such distraint, he shall be guilty of a misdemeanor, and shall pay a fine of not less than ten (10) nor more than One Hundred Dollars (\$100.00), or be imprisoned in the county jail not less than ten (10) nor more than thirty (30) days, and shall in addition thereto, be liable in a civil action for the recovery of the stock so relieved from distraint, or for damages and costs, as the party distraining may elect.

R.L. 1910, § 150.

§4-133. Stock "owner" defined.

The word "owner" as used in this article shall include the person entitled to the immediate possession of the animal, and also the person having charge or care of the same, and also the person having the legal title thereto.

R.L. 1910, § 151.

§4-134. Land "owner" defined.

For the purposes of this article, the owner, homesteader, tenant, or other person in the possession of, or cultivating the land trespassed upon, shall be deemed to be the owner thereof.

R.L.1910, § 152.

§4-135. Proceedings after distraint - Assessment of damages - Notices - Sale - Surplus.

A. Within forty-eight (48) hours after stock has been distrained, Sunday not being included, the party distraining, or such party's agent, shall notify the owner of the stock when known, or, if unknown, the party having them in charge. If the owner fails to satisfy the person whose lands are trespassed upon, the party injured shall, within twenty-four (24) hours thereafter, notify in writing the county sheriff to come upon the premises to view and assess the damages.

B. The county sheriff shall, within forty-eight (48) hours after receiving such notice, Sundays and holidays excepted, proceed to view and assess the damages, and determine a reasonable amount to be paid for seizing and keeping said stock. If the person owning the distrained stock fails to pay the damages as assessed, the sheriff shall provide for the public notice and sale of the distrained stock as provided by Section 85.6 of this title.

C. Any money or stock left after satisfying such claims shall be returned to the owner of the stock sold.

R.L. 1910, § 153. Amended by Laws 1968, c. 72, § 1; Laws 1997, c. 44, § 3, eff. Nov. 1, 1997.

§4-136. Assessment of damages - Filing - Review - Bond - Supersedeas - Delivery of stock to owner appealing - Certification of papers.

The county sheriff shall make his assessment in writing and file the same with the county clerk, to be kept in his office. Any person aggrieved by the action of the county sheriff under this article, may appeal therefrom, to the district court. The person appealing shall file with the county sheriff a bond, in a penalty double the value of the property distrained, or if the value of the property exceed the amount of damage claimed, then in double the amount of damages, with good and sufficient sureties, to be approved by the county sheriff, and from and after the filing of the appeal bond, the same shall operate as a supersedeas. In case the owner of such stock be the appellant, the same shall be delivered to him. The county sheriff shall, after the appeal is taken, certify all the original papers in the case to the district court.

R.L. 1910, § 154. Amended by Laws 1968, c. 72, § 2.

§4-137. Repealed by Laws 1965, c. 117, § 2, eff. Jan. 1, 1966.

§4-138. Repealed by Laws 1965, c. 117, § 2, eff. Jan. 1, 1966.

§4-139. Controversy over partition fence - Application to fence viewers - Notice - Authority of viewers.

When a controversy arises between the respective owners about the obligation to erect or maintain a partition fence, either party may apply to the fence viewers, who, after due notice to each party, may inquire into the matter and assign to each his share thereof, and direct the time in which each shall erect or repair his share in the manner provided above.

R.L. 1910, § 157.

§4-140. Repair or reconstruction of fence by complainant - Recovery of value and viewers' fees from landowner - Interest.

If such fence be not repaired or built accordingly, the complainant may repair or rebuild it, and the same being adjudged sufficient by the fence viewers, and the value thereof, with their fees, being ascertained by them, and certified under their hands, the complainant may demand of the owner of the land where the fence was deficient, the sum so ascertained, and in case of neglect to pay the same, for one (1) month after demand, may recover it by civil action together with one percent (1%) a month interest thereon.

R.L. 1910, § 158.

§4-141. Fence viewers - Number - Qualifications - Appointment - Compensation.

Fence viewers herein designated shall consist of three (3) disinterested freeholders, one to be chosen by each of the interested parties, and the two so chosen shall choose the third person, and the three so chosen shall proceed to discharge the duties of fence viewers as herein provided. Such fence viewers to be allowed One Dollar (\$1.00) per day each, to be paid by the interested parties: Provided, that if either party shall fail or refuse to appoint such fence viewers, as herein provided, within three (3) days after so requested to do by the other interested party, then the county sheriff shall, on application of the party making the request for fence viewers, appoint such fence viewer for such party so failing or refusing to appoint.

R.L. 1910, § 159. Amended by Laws 1968, c. 72, § 3.

§4-142. Fence repair.

All partition fences shall be kept in good repair throughout the year, unless the owners on both sides otherwise agree in writing.

R.L. 1910, § 160.

§4-143. Commons - Owners not required to fence - Lands enclosed or used otherwise than as commons - Duty to fence.

Any person not wishing his land enclosed, and not occupying or using it otherwise than as commons, shall not be compelled to contribute to erect or maintain any fence between him and an adjacent owner; but when he encloses or uses his land otherwise than as a

commons, he shall contribute to the partition fences as in this article provided.  
R.L. 1910, § 161.

§4-144. Severalty owned lands enclosed in common without partition fence - Division of fence line - Construction of fence.

When lands owned in severalty have been enclosed in common without a partition fence, and one of the owners is desirous of occupying his in severalty and the other refuses or neglects to divide the line where the fence shall be built, or refuses to build a sufficient fence on his part of the line, when divided, the party desiring it may have the same divided and assigned by the fence viewers, who may, in writing, assign a reasonable time within six (6) months, having regard for the season of the year, for making the fence, and if either party neglects to comply with the decision of the viewers the other, after making his own part, may make the other part and recover as hereinbefore provided.

R.L. 1910, § 162.

§4-145. Opening field for use as commons - Notice.

In the case mentioned in the preceding section, when one of the owners desires to throw open any portion of his field not less than sixteen (16) feet in width and leave it unenclosed to be used as a commons by the public, he shall first give the other party six (6) months' notice thereof.

R.L. 1910, § 163.

§4-146. Joinder to partition fence - Payment for or rebuilding of half of fence.

When land which has lain unenclosed is enclosed the owner thereof, before he join to any partition fence, already erected, shall pay for one-half (1/2) of each partition fence between his lands and the adjoining lands, the value to be ascertained by the fence viewers, and if he neglects for thirty (30) days after notice and demand to pay the same, the party to whose fence he joins may recover as before provided, or such person, enclosing such land, may, at his election, rebuild and make one-half (1/2) of the fence, and if he neglects so to do for two (2) months after making such election, he shall be liable as above provided.

R.L. 1910, § 164.

§4-147. Recorded fence division - Effect on owners and successors.

When a division of fence between the owners of improved land shall have been made, either by fence viewers or agreement in writing, and is recorded in the office of the county clerk of the county where the lands are, the owners and their heirs and assigns shall be bound thereby, and shall support them accordingly.

R.L. 1910, § 165.

§4-148. Application of term "owner".

In the provisions of this article relating to fences the term "owner" shall apply to the occupant or tenant where the owner does not reside in the county, but these proceedings will not bind the owner unless notified.

R.L. 1910, § 166.

§4-149. Fence or improvements on land of another - Removal - Damages - Notice to remove - Effect of nonremoval.

When a person has made a fence or other improvements on land, which, on afterwards making division lines, is found to be on the land of another, such person shall not remove such fence or other improvements, until he shall have paid to the owner of such land all damages by reason of such improvements or fence being so located, and if the person making such fence or other improvements fail to pay such damages and remove the said improvements within six (6) months after such division line has been established, and after having thirty (30) days' notice from the owner of said land to remove such fence or improvements, then said fence or improvements shall become a part of the real estate and belong to the owner thereof: Provided, that when the parties interested in such land and such fence and improvements cannot agree as to the amount of such damages, by reason of such improvements being upon the land of another, the fence viewers may determine the amount of such damages as in other cases.

R.L. 1910, § 167.

§4-150. Fence or improvements on land of another - When not removable.

But such fence or other improvement, except substantial buildings, shall not be removed if they were made of timber or other material taken from the land on which they lie, until the party pays the owner the value of the timber, or other material, to be ascertained by fence viewers, nor shall a fence be removed at any time when the removal will throw open or expose the crop of the other party, but it shall be removed in a reasonable time after the crop is secured, although six (6) months has passed.

R.L. 1910, § 168.

§4-150.1. Property line across an existing boundary or division line fence, notice to adjacent owner - Cause of action - Attorney fees.

A. If a survey obtained by a property owner reflects a property line across an existing boundary or division line fence, said property owner shall not damage or remove the existing fence or authorize the establishment, locating or relocating of any improvements, including utility installation on such property, until

the adjacent property owner has been given notice. The notice shall include a copy of the survey, the nature of the relief requested, and notice that the court may award attorney fees and costs to the prevailing party if an action to establish title is filed by the requestor against the recipient. The notice shall be served in the same manner as provided for service of process in Section 2004 of Title 12 of the Oklahoma Statutes.

B. If no agreement has been reached by the adjoining property owners within thirty (30) days from receipt of the notice sent pursuant to subsection A of this section, the property owner may cause an action to be filed against the adjacent property owner in the district court in the county where the property is located to establish title to the parcel of property at issue. The district court shall enter such temporary relief as may be necessary to maintain the status quo during the pendency of the action.

C. The prevailing party shall be entitled to an award of attorney fees and costs.

Added by Laws 2007, c. 165, § 1, eff. Nov. 1, 2007.

§4-151. Additional powers of fence viewers.

When any question arises between parties other than those stated, concerning their rights in fences or their duties in relation to building or maintaining or removing them, such question may be determined by the fence viewers.

R.L. 1910, § 169.

§4-152. Erection and removal of line fence.

