



Wisconsin Department of Agriculture, Trade and Consumer Protection (WDATCP)
 Division of Animal Health
 PO Box 8911
 Madison, WI 53708-8911
 Phone: 608-224-4889
 Fax: 608-224-4871

LICENSE NO.

Instructions for Animal Dealer, Animal Trucker, Animal Market and Animal Transport Vehicle Applications

Legal Name: Enter the legal name of the business entity. If a sole proprietorship, put the individual's name. If a partnership, corporation, limited liability company or another legal entity, enter that full legal name.

DBA Name: If you, as an Individual, Corporation or LLC, sometimes or generally conduct your business under a name which you have not formally constituted as a separate legal entity, then you are considered to be "doing business as" or using a trade name of "_____". Please enter all such designations that you use for this business, which is being licensed, not names you are using for other businesses.

Legal Entity: If you are doing business as a sole proprietor or a married couple, enter the names of the individuals. By law, individuals must also give us the Social Security Number of each individual listed (required for initial applications). If you have formally formed the business into a Partnership, Corporation, Limited Liability Company (LLC), Limited Liability Partnership (LLP), Trust, Cooperative, or other legally constituted entity, enter the complete name of that entity. (No Social Security Number required for these.) On the application, indicate the entity type and the state in which it was formed. If your legal entity is a general partnership or trust, you must submit proof of its existence. (Call us to find out how.) If you are requesting a market license, an inspection of the site will be required before you receive your license. If you are requesting a trucker or dealer license, an inspection of the site will be required after you receive your license.

Business Location: We must have the location information for the address at which you transact the business for which we are licensing you. You may list more than one location for conducting business under a dealer or trucker license such as several markets where you are a dealer or several places where you keep trucks. You may NOT list more than one location for conducting business under a market license. Each market location requires a separate application. Be sure to include contact names and phone numbers.

Premises Registration Code: If you keep livestock on your property (even for short periods of time) related to your animal dealer, animal trucker or animal market business, a Premises Registration Code is required. (ALL markets must have a Premises Code.) If you currently have a Premises Code for the same address because of livestock you own that you keep at that address, you may use that Premises Code. You must renew any Premises Code applicable to your business location every 3 years. For Premises Registration Code information, visit the Wisconsin Identification Consortium (WLIC) website: <http://www.wiid.org/> or call 888-808-1910.

Employees/Agents: Contractors or agents (non-employees) that do not work solely for you as a dealer or trucker must be individually licensed and cannot operate under your license. Employees who work only for you as a dealer or trucker are allowed to operate under your dealer or trucker license. Please enter employee names.

Animal Transport Vehicles: Animal transport vehicles are attached to your animal trucker license if you have one. If you don't have to be licensed as an animal trucker because you do not transport animals for hire (only your own animals), you will still need to register those vehicles and they will be attached to your animal dealer license or animal market license. We only register the vehicles that actually carry animals, not the vehicles that don't carry animals. For example: You have a pickup that pulls a trailer. The trailer carries the animals and the pickup does not carry any animals. You must register the trailer but not the pickup. If the pickup itself carries animals occasionally, you must register the pickup also.

Fees/Payment: In addition to your license fee, a \$100 license surcharge applies if you operated this business in the past 365 days without a license. We may also charge license fees for any past license year in which you operated without a license. Add \$20 for each vehicle you are registering under that license. \$100 vehicle surcharge applies if you operated any vehicle in the last 365 days without registering it. You may also be charged now for the vehicle registration fees for any past license year in which you operated the vehicle without registering it. We will hold your license until all charges are paid. Late fees do not apply to new licenses.

Total your fees. **Make check payable to WDATCP.**

Application Signature: The application must be signed only by an authorized person. An authorized person is an individual (sole proprietor) or a person whose name appears as an officer, partner, trustee, manager or member (if authorized by the entity's incorporation/formation document or bylaws). Record the date of signature and print the name and title of the person who signed the application.

MAIL YOUR MATERIALS AND PAYMENT TO:

WDATCP
Division of Animal Health
PO Box 8911
Madison WI 53708-8911

In addition to obtaining your license from WDATCP, you may need to contact the following agencies for information about operating authority for your vehicle(s).

Department of Transportation
 Motor Carrier Service Section
 4802 Sheboygan Ave., Rm. 151
 Madison WI 53702
 Ph: 608-266-1356

Packers and Stockyards
 210 Walnut St., Suite 317
 Des Moines IA 50309
 Ph: 515-323-2579
 Fax: 515-323-2590

If you have any questions, contact Gena Goldade at 608-224-4889.

ANIMAL MARKET AND ANIMAL TRANSPORT VEHICLE REGISTRATION APPLICATION

For the Period Ending June 30, 2012

s. 95.68, Wis. Stats., s. ATCP 12.02, 12.045, Wis. Adm. Code

Legal Name:

DBA, trade names, other names used to carry out this business: (List all)

Legal Entity Type:

Individual Partnership Corporation LLC Trust Cooperative

Other: _____ State business is formed in: _____

Indicate type of license applying for:

CLASS A - Unlimited sale days **CLASS B - 4 or fewer sale days. No wild animal sales.**

CLASS E - Equine sales only

List all dates in previous year when sales were held:

Indicate if you hold any of the following licenses under the same legal name:

Animal Dealer Animal Trucker

Primary #

_____ Work # _____ Mobile # _____ Fax # _____

Email:

Business Location Address:

Fire #: _____ Livestock Premises Code: _____ County: _____

Mailing Address:

Contact Name: (if other than applicant)

Contact Email:

Contact Primary Phone:

_____ Contact Work Phone: _____ Contact Mobile Phone: _____

ANIMAL MARKET AND ANIMAL TRANSPORT VEHICLE REGISTRATION APPLICATION

Names of employees operating under your license:

(Note: Market employees who operate as dealers must hold dealer licenses.)

Name: _____ Name: _____ Name: _____

Name: _____ Name: _____ Name: _____

Name of officers, partners, manager/members or trustees:

Name: _____ Title: _____ Phone: _____ Email: _____

Name: _____ Title: _____ Phone: _____ Email: _____

Name: _____ Title: _____ Phone: _____ Email: _____

List types of animals traded or sold at this market location:

Type of Animal: _____ Traded or Sold _____ Type of Animal: _____ Traded or Sold _____

Type of Animal: _____ Traded or Sold _____ Type of Animal: _____ Traded or Sold _____

Type of Animal: _____ Traded or Sold _____ Type of Animal: _____ Traded or Sold _____

Handler of downer animals? Yes No

COMPLETE THE TRANSPORT VEHICLE INFORMATION ON THE BACK OF THIS PAGE.

FEES: (May be applied by the department as appropriate. You may be billed for additional fees.)

\$ _____ \$420 Class A Animal Market License (nonrefundable)

\$ _____ \$220 Class B Animal Market License (nonrefundable)

\$ _____ \$280 Class E Animal Market License (nonrefundable)

\$ _____ \$100 Animal Market License Surcharge, if applicable

(For operating as an Animal Market or operating a market in violation of the restrictions on a Class B or a Class E Market within 365 days prior to submitting a license application.)

\$ _____ (\$20 per vehicle) Animal Transport Vehicle Registration Fee (Sticker)

\$ _____ \$100 Animal Transport Vehicle Surcharge, if applicable

(For operating an Animal Transport Vehicle within the last 365 days without registration stickers)

\$ _____ **Total All Fees**

Enclose check or money order made payable to:

WDATCP or Wisconsin Department of Agriculture, Trade and Consumer Protection

I certify that all information on this application and any attached sheets is true, accurate and complete. I certify by my signature that I am familiar with Wisconsin Administrative Codes and Wisconsin Statutes applicable to Animal Markets and Animal Transport Vehicles within Wisconsin.

Signature of Legal Applicant

Date

Print name of person signing

Print title of person signing



SOCIAL SECURITY NUMBER REQUEST FORM

PLEASE READ THIS IMPORTANT NOTICE

Section 93.135, Wis. Stats., requires the department to collect the Social Security Number (SSN) of every individual applying for an original or renewal license registration or certificate. This requirement DOES NOT APPLY to Corporations, Cooperatives, Trusts, Partnerships, or to persons who sign the application on behalf of the corporation, cooperative, trust or partnership. Please do not substitute a Federal Employer Identification Number for the Social Security Number, even if you are an individual that holds both numbers. We only need to collect the SSN once; you will not be required to provide it at each renewal.