A person building a fence may erect the same upon the line between him and the adjacent owners, so that the fence may be partly on one side and partly on the other, and the owner of such fence shall have the same right to remove it as if it were wholly on his land: Provided, that such fence is not more than five (5) feet from such line.

R.L. 1910, § 170.

§4-153. Legal proceedings or agreement not barred.

The foregoing provisions of this article, shall not bar any other legal proceedings, for the determination of the title of land, or dividing the line between contending owners, nor do they preclude agreement by the parties.

R.L. 1910, § 171.

§4-154. Lawful fence - Construction - Material - Height - Tightening.

A fence made of three rails of good substantial material, or three boards not less than six (6) inches wide and three-quarters (3/4) of an inch thick, such rails or boards to be fastened in or to

good substantial posts not more than ten (10) feet apart where rails are used, and not more than eight (8) feet apart where boards are used, where either wholly or in part substantially built and kept in good repair, or any other kind of fence, which, in the opinion of the fence viewers shall be equivalent thereto, shall be declared a lawful fence: Provided, that the lowest or bottom rail, wire or board shall not be more than twenty (20) or less than sixteen (16) inches from the ground, and that such fence shall be fifty-four (54) inches in height, except that a barb wire fence may consist of three barb wires, or four wires, two of which shall be barbed, the wires to be firmly fastened to the posts not more than two (2) rods apart, with two stays between the posts, or with posts not more than one (1) rod apart without such stays, the top wire to be not less than fifty-four (54) nor more than fifty-eight (58) inches in height, and the bottom wire to be not more than twenty (20) or less than sixteen (16) inches from the ground: Provided, further, that all partition fences may be made tight at the expense of the party desiring it, and such party may take from such fence the material by him added thereto whenever he may elect: And provided, further, that when the owner or occupants of adjoining lands both use the fence for the purpose of restraining swine, goats or sheep, each of said owners or occupants shall keep their respective share of the partition fence sufficiently tight to restrain such sheep, goats or swine.

R.L. 1910, § 172.

§4-155. Damages by animals breaking fences - Seizure.

In districts where fences are required, as in this article provided, the owner of stock shall be liable for all damages done by animals breaking through or over lawful fences and trespassing upon the enclosed lands of another, and the animals so breaking through or over such fence may be seized as trespassing animals and proceeded with as provided in this article.

R.L. 1910, § 173.

§4-156. Lien of judgment for damages on trespassing stock - Execution.

In all cases where the plaintiff may recover judgment for damages caused by the trespassing of animals of another, the judgment shall be a lien upon the stock so trespassing, and the plaintiff may have special execution for the sale of such stock to satisfy the judgment and costs or general execution as he may elect.

R.L. 1910, § 174.

§4-181. Repealed by Laws 1965, c. 117, § 2, eff. Jan. 1, 1966.

§4-182. Repealed by Laws 1965, c. 117, § 2, eff. Jan. 1, 1966.

§4-183. Repealed by Laws 1965, c. 117, § 2, eff. Jan. 1, 1966.

§4-184. Repealed by Laws 1965, c. 117, § 2, eff. Jan. 1, 1966.

§4-191. Lien for feeding, grazing and herding.

Any person employed in feeding, grazing or herding any domestic animals, whether in pasture or otherwise, shall have a lien on said animals for the amount due for such feeding, grazing or herding.  
R.L. 1910, § 175.

§4-192. Lien for furnishing feed.

Any person, partnership, firm or corporation in this state, or in any border county of the adjacent states, furnishing or providing to the owner of such domestic animals any corn, feed, forage or hay, for the sustenance of such domestic animals, shall have a lien on said animals for the amount due for such corn, forage, feed and hay.  
R.L. 1910, § 176.

§4-193. Lien for keeping, boarding or training animal - Scope.

Every person who shall keep, board or train any animal, shall, for the amount due therefor, have a lien on such animal, and on any vehicle, harness or equipment coming into his possession therewith, and no owner or claimant shall have the right to take any such property out of the custody of the person having such lien, except with his consent, or on the payment of such charge; and such lien shall be valid against said property in the possession of any person receiving or purchasing it with notice of such claim.  
R.L. 1910, § 177.

§4-194. Repealed by Laws 2011, c. 123, § 13, eff. Nov. 1, 2011.

§4-194.1. Foreclosure of lien upon a domestic animal.

A. A person who has a lien upon a domestic animal pursuant to Title 4 of the Oklahoma Statutes may foreclose upon the lien while lawfully in possession of the animal.

B. The lien may be foreclosed by a sale of the domestic animal upon notice which shall include:

1. The names of the owner and any other known party or parties who claim any interest in the domestic animal;
2. A description of the domestic animal to be sold;
3. The nature of the work, labor or service performed, or the materials or feed provided, any of which resulted in the creation of the lien, and the value of the work, labor, services, materials or feed;
4. The time and place of sale; and
5. The name of the party, agent or attorney foreclosing the lien. If the claimant is a business, the name of the contact person



shall be shown. In place of an original signature and notary seal, a digital or electronic signature or seal shall be accepted.

C. The notice may relate to and contain information for more than one domestic animal or lien, provided that the information required pursuant to subsection B of this section is provided for each domestic animal or lien.

D. The notice shall be posted in three public places in the county where the property is to be sold at least ten (10) days before the time specified for such sale, and shall be mailed to the owner and any other party who claims any interest in the domestic animal, at the last-known post office address, by certified mail. The mailing shall occur at least ten (10) days before the time specified for the sale.

E. The lienor or any other person may in good faith become a purchaser of the property sold.

F. Proceedings for foreclosure under this section shall not be commenced until thirty (30) days after the lien has accrued, except as otherwise provided in the laws of this state.

G. For purposes of this section:

1. "Constructive possession" means possession by a person who, although not in actual possession, does not have an intention to abandon property, who knowingly has both the power and the intent at a given time to exercise dominion or control over the property, and who holds claim to the property pursuant to a legal right;

2. "Commercially reasonable sale" shall include, but not be limited to, any auction which members of the public may attend and bid;

3. A "party who claims any interest in the domestic animal" shall include:

- a. all owners of the domestic animal,
- b. any secured party who has a properly perfected lien in accordance with the laws of this state, and
- c. any other person having any interest in the domestic animal, of whom the claimant has actual notice; and

4. "Possession" shall include actual possession and constructive possession.

H. The method described in this section for foreclosing upon a lien is in addition to, and not exclusive of, any other method under the laws of this state by which the lien may be properly foreclosed.

I. Nothing in this section shall be construed to create any new lien rights or limit any existing lien rights provided under the laws of this state; provided, however, this act shall not apply to liens created pursuant to Section 156 of Title 4 of the Oklahoma Statutes.

J. Notwithstanding the provisions of this section, the method of foreclosing upon a lien set forth in this section shall not be used for any lien created pursuant to Section 156 of Title 4 of the Oklahoma Statutes.

K. Any person who is induced by means of a check or other form of written order for immediate payment of money to deliver possession of a domestic animal on which the person has a lien created by subsection A of this section, which check or other written order is dishonored or is not paid when presented, shall have a lien for the amount thereof upon the personal property. The person claiming such lien shall, within thirty (30) days from the date of dishonor of the check or other written order for payment of money, file an Effective Financing Statement pursuant to Sections 1-9-320.1 through 1-9-320.7 of Title 12A of the Oklahoma Statutes or a financing statement pursuant to Section 1-9-501 of Title 12A of the Oklahoma Statutes, as applicable to the personal property, along with a sworn statement that:

1. The check or other written order for immediate payment of money, copy thereof being attached, was received for feeding, furnishing feed, or keeping a domestic animal;

2. The check or other written order was not paid; and

3. The uttering of the check or other written order constituted the means for inducing the person, one possessed of a special lien created by subsection A of this section upon the described domestic animal, to deliver up the domestic animal.

L. Any person who renders service to the owner of a domestic animal by feeding, furnishing feed, or keeping a domestic animal shall have a lien on such domestic animal pursuant to this section if such property is removed from the person's possession, without such person's written consent or without payment for such service.

1. The person claiming such lien shall, within thirty (30) days of such nonauthorized removal, file an Effective Financing Statement pursuant to Sections 1-9-320.1 through 1-9-320.7 of Title 12A of the Oklahoma Statutes or a financing statement pursuant to Section 1-9-501 of Title 12A of the Oklahoma Statutes, as applicable to the personal property, along with a sworn statement including:

a. that services were rendered on or in relation to the domestic animal by the person claiming the lien,

b. that the domestic animal was in the possession of the person claiming the lien but the domestic animal was removed without the person's consent,

c. an identifying description of the domestic animal on or in relation to which the service was rendered, and

d. that the debt for the services rendered on or in relation to the domestic animal was not paid.

Provided, if the unpaid total amount of the debt for services rendered on or in relation to the domestic animal is unknown, an approximated amount of the debt shall be included in the sworn statement. The approximated debt may be amended within thirty (30)

days of filing to reflect the actual amount of the debt.

2. The enforcement of the lien shall be within one hundred twenty (120) days after filing the lien in the manner provided by law for enforcing the lien of a security agreement and provided that the lien shall not affect the rights of innocent, intervening purchasers without notice.

Added by Laws 2011, c. 123, § 1, eff. Nov. 1, 2011.

§4-195. Letting male animals to service - Advertisement of terms - Publication or posting - Acceptance.

The owner or keeper of any stallion, jack or bull may advertise the terms upon which he will let such animal to service by publication thereof in some newspaper in the county where such animal is kept for a period of sixty (60) days during the season of each year, or by printed handbills conspicuously posted during such period, in four or more public places in said county, including the place where such animal is kept; and the publication or posting as aforesaid of the terms of such service shall impart notice thereof to the owner of any female animal served by such stallion, jack or bull, during such season; and in all actions and controversies in respect to the foal or other product of such service, the owner of such female animal so served shall be deemed to have accepted and assented to said terms, when so advertised or posted as provided herein.  
R.L. 1910, § 179.