The department is required by law to provide the collected Social Security Numbers (SSNs) to the Department of Workforce Development. The collection of SSNs and the provision of SSNs to the Department of Workforce Development will be done in a manner which will protect the confidentiality of SSNs. When a SSN is received in department offices, the SSN will be entered into the department's computer system and the paper document on which the SSN was written will be shredded.

(Please copy and complete an additional form for each individual licensee.)

BY LAW, THE DEPARTMENT MAY NOT ISSUE OR RENEW A LICENSE UNTIL THE SSN OF THE INDIVIDUAL IS PROVIDED.

Licensee Name: _____

Doing Business As (if applicable): _____

Social Security Number: _____

License Type: _____

*Any personally identifiable information, as defined under s. 19.62(5), Stats., requested on this form may be used for purposes other than that for which it is originally being collected (s. 15.04(1)(m), Wis. Stats.) Confidentiality of this information will be maintained to the extent authorized by law. .

*This form can be photocopied or duplicated if more than one individual will be named on the license. Each individual should fill out a separate form.

Please complete and return this form to: WDATCP – DAH

ATTN: Gena Goldade

P.O. Box 8911

Madison, WI 53708-8911

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Chapter ATCP 12

ANIMAL MARKETS, DEALERS AND TRUCKERS

ATCP 12.01	Definitions.
ATCP 12.02	Animal markets.
ATCP 12.03	Animal dealers.
ATCP 12.04	Animal truckers.
ATCP 12.045	Animal transport vehicles.

ATCP 12.05	Identification of livestock.
ATCP 12.06	Records.
ATCP 12.07	Handling downer animals.
ATCP 12.08	Prohibited conduct.

Note: Chapter Ag 12 as it existed on December 31, 1990 was repealed and a new ch. Ag 12 was created effective January 1, 1991; Chapter Ag 12 was renumbered ch. ATCP 12 under s. 13.93 (2m) (b) 1., Stats., Register, April, 1993, No. 448.

ATCP 12.01 Definitions. As used in this chapter:

(1a) “Animal dealer” means a person who is required to be licensed under s. ATCP 12.03 (1).

(1d) “Animal dealer premises” means any real property, owned or controlled by an animal dealer, at which the animal dealer keeps, exhibits or receives livestock or wild animals, or from which the animal dealer ships livestock or wild animals.

(1g) “Animal market” means any premises that are open to the public for the purpose of buying or selling livestock or wild animals, and that have facilities to keep, feed and water livestock or wild animals prior to sale.

(1j) “Animal market operator” means a person who is required to be licensed under s. ATCP 12.02 (1).

(1m) “Animal transport vehicle” means a vehicle used to transport livestock or wild animals. “Animal transport vehicle” includes a trailer, truck or other conveyance in which animals are transported on public highways, whether or not the conveyance is motorized. “Animal transport vehicle” does not include a vehicle that merely pulls a separate animal transport vehicle, and is not itself used to contain animals.

(1r) “Animal trucker” means a person who is required to be licensed under s. ATCP 12.04 (1).

(1w) “Bovine animal” means domestic cattle (*Bos sp.*) or American bison of any age or sex.

(2) “Buying station” means premises which are open to the public to receive livestock for direct shipment to slaughter.

(2m) “Chronic wasting disease registration tag” means an eartag, used to identify a cervid, which includes all the following:

(a) A premises identification number assigned by the department.

(b) A number that uniquely identifies the cervid.

(3) “Commingle” means to cause or permit any of the following:

(a) Direct contact with other animals.

(b) Unprotected contact with the same facilities, equipment, individuals or environment contacted by other animals, under circumstances where that unprotected contact may spread disease.

(4) “Communicable” means transmissible either directly or indirectly.

(5) “Contagious” means spread by contact, body secretions or fomites.

(6) “Department” means the state of Wisconsin department of agriculture, trade and consumer protection.

(7) “Diseased” means afflicted with a contagious, infectious or communicable disease.

(8) “Downer animal” means an animal which is in a sitting or prone position and cannot move to a normal standing or upright position under its own power, without application of inhumane stimulus.

(8m) “Equine animal” has the meaning specified under s. 95.68 (1) (am), Stats.

(8r) “Equine market” has the meaning specified under s. 95.68 (1) (b), Stats.

(8w) “Farm-raised deer” has the meaning given in s. 95.001 (1) (ag), Stats., but does not include cervids kept by an institution accredited by the American association of zoological parks and aquariums.

(8x) “Federally approved livestock import market” means an animal market that complies with s. ATCP 10.07 (4).

(9) “Feeder cattle” means bovine animals, kept for the sole purpose of feeding prior to slaughter, which are not more than 18 months old as evidenced by the absence of permanent teeth, and whose sexual status is one of the following:

(a) Non-spayed female that is not parturient or post-parturient.

(b) Spayed heifer.

(c) Steer.

(10) “Feeder swine” means swine that weigh 80 pounds or less and are kept for the sole purpose of feeding for slaughter.

(11) “Fomite” means an inanimate object or substance which serves to transfer infectious organisms from one animal to another.

(12) “Infectious” means caused by a pathogenic agent.

(12m) “Keep farm-raised deer” means to own, rent, lease or serve as the custodian of farm-raised deer.

(12p) “Keeper of farm-raised deer” means a person who keeps farm-raised deer.

(13) “Livestock” means farm animals including bovine animals, sheep, goats, swine other than wild hogs, farm-raised deer and equine animals.

(18) “Official backtag” means an identification backtag issued or approved by the federal bureau or the department.

Note: Examples of official backtags include the official Wisconsin bovine backtag and the official Wisconsin swine backtag.

(19) “Official eartag” means an identification eartag issued or approved by the federal bureau.

Note: An official eartag, inserted in the right ear of the animal, uniquely identifies each individual animal with no duplication of the alpha-numeric identification, regardless of the materials or colors used. Examples of official eartags include the official Wisconsin identification tag, the official USDA Wisconsin vaccination tag, and the official Wisconsin swine eartag.

(20) “Official individual identification” means a set of identifying characters that is uniquely associated with an individual animal, and that consists of one of the following:

(a) The animal’s official eartag number.

(b) The animal’s breed association tattoo.

(c) The animal’s breed association registration number.

(d) A registration freeze brand number that uniquely identifies the animal.

(e) The official breed registration lip tattoo number of an equine animal that uniquely identifies the equine animal.

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(f) A written or graphic description of an equine animal, prepared by a licensed and accredited veterinarian, which uniquely identifies that equine animal and includes all of the following:

1. A complete and accurate description of the equine animal's breed, coloration and distinguishing markings.

2. The equine animal's sexual status.

(g) A microchip number if all the following apply:

1. The microchip number uniquely identifies the animal.

2. The microchip is implanted in the animal.

3. The person having custody of the animal has a microchip reader that can read the microchip number.

(h) The leg band number of a ratite which uniquely identifies that ratite.

(i) A poultry leg band or wing band bearing a number that uniquely identifies a bird.

(j) For a swine weighing 80 pounds or less, the premises identification of the premises of origin.

(k) A chronic wasting disease status program registration tag, provided that the farm-raised deer also has a unique individual identification number.

(L) A premises tattoo for a farm-raised deer, provided the farm-raised deer also has a unique individual identification number.

(m) A tattoo number issued by the department.

(n) A unique premises identification issued by the department, provided that the animal also bears a unique individual identification number.

(o) Other identification approved by the department.

(23) "Pen" means any enclosure confining animals to a specific area and may include stanchion or tie stalls.

(24) "Person" means an individual, corporation, partnership, association, limited liability company, trust, governmental entity, or other organization or entity.

(25) "Slaughtering establishment" means a slaughtering establishment which is subject to licensing by the department, or to inspection by the United States department of agriculture. "Slaughtering establishment" includes all premises used in connection with a slaughter operation.

(26) "Swine" means a domestic hog or any variety of wild hog.

(27) "Wild animal" has the meaning given in s. 95.68 (1) (g), Stats. "Wild animal" does not include a domestic animal identified in s. ATCP 10.02.