§4-196. Filing of certificate of service - Lien on offspring - Notice to third parties - Lien without certificate.

When the said terms of such service by any such animal, published or posted as provided in the next preceding section, shall provide that the foal or other product of such service will be held for the money due for the service of such stallion, jack or bull, then and in that event the owner or keeper of any such animal may file, with the register of deeds of the county in which such animal is kept for service, a certificate signed by the owner of the female bred, or his representative, also by the owner or keeper of the male animal rendering the service, stating the terms of such service, a description of the female served, also a description of the male rendering the service, the date of service and acceptance of terms by owner of female; and such certificate, if filed within three (3) months after the rendering of such service, shall become and continue a lien on the offspring for the period of six (6) months after the birth thereof, and the filing of such certificate shall be constructive notice to any third party of the existence of the lien: Provided, that as between the owner of any stallion, jack or bull, as provided in the preceding section, and the owner of any female

served, a lien shall exist notwithstanding no certificate as herein provided shall be filed or notice given as in this article provided. R.L. 1910, § 180.

§4-197. Record of certificates - Compensation of register of deeds.

The register of deeds of each county shall be required to provide and keep in his office a well-bound book with an index in which such certificates shall be recorded in the order in which they are filed, and as compensation in full for filing and recording such certificates the register of deeds shall receive from the parties filing them the sum of ten cents (\$0.10) for every one hundred words. R.L. 1910, § 181.

§4-198. False or fictitious pedigree - False representation of recording or eligibility for record - Forfeiture of rights.

If any keeper of such stallion, jack or bull shall offer and advertise to let the service of such animal, and shall give a false or fictitious pedigree, knowing the same to be false, or shall falsely represent such animal to be recorded or eligible to be recorded in any of the various books of record kept for recording animals of that breed, he shall forfeit all claim to the value of the services rendered by such animal, and shall not be entitled to the benefits of any provision of this article. R.L. 1910, § 182.

§4-199. Enforcement of lien by replevin.

For the purpose of enforcing such lien upon default in the payment of the sum secured, the lienor may proceed by replevin in any court of competent jurisdiction and possess himself of the encumbered property, and hold the same subject to such judgment as he shall recover. R.L. 1910, § 183.

§4-200. Judgment.

Upon the rendition of judgment, if for the lienor, it shall be for the sum found due, with costs of suit and that the lien be enforced against the property by execution and sale as in ordinary sales under execution; but if such finding be for the defendant, judgment shall be entered in his favor as in ordinary actions of replevin. R.L. 1910, § 184.

§4-201. Proceedings governed by general replevin laws.

All proceedings under this article, where not herein otherwise specifically provided, shall be governed by the general laws of the state concerning replevin. R.L. 1910, § 185.

§4-201.1. Short title.

Sections 2 through 12 of this act shall be known and may be cited as the "Livestock Owner's Lien Act of 2011".

Added by Laws 2011, c. 123, § 2, eff. Nov. 1, 2011.

§4-201.2. Definitions.

As used in the Livestock Owner's Lien Act of 2011:

1. "Affiliate" means any person who is controlled, directly or indirectly, by a first purchaser, or who controls, directly or indirectly, a first purchaser. "Control" or "controlled by" means the possession, directly or indirectly, of the power to direct or cause the direction of the management and policies of a person, whether through ownership, by contract, or otherwise;

2. "Agreement to sell" means any enforceable agreement, whether oral or written, by which a livestock owner, either directly or through a sales agent, agrees to sell livestock to a first purchaser;

3. "Article 9" means Article 9 of the Oklahoma Uniform Commercial Code in effect as of the relevant date or a comparable article under the uniform commercial code of another state to the extent applicable;

4. "First purchaser" means the first person that purchases livestock, either directly or through a sales agent, under an agreement to sell;

5. "Livestock" means cattle, bison, horses, sheep, goats, asses, mules, swine, domesticated rabbits, chickens, turkeys, or any domesticated animal raised primarily for human food consumption;

6. "Livestock owner" means a person owning an interest in livestock before the acquisition thereof by a first purchaser;

7. "Owner's lender" means a person that has a valid mortgage lien or security interest in a livestock owner's livestock at the time of delivery of such Livestock to the first purchaser;

8. "Owner's lien" means the lien granted by this act;

9. "Permitted lien" means any of the following liens or security interests:

- a. a mortgage lien or security interest granted by a first purchaser which secures payment under a written instrument of indebtedness signed by the first purchaser and accepted in writing by the payee thereof prior to the effective date of this act with a principal amount and a fixed maturity stated therein; provided, however, a permitted lien does not include a mortgage lien or security interest which:
  - (1) secures payment of any indebtedness incurred after the effective date of this act,
  - (2) secures payment under a written instrument of indebtedness not signed by a first purchaser and

accepted in writing by the payee thereof prior to the effective date of this act,

- (3) secures payment under a written instrument of indebtedness modified, amended or restated from or after the effective date of this act which modification, amendment or restatement increases the principal amount which was owing at the effective date of this act,
  - (4) secures payment under a written instrument of indebtedness modified, amended or restated from or after the effective date of this act which modification, amendment or restatement extends the stated maturity thereof which was in effect at the effective date of this act, or
  - (5) is not validly perfected with a first priority against the claims of all persons under applicable law other than persons holding a statutory or regulatory lien as to which first priority is granted by statute or regulation, or
- b. a validly perfected and enforceable lien created by statute in relation to livestock purchased under an agreement to sell which secures payment of any indebtedness incurred by the first purchaser prior to the effective date of this act;

10. "Person" means any individual, executor, administrator, estate, agent, trust, trustee, institution, receiver, business trust, firm, business entity, corporation, partnership, limited liability company, cooperative, joint venture, governmental entity or agency, association or any other group or combination acting as a unit;

11. "Proceeds" means:

- a. any right or amount paid or to be paid in consideration of, or as a consequence of, the sale of livestock such as cash proceeds, accounts, chattel paper, instruments, or payment intangibles, or
- b. any by-products from the slaughter of livestock, or any right or amount paid or to be paid in consideration of, or as a consequence of, the sale of such by-products;

12. "Purchaser" means a person who is not an affiliate of a first purchaser and who takes, receives or purchases livestock from a first purchaser;

13. "Sales agent" means any person who is authorized, including, without limitation, a livestock auction, auctioneer, commission company, or broker, to sell livestock on behalf of, or for the benefit of, another person; and

14. "Sales price" means the amount a first purchaser agrees to pay a livestock owner or sales agent under an agreement to sell.

Added by Laws 2011, c. 123, § 3, eff. Nov. 1, 2011.

§4-201.3. Livestock lien - Existence - Validity.

A. To secure the obligations of a first purchaser to pay the sales price, every livestock owner is granted a lien in all livestock sold by such livestock owner, for any unpaid portion of the sales price for such livestock. The lien granted by this act is granted and shall exist as part of and incident to the ownership of livestock.

B. An owner's lien:

1. Exists in and attaches immediately to all livestock on the effective date of this act;

2. Continues uninterrupted and without lapse in all livestock upon and after sale of any livestock; and

3. Continues uninterrupted and without lapse in and to all proceeds.

C. An owner's lien exists until the livestock owner or sales agent entitled to receive the sales price has received the full amount of the sales price. Any security interest or mortgage lien of an owner's lender shall attach to the livestock owner's right to an owner's lien in livestock or proceeds from the sale of the livestock. An owner's lender shall not be considered to have waived its security interest or mortgage lien or right in an owner's lien by approving or authorizing the livestock owner to sell the livestock pursuant to the sales agreement.

D. The validity of an owner's lien shall not be dependent on possession of the livestock by a livestock owner or sales agent. No owner's lien shall become or be deemed to be void or expired by reason of a change or transfer of the actual or constructive possession of or title to the livestock from the livestock owner or sales agent to a first purchaser or subsequent purchaser.

Added by Laws 2011, c. 123, § 4, eff. Nov. 1, 2011.

§4-201.4. Perfection of lien.

An owner's lien is granted and exists as part of and incident to the ownership of livestock and is perfected automatically from the effective date of this act without the need to file a financing statement or any other type of documentation.

Added by Laws 2011, c. 123, § 5, eff. Nov. 1, 2011.

§4-201.5. Commingled livestock - Priority.

If livestock subject to an owner's lien are commingled with other livestock in such a manner that the identity of the specific livestock subject to the owner's lien cannot be determined by reasonable means, then the owner's lien continues without interruption into and attaches to such commingled livestock and is perfected automatically as of the date of its original perfection but only as to the percentage of the commingled livestock equal to the

number of livestock to which the owner's lien originally attached. In such event, the owner's lien in the commingled livestock has priority over any security interest or other lien that is not an owner's lien or permitted lien, whether or not the security interest or other lien has been properly perfected. If more than one owner's lien attaches to the commingled livestock, then the owner's liens rank equally in the proportion that the respective sales prices secured by each owner's lien bears as a percentage of the total of the sales prices secured by all owner's liens applicable at the time the livestock were commingled.

Added by Laws 2011, c. 123, § 6, eff. Nov. 1, 2011.

#### §4-201.6. Transfer of lien due to sale.

A. A purchaser or sales agent takes free of any owner's lien otherwise applicable to the livestock so purchased and shall be relieved of any obligations created by subsection A of Section 4 of this act if the purchaser or sales agent has paid the full amount of required consideration for the livestock pursuant to a good faith, noncollusive agreement to purchase such livestock. If a purchaser or sales agent has paid the full amount of consideration as set forth in this section, the owner's lien shall transfer to the proceeds paid by the purchaser or sales agent. Except as specifically provided by this section, an owner's lien has priority over the rights of any purchaser or sales agent.

B. Notwithstanding subsection A of this section, the owner's lien shall continue uninterrupted in the proceeds paid to or otherwise due the first purchaser. Except as specifically set forth in this section, an owner's lien has priority over the rights of any purchaser.