History: Cr. Register, December, 1990, No. 420, eff. 1-1-91; cr. (8m), (8r), (17) (a) to (c), (17m) and (20) (d) to (h), am. (13), (14) and (15), renum. (17) and (20) (d) to be (17) (intro.) and (20) (i) and am., Register, March, 1995, No. 471, eff. 4-1-95; reprinted to restore dropped copy in (17), Register, April, 1995, No. 472; r. and recr. (13), Register, February, 1996, No. 482, eff. 3-1-96; emerg. cr. (12m), am. (13), eff. 6-3-96; cr. (8w), (12m), (12p), am. (13), Register, December, 1996, No. 492, eff. 1-1-97; cr. (8x) and (20) (i), am. (10), (18), (19), (20) (f) 2. and (24), renum. (20) (i) to be (20) (j), r. (21), (22) and (27), Register, November, 2000, No. 539, eff. 12-1-00; corrections in (8m), (8w), (16) and (17m) made under s. 13.93 (2m) (b) 7., Stats.; CR 02-078: cr. (2m) and (20) (j) and (k), am. (8w), (14), (16) and (17) (intro.) and (5) (a) 3., renum. (20) (j) to be (20) (L) Register May 2003 No. 569, eff. 6-1-03; CR 03-121: renum. (1) and (20) (L) to be (1w) and (20) (n) and am. (1w), cr. (1a), (1d), (1g), (1j), (1m), (1r), (20) (L), (m) and (27), am. (13), r. (14) to (17m), r. and recr. (20g), Register September 2004 No. 585, eff. 10-1-04; CR 06-009: am. (1m), (1w), (8x), (18), (19), (27) r. and recr. (3) and (20) Register September 2006 No. 609, eff. 10-1-06.

ATCP 12.02 Animal markets. (1) LICENSE REQUIRED. No person may operate an animal market without an annual license from the department. A separate license is required for each animal market. The license shall bear the livestock premises code issued under s. ATCP 17.02 (7) for the animal market. An annual license expires on June 30. A license is not transferable between persons or animal markets.

(2) LICENSE CLASSIFICATION. (a) A person may apply for a Class A, Class B or Class E animal market license.

(b) At a class A animal market, an operator may conduct live-stock and wild animal sales on any number of days during the license year.

(c) At a class B animal market, an operator may conduct live-stock sales on no more than 4 days during the license year. An operator may not conduct any wild animal sales at a class B animal market.

(d) At a class E animal market, an operator may conduct sales of equine animals on any number of days during the license year. An operator may not conduct sales of any other livestock or any wild animals at a class E animal market.

(3) APPLYING FOR A LICENSE. A person shall apply for a license under sub. (1) on a form provided by the department. The application shall include all the following:

(a) The person's legal name, and any trade names under which the person does business as an animal market operator.

(b) The address of each animal market for which the person seeks a license.

(c) The types of animals traded or sold at each animal market for which the person seeks a license.

(d) The class of license under sub. (2) that the person seeks for each animal market. A person applying for a class B license shall identify the dates during the previous license year, if any, on which the person conducted livestock sales at the animal market.

(e) An annual registration application, under s. ATCP 12.045 (2), for each animal transport vehicle that the person operates.

Note: An animal market operator must register animal transport vehicles under s. ATCP 12.045, regardless of whether the animal market operator needs an animal trucker license under s. ATCP 12.04. An animal market operator needs an animal trucker license if the animal market operator transports livestock or wild animals for others, for hire.

(f) The fees required under sub. (4).

(fm) Additional information, if any, required under s. ATCP 17.02 (4) for purposes of livestock premises registration.

(g) Other relevant information required by the department for licensing purposes.

Note: A person may obtain an application form under sub. (3) by calling (608) 224-4889, by visiting the department website at www.datcp.state.wi.us, or by writing to the following address:

Wisconsin Department of Agriculture, Trade and Consumer Protection
Division of Animal Health
P.O. Box 8911
Madison, WI 53708-8911

(4) LICENSE FEES. (a) A person shall pay the following nonrefundable annual fee for a license under sub. (1):

1. \$420 for a class A license.

2. \$220 for a class B license.

3. \$280 for a class E license.

Note: Par. (a) is shown as amended eff. 7-1-09. Prior to 7-1-09 it reads:

(a) A person shall pay the following nonrefundable annual fee for a license under sub. (1):

1. \$225 for a class A license.

2. \$115 for a class B license.

3. \$150 for a class E license.

(b) A person shall pay a license fee surcharge of \$100 if the department determines that the person did any of the following within 365 days prior to submitting a license application under sub. (3):

1. Operated an animal market without a license in violation of sub. (1).

2. Violated sub. (2) (c) or (d).

(c) If a person is required to pay a surcharge under par. (b), the person shall also pay any license fees that are due for the license year in which the animal market operator violated sub. (1), (2) (c) or (d).

(d) Payment of a surcharge under par. (b) or fees under par. (c) does not relieve an animal market operator of other civil or criminal liability that may result from a violation of sub. (1), (2) (c) or (d), nor does it constitute evidence of a violation of sub. (1), (2) (c) or (d).

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(6) ACTION ON LICENSE APPLICATION. (a) The department shall grant or deny a license application under sub. (3) within 30 business days after all of the following have occurred:

1. The department receives a complete application under sub. (3).

3. The department inspects the animal market, if an inspection is required under par. (b).

(b) Before issuing a class A animal market license under sub. (2) (b) for premises that were not licensed during the preceding license year, the department shall inspect the animal market premises for compliance with this section. The department shall complete the inspection within 60 business days after the department receives a complete license application under sub. (3).

(7) DENIAL, SUSPENSION OR REVOCATION OF LICENSE. The department may deny, suspend or revoke an animal market license for cause, pursuant to s. 93.06 (7), Stats. Cause may include any of the following:

(a) Violation of ch. 95, Stats., ch. ATCP 10 or this chapter.

(b) Violation of any lawful order of the department.

(c) Violation of any provision of ch. 951, Stats., prohibiting crimes against animals.

(d) Preventing a department employee from performing his or her official duties, or interfering with the lawful performance of those duties.

(e) Physically assaulting a department employee while the employee is performing his or her official duties.

(f) Improper or unauthorized use of any official tag, brand or tattoo.

(g) Refusal or failure, without just cause, to produce required records or respond to a department subpoena.

(h) Payment of an application fee with a worthless check.

(8) ANIMAL MARKET OPERATOR; RESPONSIBILITIES. An animal market operator shall do all of the following:

(a) Comply with the construction requirements under sub. (9).

(b) Maintain the animal market premises in a clean and sanitary condition. The operator shall keep barns, pens, alleys and other animal holding areas in good repair, and shall disinfect the premises between public sales.

(c) Provide adequate food, water, shelter, bedding and pen space for all animals held more than 12 hours.

(d) Identify animals in compliance with s. ATCP 12.05.

(e) Keep records in compliance with s. ATCP 12.06.

(f) Handle downer animals in a humane manner as required by s. ATCP 12.07.

(g) Remove animals from the animal market within 4 days after they enter the market, except as provided in sub. (10). The animal market operator shall remove bovine calves less than 12 weeks old from the animal market within 24 hours after the calves are sold.

(h) Comply with s. ATCP 12.045, related to animal transport vehicles.

(i) Refrain from commingling animals of different species in the same enclosure.

(j) Transport and handle animals in a safe and humane manner.

(9) CONSTRUCTION REQUIREMENTS. (a) Class A and Class E animal markets shall meet the following construction requirements:

1. Floors of all animal holding areas shall be sloped for proper drainage.

2. All animal contact areas shall be constructed so that they can be easily cleaned and sanitized. Earthen floors are not permitted, except in areas used only for species that require earthen floors to prevent injury.

3. Animal contact areas shall be constructed so that there are no sharp edges or protrusions that can injure animals.

4. The animal market shall be equipped with an animal chute and head gate, which shall be adequate to restrain animals without injury. This requirement does not apply to an animal market used exclusively to sell equine animals or wild animals.

5. An animal market used for equine animals shall be equipped with equine stocks that can restrain equine animals without injury.

6. An animal market used for wild animals shall be equipped with cages or pens that can confine the wild animals without injury.

7. Livestock chutes, stocks, cages and pens shall be adequately lighted to permit identification and testing of animals.

8. The animal market shall have pens that are adequate to confine all animals kept at the market.

9. Dead animal holding areas and manure holding areas shall be enclosed to keep out dogs and wild animals unless the entire animal market is fenced to keep out dogs and wild animals.

(b) Class B animal markets shall meet the following construction requirements:

1. The animal market shall be equipped to restrain animals safely and effectively.

2. The animal market shall have adequate lighting for animal identification and testing.

3. Pens, if any, shall be large enough for the purpose used. The pens shall have no sharp edges or protrusions that could injure the animals.

4. Dead animal holding areas and manure holding areas shall be enclosed to keep out dogs and wild animals unless the entire animal market is fenced to keep out dogs and wild animals.

(10) DISEASE TESTING PRIOR TO MOVEMENT FROM THE MARKET. If ch. ATCP 10 requires disease testing of an animal before the animal is moved from an animal market, the market operator shall keep that animal at the market premises until the results of the test are known.

(11) PROHIBITIONS. An animal market operator may not:

(a) Commingle animals of different species within the same vehicle or enclosure.

(b) Accept delivery of livestock or wild animals from an unlicensed animal trucker, if the operator knows or has reason to know that the animal trucker is unlicensed.

(c) Deliver livestock or wild animals to an unlicensed animal trucker for transport, if the operator knows or has reason to know that the animal trucker is unlicensed.

History: Cr. Register, December, 1990, No. 420, eff. 1-1-91; r. and rec. (1), (2) and (5), cr. (2m), (2r), (2w), (4) (h), am. (3) (g), (4) (b), (d), Register, March, 1995, No. 471, eff. 4-1-95; am. (2m) (a) and (b), Register, May, 1999, No. 521, eff. 6-1-99; r. (2) (e), (f) and (2r) (c), am. (2m) (a) 2. and (2r) (b), Register, November, 2000, No. 539, eff. 12-1-00; CR 03-121: r. and rec. Register September 2004 No. 585, eff. 10-1-04; CR 04-103: am. (1), cr. (3) (fm) Register September 2005, No. 597, eff. 10-1-05; CR 06-009: am. (4) (a) (intro.), (c), (7) (a) and (10) Register September 2006 No. 609, eff. 10-1-06; CR 07-061: am. (4) (a) 1. to 3. Register June 2008 No. 630, eff. 7-1-09; CR 07-107: am. (1), r. (5), cr. (8) (j) Register November 2008 No. 635, eff. 12-1-08; r. (6) (a) 2. under s. 13.92 (4) (b) 7., Stats., Register November 2008 No. 635.

ATCP 12.03 Animal dealers. (1) LICENSE REQUIRED.

Except as provided in sub. (2), no person may do any of the following without an annual animal dealer license from the department:

(a) Engage in the business of buying livestock or wild animals for resale, slaughter or exchange.

(b) Engage in the business of selling or exchanging livestock or wild animals.

(d) Engage in the business of leasing out livestock or wild animals to others.

(2) LICENSE EXEMPTIONS. Subsection (1) does not apply to any of the following:

(a) An employee of an animal dealer licensed under sub. (1) who acts solely on behalf of that licensed animal dealer.

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(b) A farm operator who buys or exchanges livestock solely for dairy, breeding or feeding operations on that farm, or who sells only livestock produced on that farm.

(c) An animal market operator licensed under s. ATCP 12.02.

(d) The operator of a licensed meat establishment who buys livestock solely for slaughter at that meat establishment.

(e) A person holding a license under s. 169.15, 169.18, 169.19 or 169.26, Stats., who buys, sells or exchanges wild animals solely for breeding or feeding purposes as part of the licensed operation, provided that the person is not otherwise engaged in buying for resale, selling, exchanging or leasing out livestock or wild animals.

(f) An auctioneer registered under ch. 480, Stats., who conducts only the following sales of livestock:

1. A farm auction sale at which no livestock are sold on consignment.

2. An auction sale conducted at a state, county or district fair, or at a breed association show.

3. An auction sale conducted by a youth organization.

(3) LICENSE PROVISIONS. An annual license under sub. (1) expires on June 30 and is not transferable. If the animal dealer keeps livestock at animal dealer premises, the license shall bear a livestock premises code issued to the animal dealer under s. ATCP 17.02 (7).

(4) APPLYING FOR A LICENSE. An applicant for a license under sub. (1) shall apply on a form provided by the department. The application shall include all of the following:

(a) The person's legal name, and any trade names under which the person does business as an animal dealer.

(b) Each address from which the person does business as an animal dealer.

(c) An annual registration application, under s. ATCP 12.045 (2), for each animal transport vehicle that the person operates.

Note: An animal dealer must register animal transport vehicles under s. ATCP 12.045, regardless of whether the animal dealer needs an animal trucker license under s. ATCP 12.04. An animal dealer needs an animal trucker license if the animal dealer transports livestock or wild animals for others, for hire.

(d) The fees required under sub. (5).

(dm) Additional information, if any, required under s. ATCP 17.02 (4) for purposes of livestock premises registration.

(e) Other relevant information required by the department for licensing purposes.

Note: A person may obtain an application form under sub. (4) by calling (608) 224-4889, by visiting the department website at www.datcp.state.wi.us, or by writing to the following address:

Wisconsin Department of Agriculture, Trade and Consumer Protection
Division of Animal Health
P.O. Box 8911
Madison, WI 53708-8911

(5) LICENSE FEES. (a) A person shall pay a basic nonrefundable annual fee of \$220 for an animal dealer license under sub. (1).

Note: Par. (a) is shown as amended eff. 7-1-09. Prior to 7-1-09 it reads:

(a) A person shall pay a basic nonrefundable annual fee of \$115 for an animal dealer license under sub. (1).

(b) A person shall pay a license fee surcharge of \$100 if the department determines that the person, within 365 days prior to submitting a license application under sub. (4), operated as an animal dealer without a license in violation of sub. (1).

(c) A person who is required to pay a license fee surcharge under par. (b) shall also pay any license fees that are due under this subsection for the license year in which the person violated sub. (1).

(d) Payment of a surcharge under par. (b) or fees under par. (c) does not relieve an animal dealer of other civil or criminal liability that may result from a violation of sub. (1), nor does it constitute evidence of a violation of sub. (1).

(7) ACTION ON LICENSE APPLICATION. The department shall grant or deny a license application within 30 business days after the applicant submits a complete application under sub. (4).

(8) DENYING, SUSPENDING OR REVOKING A LICENSE. The department may deny, suspend or revoke an animal dealer license for cause, pursuant to s. 93.06 (7), Stats. Cause may include any of the following:

(a) Violation of ch. 95, Stats., ch. ATCP 10 or this chapter.

(b) Violation of any lawful order of the department.

(c) Violation of any provision of ch. 951, Stats., prohibiting crimes against animals.

(d) Preventing a department employee from performing his or her official duties, or interfering with the lawful performance of those duties.

(e) Physically assaulting a department employee while the employee is performing his or her official duties.

(f) Improper or unauthorized use of any official tag, brand, or tattoo.

(g) Refusal or failure, without just cause, to produce records or respond to a department subpoena.

(h) Payment of an application fee with a worthless check.

(9) ANIMAL DEALER RESPONSIBILITIES. An animal dealer shall do all of the following:

(a) Maintain the animal dealer premises in a clean and sanitary condition.

(b) Provide adequate food, water, shelter, bedding and pen space for all animals held more than 12 hours.

(c) Identify animals in compliance with s. ATCP 12.05.

(d) Keep records in compliance with s. ATCP 12.06.

(e) Handle downer animals in a humane manner, as required by s. ATCP 12.07.

(f) Notify the department of any address change within 10 days.

(g) Carry or post the animal dealer license issued by the department, and show the license upon request while conducting business.

(h) Comply with applicable requirements, under s. ATCP 12.045, related to animal transport vehicles.

(i) Transport and handle animals in a safe and humane manner.

(10) PROHIBITIONS. An animal dealer may not:

(a) Commingle animals of different species within the same vehicle or enclosure.