Added by Laws 2011, c. 123, § 7, eff. Nov. 1, 2011.

#### §4-201.7. Lien priority.

Except for a permitted lien, an owner's lien takes priority over any other lien, whether arising by contract, law, equity or otherwise.

Added by Laws 2011, c. 123, § 8, eff. Nov. 1, 2011.

#### §4-201.8. Applicability of act.

The provisions of this act shall not affect the time at which legal title to livestock may pass by agreement or operation of law subject to an owner's lien.

Added by Laws 2011, c. 123, § 9, eff. Nov. 1, 2011.

#### §4-201.9. Prohibition of waiver, relinquishment, or release of lien.

No livestock owner shall be required, as a condition or term of an agreement to sell or otherwise, to waive, relinquish or release any owner's lien or any rights under this act other than upon payment



in full of the sales price or agree to any provision that would apply the law of any state other than this state insofar as the same relates to rights under this act, and any such purported waiver, relinquishment, release, or provision shall be void as a matter of the public policy of this state. Provided, however, any livestock owner or sales agent acting on behalf of a livestock owner, may waive, relinquish or release any owner's lien or any rights under this act or agree to a provision that would apply the law of any state other than this state insofar as the same relates to rights under this act provided the first purchaser either:

1. Posts a letter of credit in form and amount satisfactory to the livestock owner or sales agent; or

2. Agrees to a binding contractual arrangement satisfactory in form and substance to the livestock owner or sales agent to prepay or escrow the sales price under an agreement to sell in form and substance satisfactory to the livestock owner and performs all of the first purchaser's obligations thereunder.

Added by Laws 2011, c. 123, § 10, eff. Nov. 1, 2011.

§4-201.10. Lien expiration - Commencement of action.

A. An owner's lien shall expire one (1) year after the last day of the month following the date the sales price from the sale of livestock subject to such lien are required by law or contract to be paid to such livestock owner but only as to the particular livestock sold during such month, unless an action to enforce the owner's lien is commenced within such time in a court of competent jurisdiction.

B. If a sales agent advances the sales price for livestock to the livestock owner before the first purchaser pays the sales prices to the livestock owner or sales agent, the sales agent shall assume and be entitled to enforce all rights of the livestock owner under this act as to such livestock or proceeds thereof.

C. In addition to any other court of competent jurisdiction, an action to enforce the owner's lien may be commenced in the district court of the county where the agreement to sell was entered, where the sales price was to be paid, where the unpaid for livestock are located, or wherever the proceeds may be found. Provided, however, the commencement of any proceeding by or against any person claiming an interest in any property subject to the owner's lien seeking to adjudicate such person as bankrupt or insolvent, or seeking liquidation, winding up, reorganization, arrangement, adjustment, protection, relief, or composition of such person or such person's debts under any law relating to bankruptcy, insolvency or reorganization or relief of debtors, or seeking the entry of an order for relief or the appointment of a receiver, trustee or other similar official for such person or for any substantial part of such person's property shall toll the foregoing one (1) year period in which to

commence an action to enforce the owner's lien for an additional period of ninety (90) days from the earlier of:

1. The final conclusion or dismissal of such proceedings; or
2. The date final relief is obtained from the applicable

tribunal authorizing the commencement of such action.

D. The prevailing party in any action to enforce the provisions of this act shall be entitled to recover reasonable attorney fees and costs in any legal proceeding.

E. Nothing in this act shall be construed to impair or affect the right of any livestock owner or sales agent to maintain a personal action to recover the debt against any person liable for payment of the sales price or to exercise any other rights and remedies available at law or in equity.

Added by Laws 2011, c. 123, § 11, eff. Nov. 1, 2011.

§4-201.11. Preference - Owners right to be paid.

The provisions of this act shall not be construed to impair any other rights a livestock owner otherwise may have at law or in equity. In the event a conflict arises between this act and any other rights a livestock owner may have, the livestock owner's right to receive the sales price shall be given preference.

Added by Laws 2011, c. 123, § 12, eff. Nov. 1, 2011.

§4-211. Repealed by Laws 1973, c. 15, § 1.

§4-212. Repealed by Laws 1973, c. 15, § 1.

§4-213. Repealed by Laws 1973, c. 15, § 1.

§4-214. Repealed by Laws 1973, c. 15, § 1.

§4-215. Repealed by Laws 1973, c. 15, § 1.

§4-216. Repealed by Laws 1973, c. 15, § 1.

§4-217. Repealed by Laws 1973, c. 15, § 1.

§4-218. Repealed by Laws 1973, c. 15, § 1.

§4-219. Repealed by Laws 1973, c. 15, § 1.

§4-220. Repealed by Laws 1973, c. 15, § 1.

§4-221. Repealed by Laws 1973, c. 15, § 1.

§4-222. Repealed by Laws 1973, c. 15, § 1.

§4-223. Repealed by Laws 1973, c. 15, § 1.

§4-224. Repealed by Laws 1973, c. 15, § 1.

§4-225. Repealed by Laws 1973, c. 15, § 1.

§4-226. Repealed by Laws 1973, c. 15, § 1.

§4-227. Repealed by Laws 1973, c. 15, § 1.

§4-228. Repealed by Laws 1973, c. 15, § 1.

§4-229. Repealed by Laws 1973, c. 15, § 1.

§4-230. Repealed by Laws 1973, c. 15, § 1.

§4-251. Duties of parties butchering stock or purchasing hides -  
Records - Retention of hides for inspection - Violations of  
provisions - Penalties.

All parties butchering stock or purchasing hides or pelts, in the state, shall be required to keep a record of the marks, brands, color, from whom purchased, and by the party butchering, the sex and age. They shall be required to keep all hides together, with horns and ears complete, for at least five (5) days from the time of butchering the same during the months of May, June, July, August, September and October, and, during the remaining months of the year, ten (10) days, said hides to be free for inspection to anyone wishing to see the same. Any person violating any of the provisions of this section shall be guilty of a misdemeanor, and upon conviction in any court of competent jurisdiction, shall be fined in any sum not less than Twenty-five Dollars (\$25.00), nor more than Two Hundred Dollars (\$200.00) or shall be imprisoned in the county jail not less than ten (10) days nor more than six (6) months, or by both such fine and imprisonment.

R.L.1910, § 186.

§4-252. Repealed by Laws 1949, p. 43, § 13.

§4-253. Repealed by Laws 1949, p. 43, § 13.

§4-254. Repealed by Laws 1949, p. 43, § 13.

§4-255. Repealed by Laws 1949, p. 43, § 13.

§4-256. Repealed by Laws 1949, p. 43, § 13.

§4-257. Repealed by Laws 1949, p. 43, § 13.

§4-258. Repealed by Laws 1949, p. 43, § 13.

§4-259. Repealed by Laws 1949, p. 43, § 1, 13.

§4-260. Repealed by Laws 1949, p. 43, § 13.

§4-261. Repealed by Laws 1949, p. 43, § 13.

§4-262. Repealed by Laws 1949, p. 43, § 13.

§4-263. Repealed by Laws 1949, p. 43, § 13.

§4-264. Repealed by Laws 1949, p. 43, § 13.

§4-265. Repealed by Laws 1949, p. 43, § 13.

§4-266. Repealed by Laws 1949, p. 43, § 13.

§4-267. Repealed by Laws 1949, p. 43, § 13.

§4-268. Fraudulent branding - Branding over or obliterating previous brand - Penalties - Definitions.

A. Any person who shall with intent to defraud, brand or misbrand, mark or mismark any neat domestic animal, not his own; or shall intentionally brand over a previous brand or shall cut out or obliterate a previous mark or brand on any neat domestic animal, not his own, shall be guilty of a felony and upon conviction thereof shall be punished by imprisonment in the State Penitentiary for a term not less than three (3) years nor more than ten (10) years or by imprisonment in the county jail for one (1) year or by a fine not less than Five Hundred Dollars (\$500.00) nor more than One Thousand Dollars (\$1,000.00).

B. For purposes of this section:

1. "Domestic animal" means cattle, equinae, sheep, goat, hog, poultry and exotic livestock; and

2. "Exotic livestock" means commercially raised exotic livestock including animals of the families bovidae, cervidae and antilocapridae or birds of the ratite group.

R.L. 1910, § 203. Amended by Laws 1947, p. 33, § 1; Laws 1963, c. 110, § 1, emerg. eff. May 31, 1963; Laws 1993, c. 36, § 4, eff. July 1, 1993; Laws 1997, c. 133, § 122, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 53, eff. July 1, 1999.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 122 from July 1, 1998, to July 1, 1999.

§4-269. Destruction of cattle hides or brands a misdemeanor.

Any person who shall burn, or in any manner destroy any cattle hides, or cut or destroy any brands on same, shall be guilty of a misdemeanor.

R.L. 1910, § 204.

§4-270. Repealed by Laws 1965, c. 400, § 4, eff. July 1, 1965.

§4-270.1. Repealed by Laws 1968, c. 107, § 3, eff. April 1, 1968.

§4-270.2. Enforcement of laws pertaining to livestock brands.

The laws of this state relating to violations and investigations of livestock brands shall be enforced and carried out by the Oklahoma State Bureau of Investigation and any agriculture law enforcement agent of the state.

Added by Laws 1965, c. 400, § 1, eff. July 1, 1965. Amended by Laws 1968, c. 107, § 1, emerg. eff. April 1, 1968; Laws 2009, c. 373, § 2, eff. Nov. 1, 2009; Laws 2017, c. 167, § 10, eff. Nov. 1, 2017.

§4-270.3. Repealed by Laws 1980, c. 68, § 1, emerg. eff. April 10, 1980.

§4-271. Repealed by Laws 1955, p. 97, art. 11, § 7.

§4-272. Repealed by Laws 1955, p. 97, art. 11, § 7.

§4-273. Repealed by Laws 1955, p. 97, art. 11, § 7.

§4-274. Repealed by Laws 1955, p. 97, art. 11, § 7.