(b) Accept delivery of livestock or wild animals from an unlicensed animal trucker, if the animal dealer knows or has reason to know that the animal trucker is unlicensed.

(c) Deliver livestock or wild animals to an unlicensed animal trucker for transport, if the animal dealer knows or has reason to know that the animal trucker is unlicensed.

History: Cr. Register, December, 1990, No. 420, eff. 1-1-91; r. and recr. (1), (2) and (4) (h), cr. (2m), (2r) and (2w), am. (3) (g), (4) (c), Register, March, 1995, No. 471, eff. 4-1-95; reprinted to correct error in (2r), Register, March, 1997, No. 495; am. (2m) (a), (b), (d) and (e), Register, May, 1999, No. 521, eff. 6-1-99; CR 03-121: r. and recr. Register September 2004 No. 585, eff. 10-1-04; CR 04-103: am. (3) and cr. (4) (dm) Register September 2005, No. 597, eff. 10-1-05; CR 06-009: am. (5) (a), (c) and (8) (a) Register September 2006 No. 609, eff. 10-1-06; CR 07-061: am. (5) (a) Register June 2008 No. 630, eff. 7-1-09; CR 07-107: r. (6), cr. (9) (i) Register November 2008 No. 635, eff. 12-1-08; correction in (7) made under s. 13.92 (4) (b) 7., Stats., Register November 2008 No. 635.

ATCP 12.04 Animal truckers. (1) LICENSE REQUIRED. Except as provided in sub. (2), no person may transport livestock or wild animals for hire without an annual animal trucker license from the department. An animal market operator or animal dealer shall also hold a license under this section if that animal market operator or animal dealer transports livestock or wild animals for hire. If the animal trucker keeps livestock on premises owned or controlled by the animal trucker, the license shall bear a livestock premises code issued to the animal trucker under s. ATCP 17.02 (7). An annual license under this section expires on June 30 and is not transferable.

(2) LICENSE EXEMPTIONS. No license is required under sub. (1) for any of the following:

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(a) A person who transports livestock or wild animals solely as an employee of an animal trucker licensed under sub. (1), in a vehicle that the licensed animal trucker has registered under s. ATCP 12.045.

(b) A person who is solely engaged in transporting livestock or wild animals that he or she owns.

(c) A person who is solely engaged in the following activities:

1. Hauling animals on an occasional basis for persons participating in a livestock exhibition, fair, trail ride, youth livestock event or similar activity.

2. Hauling animals on an incidental basis in connection with another business, such as a veterinary practice or a stable operation, which is operated by that person and which does not ordinarily involve the sale of animals.

(3) LICENSE APPLICATION. A person shall apply for a license under sub. (1) on a form provided by the department. The application shall include all of the following:

(a) The person's legal name, and any trade names under which the person does business as an animal trucker.

(b) Each address from which the person does business as an animal trucker.

(c) An annual registration application, under s. ATCP 12.045 (2), for each animal transport vehicle that the person operates.

(d) The fees required under sub. (4) and s. ATCP 12.045 (3).

(dm) Additional information, if any, required under s. ATCP 17.02 (4) for purposes of livestock premises registration.

(e) Other relevant information required by the department for licensing purposes.

Note: A person may obtain an application form under sub. (3) by calling (608) 224-4889, by visiting the department website at www.datcp.state.wi.us, or by writing to the following address:

Wisconsin Department of Agriculture, Trade and Consumer Protection
Division of Animal Health
P.O. Box 8911
Madison, WI 53708-8911

(4) FEES. (a) A person shall pay a basic nonrefundable annual license fee of \$60 for a license under sub. (1).

Note: Par. (a) is shown as amended eff. 7-1-09. Prior to 7-1-09 it reads:

(a) A person shall pay a basic nonrefundable annual license fee of \$30 for a license under sub. (1).

(b) A person shall pay a license fee surcharge of \$100 if the department determines that, within 365 days prior to submitting a license application under sub. (3), the person operated as an animal trucker without a license in violation of sub. (1).

(c) A person who is required to pay a license fee surcharge under par. (b) shall also pay any license fee that is due under this subsection for the license year in which the person violated sub. (1).

(d) Payments under pars. (b) and (c) do not relieve a person of other civil or criminal liability that may result from a violation of sub. (1), nor do they constitute evidence of a violation of sub. (1).

(6) ACTION ON LICENSE APPLICATION. The department shall grant or deny a license application within 30 business days after the applicant submits a complete application under sub. (3).

(7) DENYING, SUSPENDING OR REVOKING A LICENSE. The department may deny, suspend or revoke an animal trucker license for cause, pursuant to s. 93.06 (7), Stats. Cause may include any of the following:

(a) Violation of ch. 95, Stats., ch. ATCP 10 or this chapter.

(b) Violation of any lawful order of the department.

(c) Violation of any provision of ch. 951, Stats., prohibiting crimes against animals.

(d) Preventing a department employee from performing his or her official duties, or interfering with the lawful performance of his or her duties.

(e) Physically assaulting a department employee while the employee is performing his or her official duties.

(f) Improper or unauthorized use of any official tag, brand or tattoo.

(g) Refusal or failure, without just cause, to produce records or respond to a department subpoena.

(h) Payment of an application fee with a worthless check.

(8) ANIMAL TRUCKER RESPONSIBILITIES. An animal trucker shall do all of the following:

(a) Maintain, equip and operate animal transport vehicles in compliance with s. ATCP 12.045.

(b) Identify animals in compliance with s. ATCP 12.05.

(c) Keep records in compliance with s. ATCP 12.06.

(d) Transport and handle animals in a safe and humane manner.

(e) Install and use equipment necessary to transport and handle downer animals in a humane manner, as required by s. ATCP 12.07, if the animal trucker transports downer animals.

(f) Provide adequate food, water, shelter, bedding and pen space for all animals held more than 12 hours.

(g) Notify the department of any address change within 10 days.

(9) PROHIBITED CONDUCT. (a) No animal trucker may cause or permit different species of animals to be commingled on the same animal transport vehicle.

(b) No animal trucker may transport diseased or downer animals with healthy animals on the same animal transport vehicle, unless the entire load is transported directly to a slaughter establishment. If downer animals and other animals are transported to a slaughter establishment in the same animal transport vehicle, the downer animals shall be segregated from the other animals to prevent injury.

History: Cr. Register, December, 1990, No. 420, eff. 1-1-91; r. and recr. (1), (2), (4) (a), (5), cr. (2m), (2r), (2w), am. (3) (g), (4) (b), (d), r. (6), Register, March, 1995, No. 471, eff. 4-1-95; am. (2m) (a), (b), (d) and (e), Register, May, 1999, No. 521, eff. 6-1-99; r. (2) (c) and (2r) (c), am. (2r) (b), Register, November, 2000, No. 539, eff. 12-1-00; CR 03-121: r. and recr. Register September 2004 No. 585, eff. 10-1-04; CR 04-103: am. (1) and cr. (3) (dm) Register September 2005 No. 597, eff. 10-1-05; CR 06-009: am. (2) (c) 3., (4) (a), (c) and (7) (a) Register September 2006 No. 609, eff. 10-1-06; CR 07-061: am. (4) (a) Register June 2008 No. 630, eff. 7-1-09; CR 07-107: r. (2) (c) 3. and (5) Register November 2008 No. 635, eff. 12-1-08; correction in (6) made under s. 13.92 (4) (b) 7., Stats., Register November 2008 No. 635.

ATCP 12.045 Animal transport vehicles. (1) ANNUAL REGISTRATION STICKER REQUIRED. (a) No animal market operator, animal dealer or animal trucker may operate an animal transport vehicle unless each side of the vehicle bears one part of a 2-part annual vehicle registration sticker issued by the department. An annual vehicle registration sticker expires on June 30.

(b) The department may issue an annual vehicle registration sticker under par. (a) to a licensed animal market operator, animal dealer or animal trucker who owns or operates the vehicle. If a license holder owns a vehicle operated by another license holder, the license holder that owns the vehicle shall obtain the vehicle registration sticker under par. (a).

(c) If a registrant under par. (b) controls the operation of the animal transport vehicle for less than the full registration year, the registrant shall record the name and address of each person who controlled the operation of the vehicle at any time during the year, and the time period during which that person controlled that operation. The registrant shall retain the record for at least 5 years, and shall make it available to the department for inspection and copying upon request.