§4-275. Repealed by Laws 1955, p. 97, art. 11, § 7.

§4-276. Repealed by Laws 1955, p. 97, art. 11, § 7.

§4-277. Repealed by Laws 1955, p. 97, art. 11, § 7.

§4-278. Repealed by Laws 1955, p. 97, art. 11, § 7.

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§4-281. Repealed by Laws 1955, p. 97, art. 11, § 7.

§4-282. Repealed by Laws 1955, p. 97, art. 11, § 7.

§4-283. Repealed by Laws 1955, p. 97, art. 11, § 7.

- §4-284. Repealed by Laws 1955, p. 97, art. 11, § 7.
- §4-291. Repealed by Laws 1943, p. 17, § 1.
- §4-292. Repealed by Laws 1943, p. 17, § 1.
- §4-293. Repealed by Laws 1943, p. 17, § 1.
- §4-294. Repealed by Laws 1943, p. 17, § 1.
- §4-295. Repealed by Laws 1943, p. 17, § 1.
- §4-311. Repealed by Laws 1941, p. 464, § 1.
- §4-312. Repealed by Laws 1941, p. 464, § 1.
- §4-313. Repealed by Laws 1941, p. 464, § 1.
- §4-314. Repealed by Laws 1941, p. 464, § 1.
- §4-315. Repealed by Laws 1941, p. 464, § 1.
- §4-316. Repealed by Laws 1941, p. 464, § 1.
- §4-317. Repealed by Laws 1941, p. 464, § 1.
- §4-318. Repealed by Laws 1941, p. 464, § 1.
- §4-319. Repealed by Laws 1941, p. 464, § 1.
- §4-320. Repealed by Laws 1980, c. 68, § 1, emerg. eff. April 10, 1980.
- §4-331. Repealed by Laws 1980, c. 68, § 1, emerg. eff. April 10, 1980.
- §4-332. Repealed by Laws 1980, c. 68, § 1, emerg. eff. April 10, 1980.
- §4-333. Repealed by Laws 1980, c. 68, § 1, emerg. eff. April 10, 1980.
- §4-334. Repealed by Laws 1980, c. 68, § 1, emerg. eff. April 10, 1980.
- §4-335. Repealed by Laws 1980, c. 68, § 1, emerg. eff. April 10, 1980.

§4-341. Livestock shippers - Right to furnish feed.

In all cases wherein any shipper of livestock has contracted with any person, firm or corporation for the use of feeding pens or impounding pens in stockyards in the State of Oklahoma wherein said lessee keeps livestock for the purpose of disposing of the same to packing plants or otherwise, said lessee shall have the right and is hereby authorized and empowered to furnish feed for the purpose of feeding said livestock without purchasing the same from the lessor of said pens or any other person.

Added by Laws 1933, c. 146, p. 320, § 1.

§4-342. Refusal to permit lessees of pens to furnish feed - Penalties.

Any person, firm or corporation who refuses to permit the lessee of pens, as provided in Section 1 hereof, to furnish their own feed and feed the same to the livestock of such lessees while impounded in pens belonging to lessors, shall be guilty of a misdemeanor, and punished by a fine of not to exceed Five Hundred Dollars (\$500.00) or by imprisonment in the county jail for a period not exceeding thirty (30) days, or by both such fine and imprisonment.

Added by Laws 1933, c. 146, p. 320, § 2.

§4-351. Driver of vehicle carrying livestock, domestic fowls or ratite - Permit or statement authorizing movement - Violations - Penalties.

Any person who is the driver of any truck, automobile or other vehicle containing any livestock, domestic fowls or ratite or any slaughtered livestock, slaughtered domestic fowls or ratite or the butchered portions of any of which he is not the owner and which is upon or being driven upon any land of which said driver is not owner, lessee, renter or tenant, or which is upon or being driven upon any highway, public street or thoroughfare, who fails to have in his possession and exhibit to any meat inspector, sheriff or deputy sheriff upon demand a written permit authorizing said movement, signed by the owner or caretaker of said livestock, domestic fowls or ratite, or from the owner or person in control of the land from which said driver began said movement, shall be fined not more than Two Hundred Dollars (\$200.00) for each head of livestock in said movement, unless said driver upon demand of said meat inspector, sheriff or deputy sheriff makes, signs and delivers to said meat inspector, sheriff or deputy sheriff a written statement containing all information herein required to be included in permits. Said permit or statement shall contain a description of each head of livestock, domestic fowls and ratites, and the place of origin thereof, including the name of ranch, market center, packing house or other place, and the kind, breed, color and marks and brands of such

livestock, domestic fowls or ratites, if there be any. Failure or refusal of such driver to exhibit to a person or peace officer said permit or to make said statement shall constitute probable cause for any meat inspector, sheriff or deputy sheriff to search said truck or vehicle to ascertain if it contains any stolen livestock, domestic fowls or ratites and to detain said movement a reasonable length of time to ascertain whether any stolen livestock, domestic fowls or ratites are contained therein, but the person detaining said movement shall provide adequate care and feed for such livestock, domestic fowls or ratites while said livestock, domestic fowls or ratites are being detained. Any driver who has in his possession any false or forged permit or who makes any false written statement shall be fined not less than Two Hundred Dollars (\$200.00) nor more than Five Hundred Dollars (\$500.00) or he shall be imprisoned in the county jail not less than sixty (60) days nor more than six (6) months, or he shall be punished by both such fine and imprisonment.

Added by Laws 1935, p. 193, § 1. Amended by Laws 1993, c. 36, § 5, eff. July 1, 1993.

§4-361. Repealed by Laws 1955, p. 97, art. 11, § 7.

§4-362. Repealed by Laws 1955, p. 97, art. 11, § 7.

§4-363. Repealed by Laws 1955, p. 97, art. 11, § 7.

§4-364. Repealed by Laws 1955, p. 97, art. 11, § 7.

§4-365. Repealed by Laws 1955, p. 97, art. 11, § 7.

§4-366. Repealed by Laws 1955, p. 97, art. 11, § 7.

§4-367. Repealed by Laws 1955, p. 97, art. 11, § 7.

§4-368. Repealed by Laws 1955, p. 97, art. 11, § 7.

§4-369. Repealed by Laws 1955, p. 97, art. 11, § 7.

§4-370. Repealed by Laws 1955, p. 97, art. 11, § 7.

§4-371. Repealed by Laws 1955, p. 97, art. 11, § 7.

§4-372. Repealed by Laws 1955, p. 97, art. 11, § 7.

§4-373. Repealed by Laws 1955, p. 97, art. 11, § 7.

§4-391. Definitions.



As used in this act, (a) "Institution" means any school or college of medicine, dentistry, pharmacy, veterinary medicine or agriculture, medical diagnostic laboratory, hospital, or other educational or scientific establishment having to do with the investigation of or instruction concerning the structure or functions of living organisms, the causes, prevention, control or cure of diseases or abnormal conditions of human beings or animals provided that high schools and elementary schools shall not be classed as institutions for the purposes of this act. (b) "Public pound" means any place used by a city or the state for the detention or keeping of unclaimed or stray animals.

Added by Laws 1951, p. 9, § 1.

§4-392. Application and issuance of license.

An institution requiring for the effective carrying on of its scientific or educational activities the use of live dogs and cats may apply to the Oklahoma Department of Agriculture, Food, and Forestry for a license to obtain animals from the establishment maintained and operated by public funds for the confinement, care and disposal of animals seized by public authority, commonly called the "dog pound". If the Oklahoma Department of Agriculture, Food, and Forestry finds that the institution, by reason of its ethical standards, its personnel, its facilities and the uses it proposes to make of animals is a fit and proper agency to receive a license, and that the public interest would be served by the issuance of a license to the institution, it shall issue a license to the institution, subject to the restrictions and limitations hereinafter provided. Added by Laws 1951, p. 9, § 2. Amended by Laws 2012, c. 108, § 1, eff. Nov. 1, 2012.

§4-393. Expiration and renewal of licenses.

A license shall expire annually on June 30, but may be renewed annually from year to year on application to the Oklahoma Department of Agriculture, Food, and Forestry, and on compliance with the conditions required with respect to the original issuance of the license.

Added by Laws 1951, p. 9, § 3. Amended by Laws 2012, c. 108, § 2, eff. Nov. 1, 2012.

§4-394. Delivery of animals on demand - Municipal ordinances relating to impoundment and scientific research.

A. Except as otherwise provided by municipal ordinance, it shall be the duty of the pound supervisor to deliver from among the available impounded animals on the demand of an institution possessing a license, such number of animals as the institution may demand and be reasonably required effectively to carry on its activities, subject to the following conditions:

1. Such animals shall have been impounded at least fifteen (15) days for dogs without a license, and at least thirty (30) days for dogs with license and remained unclaimed and unredeemed by their owners or by any other person desiring the animal as a pet and willing to pay applicable license fees and the reasonable expenses incurred in the dog's detention; and

2. Any owner of an animal who voluntarily delivers the possession of it to a public pound shall have a right to specify that it shall not be used for scientific research, and if an owner so specifies, it shall be the duty of the pound superintendent to tag such animal properly and to make certain that such animal is not delivered to an institution for scientific purposes; and

3. If a demand is made on a pound supervisor for a greater number of dogs than he has available for release to the institution, the supervisor shall withhold thereafter from execution all unclaimed and unredeemed dogs until the demand has been met; and

4. Any animal in the pound to which an identification tag is attached may not be disposed of until the owner has been notified.

B. Any city may adopt an ordinance setting the number of days an animal must be impounded and setting restrictions or prohibitions on the delivery of animals for scientific research.

Added by Laws 1951, p. 9, § 4. Amended by Laws 1997, c. 210, § 2, eff. Nov. 1, 1997.

§4-395. Transportation of dogs - Purposes for which used.

The licensed institution shall provide for the transportation of dogs from the pound, and may use them only in the conduct of their scientific or educational activities.

Added by Laws 1951, p. 10, § 5.

§4-396. Return of dogs subsequently claimed - Immunity from liability.

An institution shall at its own expense return to appropriate dog pound any dog delivered to it which subsequently is identified and claimed by its owner; provided, however, that no institution shall be liable to the owner for any injury or illness or subsequent death of any such animal, resulting from the transportation, detention, or proper use of the dog in its scientific and educational activities.

Added by Laws 1951, p. 10, § 6.

§4-397. Revocation of licenses.

The Oklahoma Department of Agriculture, Food, and Forestry, after notice and a reasonable opportunity to defend, may revoke the license granted an institution (1) if the institution has violated any provision of this act or any rule or regulation promulgated by the Oklahoma Department of Agriculture, Food, and Forestry pursuant hereto; (2) if the standards, personnel, facilities, practices or

activities of an institution are such that the continued exercise of the rights conferred by the license issued to the institution is not in the public interest.

Added by Laws 1951, p. 10, § 7. Amended by Laws 2012, c. 108, § 3, eff. Nov. 1, 2012.

§4-398. Obtaining dogs from other sources.

Nothing in this act shall be construed to affect the right of an institution to obtain dogs from sources other than dog pounds.

Added by Laws 1951, p. 10, § 8.

§4-399. Rules and regulations - Inspections and investigations.

A. The Oklahoma Department of Agriculture, Food, and Forestry shall have the power to adopt such rules and regulations, not inconsistent with the laws of Oklahoma, as it may deem necessary to carry into effect the provisions of this act. The Secretary of Agriculture shall have the right whenever it deems advisable to inspect or investigate any institution to which it has granted a license or which has applied for a license.

B. Effective November 1, 2012, all records maintained by the State Board of Health for the purposes of licensing institutions pursuant to Sections 391 through 402 of this title shall be transferred to the Oklahoma Department of Agriculture, Food, and Forestry.

Added by Laws 1951, p. 10, § 9. Amended by Laws 2012, c. 108, § 4, eff. Nov. 1, 2012.

§4-400. Interpretation and construction of law.

This act shall be so interpreted and construed as to effect its general purpose to make available to qualified institutions for the purpose of scientific investigation, experiment or instruction unclaimed and unredeemed animals impounded in dog pounds.

Added by Laws 1951, p. 10, § 10.

§4-401. Misdemeanors.

It shall be a misdemeanor for:

(a) Any person or institution to violate any of the provisions of this act or any rules and regulations promulgated thereunder, or (b) Any person to fail willfully to execute any duty imposed on him by this act.

Added by Laws 1951, p. 10, § 11.

§4-402. Partial invalidity.

If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given

effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.

Added by Laws 1951, p. 10, § 12.

§4-421. Repealed by Laws 1959, p. 129, § 9.

§4-421.1. Repealed by Laws 1959, p. 129, § 9.

§4-422. Repealed by Laws 1959, p. 129, § 9.

§4-423. Repealed by Laws 1959, p. 129, § 9.

§4-424. Repealed by Laws 1959, p. 129, § 9.

§4-425. Repealed by Laws 1959, p. 129, § 9.

§4-426. Repealed by Laws 1959, p. 129, § 9.

§4-427. Repealed by Laws 1959, p. 129, § 9.

§4-428. Repealed by Laws 1980, c. 68, § 1, emerg. eff. April 10, 1980.

§4-429. Repealed by Laws 1980, c. 68, § 1, emerg. eff. April 10, 1980.

§4-430. Repealed by Laws 1980, c. 68, § 1, emerg. eff. April 10, 1980.

§4-431. Repealed by Laws 1980, c. 68, § 1, emerg. eff. April 10, 1980.

§4-432. Repealed by Laws 1980, c. 68, § 1, emerg. eff. April 10, 1980.

§4-499. Short title.

Sections 1 through 11 of this act shall be known and may be cited as the "Dog and Cat Sterilization Act".

Added by Laws 1986, c. 204, § 1, eff. Nov. 1, 1986.

§4-499.1. Definitions.

As used in the Dog and Cat Sterilization Act:

1. "Neuter" means to render a male dog or cat unable to reproduce;
2. "New owner" or "owner" means a person legally competent to enter into a contract acquiring a dog or cat from a releasing agency;

3. "Releasing agency" means any pound, shelter, or humane society organization, whether public or private;

4. "Spay" means to remove the ovaries of a female dog or cat in order to render said animal unable to reproduce; and

5. "Sterilization" means to spay or neuter a dog or cat.  
Added by Laws 1986, c. 204, § 2, eff. Nov. 1, 1986.

§4-499.2. Spaying or neutering as condition for release of certain animals.

No dog or cat may be released for adoption from a releasing agency unless said animal has been surgically spayed or neutered; or unless the adopting party signs an agreement to have the animal sterilized, and deposits funds with the releasing agency to ensure that the adopted animal will be spayed or neutered. The amount of the deposit required shall be determined by each individual releasing agency. In no event shall the required deposit be less than Ten Dollars (\$10.00).

Added by Laws 1986, c. 204, § 3, eff. Nov. 1, 1986.

§4-499.3. Refund of deposit upon proof of spaying or neutering.

The funds deposited with the releasing agency shall be refunded to the adopting party upon the adopting party's presentation of a written statement signed by a licensed veterinarian that the adopted animal has been spayed or neutered. However, no refunds shall be made unless said animal was spayed or neutered within sixty (60) days of adoption in the case of adult animals; or, in the case of infant animals, within thirty (30) days of the date a female animal attained the age of six (6) months, or a male animal attained the age of eight (8) months.

Added by Laws 1986, c. 204, § 4, eff. Nov. 1, 1986.

§4-499.4. Rules - Sterilization agreement.

Releasing agencies may adopt any additional rules to implement the Dog and Cat Sterilization Act, provided said rules do not conflict with the provisions or purpose of the Dog and Cat Sterilization Act to require the spaying and neutering of all dogs and cats adopted from releasing agencies. The sterilization agreement to be used by releasing agencies shall be in substantially the following form:

STERILIZATION AGREEMENT

This Agreement is made and entered into this \_\_\_\_ day of \_\_\_\_\_, 19\_\_, by and between:

\_\_\_\_\_  
(Releasing Agency)

\_\_\_\_\_  
(New Owner)

\_\_\_\_\_  
Name

\_\_\_\_\_  
Name

\_\_\_\_\_  
Address

\_\_\_\_\_  
Address

\_\_\_\_\_  
City Telephone City Telephone

In consideration of the releasing of said animal, and in further consideration of mutual obligations herein, Releasing Agency releases the following animal to the New Owner:

\_\_\_\_\_  
(describe animal)

1. Releasing Agency agrees to release the above listed animal into the care of the New Owner and refund the New Owner's spay/neuter deposit provided that:

(1) The animal is sterilized by a graduate licensed veterinarian by \_\_\_\_\_  
(give date)

(2) A written statement signed by the veterinarian performing the sterilization, that the animal has been sterilized by the stated date is given to the Releasing Agency.

2. New Owner accepts the above listed animal and agrees:

(1) To have the animal sterilized by a graduate licensed veterinarian by \_\_\_\_\_  
(give date)

(2) To provide written evidence to the Releasing Agency from the veterinarian performing the sterilization that the animal has been sterilized by the above date listed.

This Agreement shall be binding upon the assigns, heirs, executors and administrators of the respective parties.

The parties hereto have hereunto set their hands the day and year first above written.

\_\_\_\_\_  
Releasing Agency (signature of agent)

\_\_\_\_\_  
New Owner (signature of)

Added by Laws 1986, c. 204, § 5, eff. Nov. 1, 1986.

§4-499.5. Extension of time to spay or neuter.

Upon presentation of a written report from a licensed veterinarian stating that the life or health of an adopted animal may be jeopardized by surgery, the releasing agency shall grant a thirty-day extension of the period within which the spay or neuter surgery would otherwise be required. Further extensions may be granted upon additional veterinary reports stating their necessity.

Added by Laws 1986, c. 204, § 6, eff. Nov. 1, 1986.

§4-499.6. Death of adopted animal - Refund of deposited funds.

If requested to do so, releasing agencies shall refund deposited funds to the adopting party upon reasonable proof being presented to the releasing agency by the adopting party that the adopted animal died before the expiration of the period during which the spaying or neutering was required to be completed.

Added by Laws 1986, c. 204, § 7, eff. Nov. 1, 1986.

§4-499.7. Disposition of forfeited funds - Record of accounts.

Funds which have been forfeited by adopting parties shall be placed in a separate account, which shall be an interest bearing account whenever feasible and releasing agencies shall allocate funds from said account to programs which directly promote, subsidize or otherwise reduce the cost of spaying or neutering animals of the releasing agency. The releasing agency shall maintain accurate records of accounts which fund spay/neuter programs.

Added by Laws 1986, c. 204, § 8, eff. Nov. 1, 1986.

§4-499.8. Adoption standards.

Subject to the provisions and purposes of the Dog and Cat Sterilization Act and laws of the State of Oklahoma, releasing agencies may establish adoption standards for pets in their care; provided, however, that in the case of public facilities said standards must be reasonably related to the prevention of cruelty to animals, the responsible management of dogs and cats in the interest of preserving public health and welfare, and shall be applied in a fair and equal manner to all potential adopters.

Added by Laws 1986, c. 204, § 9, eff. Nov. 1, 1986.

§4-499.9. Construction of act.

The provisions of the Dog and Cat Sterilization Act shall not be construed to require the sterilization of dogs and cats which are being held in releasing agencies which might be claimed by their rightful owners; nor shall it be construed to require the sterilization of dogs and cats held pursuant to the provisions of Section 391-402 of Title 4 of the Oklahoma Statutes. Further, the Dog and Cat Sterilization Act shall not be construed to interfere with municipal ordinances that meet or exceed the dog and cat sterilization requirements set forth in the Dog and Cat Sterilization Act.