Note: Subsection (1) applies to animal transport vehicles operated by animal market operators, animal dealers and animal truckers, regardless of who owns the animals transported in those vehicles.

Under sub. (1)(c), if a registrant leases an animal transport vehicle to or from another person for part of the registration year, the registrant must record the name and address of the other party to the lease, and the time period of the lease.

(2) APPLYING FOR A REGISTRATION STICKER. (a) A person shall apply for a vehicle registration sticker under sub. (1) on a form provided by the department. The person may submit the application with the person's annual license application under s. ATCP

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12.02, 12.03 or 12.04. The application shall include all of the following:

1. The person's legal name, and any trade names under which the person does business as an animal market operator, animal dealer or animal trucker.
2. Each address from which the person does business as an animal market operator, animal dealer or animal trucker.
3. Identification of each animal transport vehicle for which the person seeks a registration sticker.
4. The fees required under sub. (3).

(b) A person may register additional vehicles at any time during a registration year.

Note: A person may obtain an application form under sub. (2) by calling (608) 224-4889, by visiting the department website at www.datcp.state.wi.us, or by writing to the following address:

Wisconsin Department of Agriculture, Trade and Consumer Protection
Division of Animal Health
P.O. Box 8911
Madison, WI 53708-8911

(3) REGISTRATION FEES. (a) A person shall pay a non-refundable annual fee of \$20 for each vehicle registration sticker under this section.

Note: Par. (a) is shown as amended eff. 7-1-09. Prior to 7-1-09 it reads:

(a) A person shall pay a non-refundable annual fee of \$10 for each vehicle registration sticker under this section.

(b) A person shall pay a registration fee surcharge of \$100 if the department determines that, within 365 days prior to submitting a registration application under sub. (2), the person operated an animal transport vehicle without a registration sticker in violation of sub. (1).

(c) A person who is required to pay a surcharge under par. (b) shall also pay any registration fee that is due under par. (a) for the license year in which the person violated sub. (1).

(d) Payments under pars. (b) and (c) do not relieve a person of other civil or criminal liability that may result from a violation of sub. (1), nor do they constitute evidence of a violation of sub. (1).

(4) ACTION ON REGISTRATION APPLICATION. The department shall grant or deny an application under sub. (2) within 30 business days after the department receives a complete application or, if a person submits the application with a license application under s. ATCP 12.02, 12.03 or 12.04, by the license action deadline. The department shall issue a 2-part registration sticker for each registered vehicle. Each part of the 2-part registration sticker shall identify the registration year for which the 2-part registration sticker is issued.

(5) DENYING, SUSPENDING OR REVOKING A REGISTRATION. The department may deny, suspend or revoke an animal transport vehicle registration under this section for cause, pursuant to s. 93.06 (7), Stats. Cause may include a violation of this section.

(6) VEHICLE REQUIREMENTS. The following requirements apply to every vehicle for which a registration sticker is required under sub. (1):

(a) The operator shall display the following information on both sides of the vehicle:

1. The operator's name and business address, legibly printed in letters at least 2 inches high and ¼ inch wide.
2. Every current animal trucker license number, animal market license number and animal dealer license number that the department has issued to the operator. License numbers shall be printed legibly, in letters at least 2 inches high and ¼ inch wide.
3. The current vehicle registration sticker under this section. The operator shall display the registration sticker in close proximity to the license numbers displayed under subd. 2.

Note: The department issues registration stickers in duplicate, so the operator can display identical stickers on both sides of the vehicle.

(b) The vehicle shall be constructed, equipped and maintained for safe transportation and containment of the types of animals transported.

(c) The vehicle, if used to transport downer animals, shall be furnished with equipment necessary to transport and handle downer animals in a humane manner.

(d) The vehicle shall be kept in a clean and sanitary condition.

(e) The vehicle, if used to transport diseased or downer animals, shall be cleaned and disinfected before being used to transport any other animals. The vehicle shall be disinfected with a disinfectant that is approved by the department. The disinfectant shall be used according to label directions.

Note: A person may request a list of approved disinfectants under par. (e) by calling (608) 224-4872, by visiting the department website at www.datcp.state.wi.us, or by writing to the following address:

Wisconsin Department of Agriculture, Trade and Consumer Protection
Division of Animal Health
P.O. Box 8911
Madison, WI 53708-8911

History: Cr. Register, March, 1995, No. 471, eff. 4-1-95; cr. (1) (c), Register, November, 2000, No. 539, eff. 12-1-00; CR 03-121: r. and recr. Register September 2004 No. 585, eff. 10-1-04; CR 06-009: am. (3) (c) and (4) Register September 2006 No. 609, eff. 10-1-06; CR 07-061: am. (3) (a) Register June 2008 No. 630, eff. 7-1-09; CR 07-107: r. and recr. (1), am. (3) (a) and (4) Register November 2008 No. 635, eff. 12-1-08.

ATCP 12.05 Identification of livestock. (1) IDENTIFICATION OF BOVINE ANIMALS. (a) *Official individual identification.* Whenever an animal dealer or animal market operator receives a bovine animal, the animal dealer or market operator shall immediately record the animal's official individual identification. If a bovine animal has no official individual identification at the time of receipt, the animal dealer or market operator shall immediately identify that animal with an official individual identification. This paragraph does not apply to steers, calves under 6 months old, or feeder cattle.

Note: See also s. ATCP 10.21 (1).

(b) *Slaughter identification.* Whenever an animal dealer, animal market operator or animal trucker receives a bovine animal for sale or shipment to slaughter, that person shall immediately identify the animal with an official backtag and record the backtag number. If a bovine animal is already backtagged at the time of receipt, the person receiving the animal shall record its backtag number. Backtagging is not required for steers, official spayed heifers, or animals under 2 years old.

Note: See also s. ATCP 10.21 (2).

(2) IDENTIFICATION OF SWINE. (a) *Official individual identification.* Whenever an animal dealer or animal market operator receives any swine, the animal dealer or market operator shall immediately record the official individual identification of that swine. If a swine has no official individual identification at the time of receipt, the animal dealer or market operator shall immediately identify that swine with an official individual identification. This paragraph does not apply to swine which are backtagged for slaughter under par. (b).

(b) *Slaughter identification.* Whenever an animal dealer, animal market operator or animal trucker receives any sow, boar or stag for sale or shipment to slaughter, that person shall immediately identify the swine with an official swine backtag and record the backtag number. If a sow, boar or stag is already backtagged at the time of receipt, the person receiving the swine shall record its backtag number.

Note: See also s. ATCP 10.31.

(3) IDENTIFICATION OF EQUINE ANIMALS. Whenever an animal dealer or animal market operator receives any equine animal, the animal dealer or market operator shall immediately record the official individual identification of that equine animal. If an equine animal has no official individual identification when received by an animal dealer or market operator, the animal dealer or market operator shall have a licensed and certified veterinarian prepare a description of that equine animal according to s. ATCP 12.01 (20) (f).

(4) IDENTIFICATION OF SHEEP. Whenever an animal dealer or animal market operator receives any sheep, the animal dealer or animal market operator shall immediately record the official indi-

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vidual identification of that sheep, if any. If a sheep has no official individual identification when received by an animal dealer or animal market operator, the animal dealer or animal market operator shall immediately identify that sheep with an official individual identification if that identification is required under s. ATCP 10.70.

(5) IDENTIFICATION OF FARM-RAISED DEER. (a) *Official individual identification.* 1. Whenever an animal dealer or animal market operator receives any farm-raised deer, the animal dealer or market operator shall immediately record the official individual identification of that farm-raised deer. If a farm-raised deer has no official individual identification at the time of receipt, the animal dealer or market operator shall immediately identify that farm-raised deer with an official individual identification. This paragraph does not apply to farm-raised deer which are backtagged for slaughter under par. (b).

2. No animal dealer or animal market operator may deliver a farm-raised deer to the custody of any other person unless that deer bears on official individual identification, or unless that deer is backtagged under par. (b) and shipped directly to slaughter.

(b) *Slaughter identification.* Whenever an animal dealer, animal market operator or animal trucker receives a farm-raised deer for sale or shipment to slaughter, that recipient shall immediately identify that deer with an official backtag or other slaughter identification approved by the department unless that deer already bears an official slaughter identification. The animal dealer, animal market operator or animal trucker shall immediately record the backtag or slaughter identification number.

(6) IDENTIFICATION OF GOATS. Whenever an animal dealer or animal market operator receives any goats, the animal dealer or market operator shall immediately record the official individual identification of that goat, if any. If a goat has no official individual identification when received by an animal dealer or market operator, the animal dealer or market operator shall immediately identify that goat with an official individual identification if that identification is required under s. ATCP 10.77.

History: Cr. Register, December, 1990, No. 420, eff. 1-1-91; cr. (3), (4), Register, March, 1995, No. 471, eff. 4-1-95; am. (2) (b), Register, February, 1996, No. 482, eff. 3-1-96; emerg. cr. (5), eff. 6-3-96; cr. (5), Register, December, 1996, No. 492, eff. 1-1-97; am. (1) (a), (2) (a), (4) and (5) (b), Register, November, 2000, No. 539, eff. 12-1-00; CR 02-078: am. (5) (a) 3. Register May 2003 No. 569, eff. 6-1-03; CR 03-121: r. and recr. Register September 2004 No. 585, eff. 10-1-04; CR 06-009: am. (4) Register September 2006 No. 609, eff. 10-1-06; CR 07-107: am. (4), cr. (6) Register November 2008 No. 635, eff. 12-1-08.

ATCP 12.06 Records. **(1) RECORDS REQUIRED.** A person operating as an animal market operator, animal dealer or animal trucker shall keep an accurate record of every animal that the person receives from or delivers to another person. The record shall include all of the following correlated information related to each animal.

(a) The name and address of the principal from whom the person received the animal, the date of receipt, and the place of receipt. The record shall also identify the animal trucker, if any, who transported the animal to the place of receipt.

(b) The name and address of the principal to whom the person delivered the animal, the date of delivery, and the place of delivery. The record shall also identify the animal trucker, if any, who transported the animal to the place of delivery.

(bc) The livestock premises code, if any, of the premises from which the animal was received and the livestock premises code, if any, of the premises to which the animal is shipped or delivered.

(c) The animal's official individual identification number, if any. If the animal has no official individual identification, the record shall identify the species, age and sex of the animal.

(d) The animal's backtag number if any.

(e) The animal's wild animal identification number, if the animal bears a wild animal identification number prescribed by the department of natural resources.

(f) A copy of any certificate of veterinary inspection that accompanied the animal. An animal market veterinarian may keep the certificate copy for the animal market operator.

(g) The animal's breed or class if the animal is a bovine animal or swine. If a bovine animal is a crossbreed of beef and dairy animals, the animal shall be classified as a beef breed.

(h) Equine infectious anemia test results, if required under s. ATCP 10.36 (3) for an equine animal.

(i) A death record if the animal dies in the person's custody. The record shall indicate the apparent cause of death, the place and manner of carcass disposition, and the name and address of any person to whom the carcass was delivered.

(2) RECORDS RETAINED FOR 5 YEARS; INSPECTION AND COPYING. A person who is required to keep records under sub. (1) shall retain those records for at least 5 years, and shall make them available to the department for inspection and copying upon request.

(3) AUCTIONEER RECORDS. An auctioneer who is exempt from licensing as an animal dealer under s. ATCP 12.03 (2) (f) shall nevertheless keep all of the records required under sub. (1) for livestock sold by the auctioneer at an exempt auction. The auctioneer shall retain the records for at least 5 years, and shall make the records available to the department for inspection and copying upon request.

History: Cr. Register, December, 1990, No. 420, eff. 1-1-91; am. (1) (b) 5. and (c) 5., Register, September, 1993, No. 453, eff. 10-1-93; am. (1) (a), (b) (intro.), 2. and 5., (c) (intro.), 1., 2. and 5., (d), (2) (a), (b) 1., 2., (c) 1., 2., Register, March, 1995, No. 471, eff. 4-1-95; emerg. am. (1) (b) 2., 3., (c) 2., 3., (2) (b) 2., 3., (c) 2. and 3.; am. (1) (b) 2., 3., (c) 2., 3., (2) (b) 2. and (c) 2., Register, December, 1996, No. 492, eff. 1-1-97; reprinted to correct error in (1), Register, March, 1997, No. 495; r. and recr. (1), renum. (2) to be (3) and am. (3) (e), cr. (2), Register, November, 2000, No. 539, eff. 12-1-00; CR 03-121: r. and recr. Register September 2004 No. 585, eff. 10-1-04; CR 06-009: am. (1) (intro.) and (h), cr. (1) (bc) Register September 2006 No. 609, eff. 10-1-06; CR 07-107: am. (1) (bc) Register November 2008 No. 635, eff. 12-1-08.

ATCP 12.07 Handling downer animals. **(1)** A person who receives, transports, or handles downer animals shall register with the department, and shall have adequate facilities and equipment for the humane transportation, handling and holding of the animals. Adequate facilities and equipment include separate holding pens, skids, mats, and sling-type hoisting equipment for downer animals.

(2) Downer animals may not be dragged or pulled by the neck or other extremity, or subjected to any other mistreatment or abuse. Downer animals shall be confined in separate holding pens and shall be segregated from healthy animals by a rigid barrier when transported in any vehicle. A downer animal may not be held for more than 24 hours by any animal market operator, animal dealer or animal trucker before the downer animal is shipped to slaughter.

History: Cr. Register, December, 1990, No. 420, eff. 1-1-91; CR 03-121: am. (2) Register September 2004 No. 585, eff. 10-1-04.

ATCP 12.08 Prohibited conduct. No person may:

(1) Knowingly make any false report or statement to the department concerning:

(a) The ownership, identification, age, vaccination status, test status, or health status of livestock; or

(b) The purchase, sale or movement of an animal.

(2) Sell or move any animal in violation [of] ch. ATCP 10 or this chapter, or any order issued under ch. ATCP 10 or this chapter.

(3) Buy, sell, lease or exchange animals in the name of any person other than a licensed animal dealer, a licensed animal market operator, or the person holding or acquiring an ownership or leasehold interest in the animal.

(4) Transport any animal without certificates of veterinary inspection, permits or other documents required by this chapter, ch. ATCP 10 or ch. 169, Stats.

(5) Fail or refuse, upon reasonable demand by any authorized agent of the department, to permit the examination of:

(a) Animals in transit; or

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(b) Health or shipping documents accompanying animals in transit.

(6) Fail to provide, within 10 days following the receipt of a written request from the department, any relevant report or document relating to the transportation of animals or any official individual identification of an animal purchased, sold or transported. The department may extend the compliance deadline under this subsection for good cause shown.

(7) Knowingly cause or permit a susceptible healthy animal to commingle with a diseased animal while in transit, unless the entire load of animals is shipped directly to slaughter or the commingling is authorized by the department.

(8) Cause or permit the commingling of different animal species during transit.

(9) Advertise or claim to be licensed as an animal market operator, animal dealer or animal trucker unless the claim or advertisement is true.

(10) Receive interstate shipments of bovine animals or swine as a federally approved livestock import market unless the market qualifies as a federally approved livestock import market under s. ATCP 10.07 (4).

(12) Use any brand or tattoo device for official identification purposes, without authorization from the department.

(13) Park or store a vehicle containing animal remains or animal waste in any place where it creates a health hazard or a public nuisance.

(14) Deposit animal remains or animal waste in any place where the deposit creates a health hazard or public nuisance.

(15) Conduct business as an animal dealer without carrying or posting a dealer identification card issued by the department. The dealer identification card shall be readily available for inspection upon request.

(16) Operate an animal market or slaughter plant in which the dead animal and manure holding area is not enclosed as required by s. ATCP 12.02 (9).

(17) Transport animals for more than 12 hours without providing potable water.

(18) Transport equine animals in a vehicle which is not of adequate size.

Note: Equine animals over 14 hands high should not ordinarily be transported in a vehicle which is less than 6 feet high.

(19) Knowingly deliver, for use as food or feed, any animals which:

(a) Contain prohibited residues of drugs, hormones, steroids, antibiotics, pesticides or other food or feed adulterants.