Added by Laws 1986, c. 204, § 10, eff. Nov. 1, 1986.

§4-499.10. Failure to comply with act.

Failure to comply with the provisions of the Dog and Cat Sterilization Act shall constitute either a public or private nuisance. Any person may maintain a civil action to enjoin the continuance of said private nuisance. The public nuisance may also be abated by any public body or officer authorized by law to do so.

Added by Laws 1986, c. 204, § 11, eff. Nov. 1, 1986.

§4-501. Disposal of animals kept for pleasure - Method.

A. Any dog, cat or any other animal which is kept for pleasure rather than utility in or about a household, held by or in the custody of a private or public animal shelter or agency and not reclaimed by the owner, may be disposed of only by:

1. Adoption as a pet in a suitable home;

2. Delivery to a licensed educational or research institution in accordance with the provisions of Sections 391 through 402 of this title; or

3. Euthanasia by only one of the following methods:

- a. administration of denatured sodium pentobarbital,
- b. the use of a carbon monoxide chamber, using commercially compressed cylinder gas; provided that kittens and puppies under sixteen (16) weeks of age shall not be euthanized with carbon monoxide but with injections of denatured sodium pentobarbital, or
- c. any other method approved by the Animal Industries Services Division of the State Department of Agriculture which shall include current acceptable euthanasia recommendations from the American Veterinary Medical Association, with the exception of curariform derivative drugs. The following requirements must be met to ensure the euthanasia agent is humane:
  - (1) the method should be as painless as possible to the animal as determined by the best available medical and scientific knowledge and technology,
  - (2) the animal should be kept as free from anxiety and fear as possible,
  - (3) the technique should be:
    - (a) simple enough to be used by relatively unskilled personnel,
    - (b) legally available to all animal shelters and humane societies,
    - (c) as mechanically simple and maintenance free as possible within reasonable cost, and
    - (d) physically safe for personnel using it.

B. Death should be confirmed by cessation of vital signs.

Professional judgment should be used in consideration of the animal species and method of euthanasia to determine the means of confirming death.

Added by Laws 1981, c. 167, § 1. Amended by Laws 2000, c. 199, § 1, eff. Nov. 1, 2000.

§4-502. Denatured sodium pentobarbital - Method of administration - Possession and purchase by certified animal euthanasia technician.



A. Denatured sodium pentobarbital shall be administered by any one of the following methods:

1. Intravenous or intracardial injection of a lethal dose in dogs and cats. Intracardiac injection is acceptable only when performed on heavily sedated, anesthetized, or comatose animals;

2. Oral ingestion by wild or intractable dogs of powdered denatured sodium pentobarbital in capsules mixed with food, with the dog remaining in its individual cage until dead; or

3. Intraperitoneal or intracardial injection in cats, kittens and puppies when location of and injection into the vein is difficult or impossible. Intracardiac injection is acceptable only when performed on heavily sedated, anesthetized, or comatose animals.

B. Denatured sodium pentobarbital shall be administered under the following conditions:

1. A sharp and undamaged hypodermic needle shall be used for each animal and be of a size suitable for the size and species of animal, and method of injection; and

2. Administration shall be by a licensed veterinarian or by a person trained for this purpose and approved and supervised by a licensed veterinarian, or a person certified as an animal euthanasia technician by the Oklahoma State Board of Veterinary Medical Examiners or an animal control officer registered by the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control as provided in subsection D of this section.

C. 1. Any certified animal euthanasia technician that is registered by the Oklahoma Bureau of Narcotics and Dangerous Drugs Control, Drug Enforcement Agency, and who holds a valid certificate issued by the Oklahoma Board of Veterinary Medical Examiners or any animal control officer that is registered by the Oklahoma Bureau of Narcotics and Dangerous Drugs Control is authorized to purchase and possess denatured sodium pentobarbital or other drugs approved by the registering entity for euthanasia of animals provided they are working in conjunction with a law enforcement agency, animal control agency, or animal shelter that is recognized and approved by the Board or the Oklahoma Bureau of Narcotics and Dangerous Drugs Control; and

2. Denatured sodium pentobarbital and other drugs approved by the Board of Veterinary Medical Examiners or the Oklahoma Bureau of Narcotics and Dangerous Drugs Control shall be the only drugs used for the euthanasia of animals in an animal shelter.

Added by Laws 1981, c. 167, § 2. Amended by Laws 2000, c. 199, § 2, eff. Nov. 1, 2000; Laws 2003, c. 338, § 1, eff. Nov. 1, 2003.

§4-503. Carbon monoxide - Administration.

Personnel shall be thoroughly instructed and be adequately trained in the operation and use of the carbon monoxide chamber. Carbon monoxide shall be administered in the following manner:

Adult animals, over sixteen (16) weeks of age, to be euthanized, shall be left in the chamber for a minimum of twenty (20) minutes after the carbon monoxide is administered. No animal so euthanized shall be removed until five (5) minutes after cessation of respiratory movements. The animal's body shall not be disposed of until death has been confirmed.

Added by Laws 1981, c. 167, § 3. Amended by Laws 2000, c. 199, § 3, eff. Nov. 1, 2000.

§4-504. Carbon monoxide chambers - Equipment required.

Carbon monoxide chambers shall be equipped with:

1. Internal lighting and a viewport providing direct visual observation of any animal within the chamber;
2. Compressed cylinder gas of commercial grade adequate to achieve a uniform carbon monoxide gas concentration throughout the chamber that induces unconsciousness within three (3) minutes after any animal is placed in the chamber;
3. A suitable gauge or gas concentration indicator or recording device making possible easy and instantaneous visual determination of the carbon monoxide concentration in the chamber;
4. A means of keeping the animals in the chamber in separate compartments;
5. An exhaust fan connected by a gas-tight duct to the outdoors, capable of completely evacuating the gas from the chamber before it is opened after each use, for protection of personnel. There shall also be a gas analyzer located in the room that is capable of warning personnel of hazardous concentrations while the chamber is being used. Small carbon monoxide chambers without exhaust fan or warning bell may be placed outdoors, provided they are placed under a shelter with a roof for protection of equipment and personnel, but open at the sides for ventilation.

Added by Laws 1981, c. 167, § 4. Amended by Laws 2000, c. 199, § 4, eff. Nov. 1, 2000.

§4-505. Repealed by Laws 2000, c. 199, § 8, eff. Nov. 1, 2000.

§4-506. Municipality not having proper facilities and personnel - Manner of disposal.

Any municipality that does not have proper facilities and trained personnel shall transport in a humane manner any animals which are to be euthanized to the nearest municipality which has proper facilities and trained personnel or contract for euthanasia of such animals by a licensed veterinarian.

Added by Laws 1981, c. 167, § 6.

§4-507. Violation of act as nuisance - Injunction - Abatement.

Failure by any private or public animal shelter to comply with the provisions of this act for euthanizing animals shall constitute a nuisance. Any person may maintain a civil action to enjoin the continuance of the nuisance. If the acts sought to be enjoined are determined by the courts to violate the provisions of this act, a permanent injunction against such acts shall be granted. The nuisance may also be abated by any public body or officer authorized to do so by law.

Added by Laws 1981, c. 167, § 7.

#### §4-508. Exemptions.

The provisions of Sections 1 through 7 of this act shall not apply to any municipality with a population of ten thousand (10,000) or less persons according to the latest Federal Decennial Census. However, unclaimed animals must be destroyed by an acceptable, humane method.

Added by Laws 1981, c. 167, § 8.

#### §4-511. Definitions.

As used in this act:

1. "Abandon" includes leaving an animal without making reasonable arrangements for assumption of custody by another person; and

2. "Neglect" means unreasonable deprivation of necessary food, care, or shelter.

Added by Laws 2007, c. 116, § 1, eff. Nov. 1, 2007.

#### §4-512. Seizure of abandoned or neglected animals - Divestment of ownership.

A. If a law enforcement officer has reason to believe that an animal has been abandoned or neglected in violation of Sections 1685 or 1692 through 1700 of Title 21 of the Oklahoma Statutes, the officer may apply in a court of competent jurisdiction for a warrant to seize the animal. Upon a showing of probable cause, the court shall issue a warrant and set a hearing within ten (10) calendar days of the date of issuance to determine if a violation of such statutes has occurred. Upon execution of the warrant, the animal shall be impounded and the owner of the animal shall receive written notice of the time and place of a hearing to determine whether the owner's right to ownership of the animal shall be terminated.

B. If the court finds that the owner of the animal has not abandoned or neglected the animal, the court shall order the animal returned to the owner.

C. If the court finds that the owner of the animal has abandoned or neglected the animal, the owner shall be divested of ownership of the animal, and the court shall order:

1. The ownership of the animal be transferred to a nonprofit animal shelter, pound or society for the protection of animals so that the animal may be sold or adopted; or

2. The animal be humanely destroyed if the court determines that the best interests of the animal or that the public health and safety would be served by doing so.

D. If the court finds that the owner of the animal has abandoned or neglected the animal, the court shall order the owner to pay all court costs, any reasonable costs incurred for housing and caring for the animal during impoundment, and any reasonable costs incurred for humanely destroying the animal if ordered by the court.

Added by Laws 2007, c. 116, § 2, eff. Nov. 1, 2007.

§4-602. Pet overpopulation - Gifts, grants and donations - Programs.

A. The Oklahoma Department of Agriculture, Food, and Forestry, through the State Veterinarian, may:

1. Adopt an education program concerning pet overpopulation with emphasis on the importance of spaying and neutering to control pet overpopulation;

2. Accept gifts, grants, and donations, including personal services. Any gift, grant, or donation other than personal services shall be deposited into the Oklahoma Pet Overpopulation Fund created in Section 17 of this act;

3. Develop, adopt, and implement a cooperative process for working with animal shelters, veterinarians, and local communities concerning pet overpopulation in this state; and

4. Enter into contracts with entities for the evaluation and selection of program applicants.

B. When expending funds to implement this section, the State Veterinarian shall:

1. Establish a method for publishing, accepting, and evaluating grant applications for spay and neuter programs; and

2. Give priority to the areas that have demonstrated the greatest need.

Added by Laws 2004, c. 504, § 20, eff. July 1, 2004.

NOTE: An identical section added by Laws 2004, c. 366, § 3 repealed by Laws 2004, c. 1, § 1, emerg. eff. March 15, 2005.

§4-701. Short title - Care and Disposition of Disaster Animals Act.

This act shall be known and may be cited as the "Care and Disposition of Disaster Animals Act".

Added by Laws 2015, c. 304, § 1, emerg. eff. May 12, 2015.

§4-702. Definitions.

As used in the Care and Disposition of Disaster Animals Act:

1. "Animal shelter" means a physical facility or entity, including those utilizing private homes, operating for the purpose of

providing temporary or long-term animal shelter to lost, unwanted or abandoned animals, that is recognized and approved by the state or local authority;

2. "Approved website" means a website approved by the State Veterinarian;

3. "Class #1 Event" means a state-declared emergency for a county or portion of a county requiring companion animals' owners to leave their residences for more than twenty-four (24) hours;

4. "Class #2 Event" means a federally declared disaster requiring companion animals' owners to leave their residences for more than twenty-four (24) hours;

5. "Companion animals" means domesticated animals, such as a dog, cat, bird, rabbit, rodent or turtle, that are traditionally kept in the home for pleasure rather than for commercial purposes, can travel in commercial carriers and be housed in temporary facilities. Companion animals do not include reptiles other than turtles, amphibians, fish, insects, arachnids, farm animals including, but not limited to, horses, animals kept for racing purposes or animals held by a registered research facility under the federal Animal Welfare Act. Feral animals, animals covered by the federal Animal Welfare Act or by regulations issued under that act and any other animals held for use in or used in research are excluded from the Care and Disposition of Disaster Animals Act;

6. "Disaster animals" means domesticated companion animals that have become separated from an owner as the result of a Class #1 Event or Class #2 Event. Disaster animals include those found on private property or running at large, as well as owner-surrendered or relinquished companion animals. Feral animals are excluded from the Care and Disposition of Disaster Animals Act;

7. "Extension by contract" means extensions of the mandated holding period based upon an agreement between the owner and animal shelter for an additional time period;

8. "Feral animals" means animals that do not have an owner;

9. "Holding period" means the length of time that disaster animals are cared for by an animal shelter and not disposed of;

10. "Owner" means the person having title to companion animals;

11. "Reclaim" means the taking back of possession of disaster animals by the owner or an agent of the owner;

12. "Shelter animals" means companion animals living at an animal shelter before a Class #1 Event or Class #2 Event; and

13. "Tracking information" means available information about the owner, physical description and health history of the disaster animal, photographs of the disaster animal, information about where the disaster animal was found and transported to, recommended course of treatment and communications with an owner, including a holding period extension by contract.

Added by Laws 2015, c. 304, § 2, emerg. eff. May 12, 2015.

§4-703. Holding periods.

A. Disaster animals taken from a disaster area or delivered to an animal shelter following a Class #1 Event or Class #2 Event shall be kept by the animal shelter that receives the disaster animals according to the applicable holding period, unless the owner of the disaster animals agrees otherwise in writing. After the applicable holding period has passed for disaster animals, the animal shelter has the authority to dispose of the disaster animals as allowed under state law when there is no Class #1 Event or Class #2 Event, unless the owner has an extension by contract with the animal shelter for additional time. An owner who does not retake possession of their disaster animals by the end of the applicable holding period plus any extension by contract thereof has abandoned the disaster animals, and any new owner shall have unencumbered title to the disaster animals.

B. Holding periods:

1. Class #1 Event: Disaster animals brought in to an animal shelter shall be kept by the animal shelter for a minimum of thirty (30) days;

2. Class #2 Event: Disaster animals brought to an animal shelter shall be kept for a minimum of thirty (30) days up to ninety (90) days as determined by the State Veterinarian after photograph and tracking information about the disaster animals sufficient to give notice to owners is posted on an approved website. The holding period for the animal shelter shall be six (6) months if posting on an approved website does not occur. This requirement may be modified by the State Veterinarian or as otherwise determined by the State Veterinarian;

3. During the holding period, the animal shelter is fully authorized to provide or arrange for necessary veterinary health services that are in the best interests of the disaster animals as may be determined by a veterinarian, up to and including humane euthanasia. A disaster animal that exhibits ownership by the presence of a tag or identification chip or was removed from a private residence, including fenced adjacent land, may not be spayed or neutered without the written permission of the owner unless it is medically necessary as may be determined by a veterinarian;

4. During the holding period, an animal shelter may place a disaster animal in a private home or other animal shelter either in the state or out of the state so long as available tracking information is kept and any transfer out of state is authorized by the State Veterinarian. In no case shall title to a disaster animal be awarded to a new owner until after the holding period has expired, together with any extension by contract thereof;

5. If an owner of a disaster animal contacts an animal shelter about disaster animals but is unable to assume possession of the disaster animal by the end of the applicable holding period, the

owner may request the animal shelter to keep the disaster animal for up to an additional thirty (30) days, if the owner is willing to pay the cost of care as established by the animal shelter for the disaster animal during an extension by contract. The animal shelter may require payment of the costs as a condition of extending the holding period. If by the end of the extension by contract the disaster animal has not been reclaimed by the owner, the animal shelter may treat the holding period as expired. The animal shelter shall advise an owner of the dates of the required holding period and opportunity for extensions by contract, if any owner inquiry is made;

6. If an animal shelter becomes inoperative because of a Class #1 Event or Class #2 Event, all the companion animals removed from the animal shelter shall be treated as disaster animals by whoever takes control of the companion animals, unless records that accompany the shelter animals demonstrate that it was lawfully permissible to transfer title to the shelter animals before a Class #1 Event or Class #2 Event. If these records are available, then the shelter animals shall not be treated as disaster animals;

7. If an owner of a disaster animal has contacted the animal shelter responsible for the owner's disaster animal before the end of the holding period to reclaim the disaster animal, but the animal shelter or other possessor of the disaster animal refuses to return the disaster animal, any transfer of title agreement by the animal shelter to a new owner is voidable by court order; and

8. Prior to the scheduling of any adoption event for the adoption of unclaimed disaster animals from a Class #1 Event or Class #2 Event, the animal shelter shall notify the State Veterinarian and request approval of the adoption event. Any transfer of title agreement by the animal shelter to a new owner is voidable by court order if the adoption event is not approved by the State Veterinarian.

Added by Laws 2015, c. 304, § 3, emerg. eff. May 12, 2015.

#### §4-704. Transfer to animal shelter.

Any individual who is not working under the authority of an animal shelter and who takes possession of disaster animals shall transfer the disaster animals as quickly as reasonably possible to an animal shelter along with available tracking information.

Added by Laws 2015, c. 304, § 4, emerg. eff. May 12, 2015.

#### §4-705. Removal from the state - Penalties.

A. No disaster animal may be removed from the state without the permission of the State Veterinarian or by satisfying such requirements as might be established by the State Veterinarian.

B. Except as provided in subsection A of this section, anyone who knowingly removes disaster animals from the state is subject to a civil fine of up to One Thousand Dollars (\$1,000.00) per offense.

Each disaster animal, each action or each day a violation continues may constitute a separate and distinct offense.

Added by Laws 2015, c. 304, § 5, emerg. eff. May 12, 2015.

§4-706. Application and construction of act.

A. The Care and Disposition of Disaster Animals Act shall not limit an animal control authority or agent thereof from humanely euthanizing an animal in accordance with existing state law.

B. The Care and Disposition of Disaster Animals Act does not impose any affirmative duty on an animal shelter to admit disaster animals.

C. The Care and Disposition of Disaster Animals Act shall not restrict or interfere with the general powers of the State Veterinarian, including the power to quarantine or to restrict the movement of disaster animals or to exercise powers provided by law.

D. The Care and Disposition of Disaster Animals Act shall not be construed as preventing veterinary care for disaster animals either before or after they are brought to an animal shelter.

Added by Laws 2015, c. 304, § 6, emerg. eff. May 12, 2015.

§4-707. Enforcement.

Violations of the Care and Disposition of Disaster Animals Act may be enforced by the State Board of Agriculture pursuant to its enforcement authority and all remedies found in the Oklahoma Agricultural Code for the enforcement of Title 2 of the Oklahoma Statutes.

Added by Laws 2015, c. 304, § 7, emerg. eff. May 12, 2015.

§4-801. Public accommodations - Policy to prohibit animals - Service animal exception.

A. For purposes of this section:

1. The terms "place of public accommodation", "public accommodation" and "service animal" shall have the same meaning as such terms are defined in 28 C.F.R., Section 36.104. "Service animal" does not include an emotional support animal or a therapy animal;

2. "Emotional support animal" means an animal selected to reside with an individual with a disability that does not work or perform tasks for the benefit of an individual with a disability and does not accompany at all times an individual with a disability; and

3. "Therapy animal" means a personal pet who is certified to make therapeutic visits with a trained volunteer to places including, but not limited to, nursing facilities, schools and hospitals to bring therapeutic benefit, comfort and cheer to others.

B. A public accommodation may adopt a policy to prohibit animals, except service animals, from entering the place of public accommodation.



C. A public accommodation which adopts such a policy shall post a sign in a conspicuous location outside the entrance of the place of public accommodation stating which animals or types of animals are prohibited. Such sign shall also state that service animals are permitted.

D. If a public accommodation inquires into the qualification of a service animal, the public accommodation shall comply with 28 C.F.R., Section 36.302(c)(6).

Added by Laws 2019, c. 361, § 1, eff. Nov. 1, 2019.