(b) Have been treated with any product listed under par. (a), if the delivery violates an applicable withholding period specified on the product label.

(20) Deliver a downer animal to an animal market, animal dealer or slaughter plant, or remove a downer animal from an animal market or animal dealer premises, without a drug certificate signed by the animal's current owner.

(21) Falsify a drug certificate.

(22) Administer any drug, hormone, steroid, antibiotic or pesticide to an animal without the owner's knowledge or authorization.

(23) Make any false statements on any application for an original or renewal license under this chapter.

(24) Physically assault a department employee while the employee is performing his or her official duties.

(25) Transport dead livestock except in compliance with s. 95.72 (7) (a), Stats.

(26) Falsify, remove, alter, or tamper with any official identification or official back tag required under this chapter or ch. ATCP 10.

History: Cr. Register, December, 1990, No. 420, eff. 1-1-91; cr. (23), Register, September, 1993, No. 453, eff. 10-1-93; r. and recr. (2) and (10), r. (11), am. (12), cr. (24), Register, November, 2000, No. 539, eff. 12-1-00; CR 03-121: am. (1) (b), (3), (4), (8), (9), (15), (16), (19) (intro.), (20) and (22) Register September 2004 No. 585, eff. 10-1-04; CR 06-009: r. and recr. (2), am. (4), (10) and (19) (intro.), cr. (25) and (26) Register September 2006 No. 609, eff. 10-1-06; CR 07-107: am. (6) Register November 2008 No. 635, eff. 12-1-08; **CR 08-075: am. (10) Register April 2009 No. 640, eff. 5-1-09.**

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Chapter ATCP 17

LIVESTOCK PREMISES REGISTRATION

ATCP 17.01 Definitions.
 ATCP 17.02 Livestock premises; registration required.
 ATCP 17.03 Confidential information.

ATCP 17.04 Contract agent.
 ATCP 17.05 Receiving livestock from unregistered locations.

Note: This chapter is adopted under authority of ss. 93.07 (1), 93.07 (10), 95.51 (3m) and (7), 95.55 (6), 95.68 (8), 95.69 (8), 95.71 (8), 95.72 (5), 97.22 (8) and 97.42 (4), Stats. This rule interprets ss. 93.07 (10), 95.51, 95.55, 95.60, 95.68, 95.69, 95.71, 95.72, 97.22 and 97.42, Stats. A person who violates this chapter is subject to applicable penalties and remedies provided in ss. 93.06 (7) and (8), 95.99, 97.72 and 97.73, Stats. According to s. 95.36 (10), Stats., a violator may also be disqualified from receiving livestock indemnities for which that person might otherwise be eligible under ch. 95, Stats., if the department condemns livestock for disease control purposes.

Note: This chapter first applies to the following persons on the following dates:
 (a) To a milk producer who is required to be licensed under s. ATCP 60.02, May 1, 2006.

(b) To an animal market operator who is required to be licensed under s. ATCP 12.02, July 1, 2006.

(c) To an animal dealer who is required to be licensed under s. ATCP 12.03, July 1, 2006.

(d) To an animal trucker who is required to be licensed under s. ATCP 12.04, July 1, 2006.

(e) To a slaughter establishment operator, July 1, 2006.

(f) To an equine quarantine station operator who is required to hold a permit under s. ATCP 10.37 (3), July 1, 2006.

(g) To the operator of a rendering establishment, animal food processing establishment or grease processing establishment that is required to be licensed under ch. 95.72, Stats., March 1, 2006.

(h) To all other persons who are required to register a location under s. ATCP 17.02 (1), January 1, 2006.

ATCP 17.01 Definitions. In this chapter:

(1) "Address" means one of the following:

(a) A street address.

(b) Township, range and section numbers, if the location has no street address.

(c) Geographic coordinates, if the location has no street address and no township, range and section numbers.

(2) "Animal dealer" means a person who is required to be licensed under s. ATCP 12.03.

(3) "Animal dealer premises" means any real estate, owned or controlled by an animal dealer, at which the dealer keeps, exhibits or receives livestock or wild animals, or from which the animal dealer ships livestock or wild animals.

(4) "Animal market" means any premises that are open to the public for the purpose of buying or selling livestock or wild animals, and that have facilities to keep, feed and water livestock or wild animals prior to sale.

(5) "Animal market operator" means a person who is required to be licensed under s. ATCP 12.02 (1).

(6) "Animal trucker" means a person who is required to be licensed under s. ATCP 12.04 (1).

(7) "Animal trucker premises" means any real estate, owned or controlled by an animal trucker, at which the animal trucker collects or holds livestock for transportation.

(8) "Bovine animal" means beef cattle, dairy cattle, or American bison of any age or sex.

(9) "Captive game birds" means birds of a normally wild type, such as pheasants, quail, wild turkeys, migratory wildfowl, pigeons, and exotic birds, that are raised in captivity. "Captive game birds" does not include poultry or ratites.

(10) "Cervid" means a member of the family of animals that includes deer, elk, moose, caribou, reindeer and the subfamily musk deer.

(11) "Clinic" means a place where livestock are kept primarily for purposes of health care or rehabilitation.

(12) "Confidential information" means information that the department is required, under s. 95.51, Stats., and this chapter, to keep confidential.

(13) "Contiguous" means adjacent, or separated only by a transportation corridor, stream or like feature.

(14) "Contract agent" means a person who acts on behalf of the department, pursuant to a written contract with the department.

Note: The department may contract with an agent to process registrations under this chapter, and to manage registration information on behalf of the department. The contract agent must comply with this chapter and the agent's contract with the department. The contract must include provisions specified in this chapter, including provisions related to confidentiality of information collected under this chapter. See ss. ATCP 17.03 and 17.04.

(15) "Dairy farm" means a dairy farm as defined under s. 97.22 (1) (a), Stats., operated by a milk producer.

(16) "Deer farm" means real estate on which a person, who is required to register under s. ATCP 10.61, keeps farm-raised deer.

(17) "Department" means the Wisconsin department of agriculture, trade and consumer protection.

Note: The department's contract agent may act on behalf of the department, to the extent authorized under this chapter and the agent contract. See s. ATCP 17.04.

(18) "Description" of a location means an address or other information that identifies that location.

(19) "Captive game birds" means birds of a normally wild type, such as pheasants, quail, wild turkeys, migratory wildfowl, pigeons, and exotic birds raised for hunting, that are raised in captivity. "Captive game birds" does not include poultry or ratites, but does include birds kept pursuant to a license issued under s. 169.15, 169.19, 169.20 or 169.21, Stats.

(20) "Fish farm" means a facility, at which a person hatches fish eggs or keeps live fish, which is required to be registered under s. ATCP 10.60 (2).

(21) "Individual" means a human being.

(22) "Keep livestock" means to own, feed, house, confine or care for livestock, or to exercise legal or physical control over livestock. "Keep livestock" does not include the quarantine or confinement of livestock by the department or by the United States department of agriculture.

Note: At any given time, several persons may be "keeping" the same livestock. For example, livestock owned by *Person A* might be fed and cared for by *Person B* on property owned and maintained by *Person C*.

(23) "Livestock" means bovine animals, equine animals, goats, poultry, sheep, swine other than wild hogs, farm-raised deer, captive game birds, camelids, ratites and fish.

(24) "Livestock exhibition" means a state, county or district fair, or a recurring event at which livestock from different premises are exhibited to the public at a common location.

(25) "Location" means a parcel of real estate in this state, or a group of 2 or more contiguous parcels of real estate in this state, on which livestock are kept.

(26) "Milk producer" has the meaning given in s. 97.22 (1) (f), Stats.

(27) "Person" means an individual, corporation, partnership, cooperative, limited liability company, trust or other legal entity.

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(28) “Poultry” means domesticated fowl commonly used for human food, including domesticated chickens, turkeys, geese, ducks, guinea fowl, squab, ratites and captive game birds.

(29) “Premises” means one or more locations that a person registers under a single premises code.

Note: A person may register a livestock “premises” that includes, in addition to the primary premises location (to which the premises code is assigned), one or more secondary locations at which the person keeps the livestock from time to time. For example, a dairy farm “premises” may include a primary location (that includes the milking barn or parlor) and one or more secondary locations (such as a non-contiguous pasture or heifer facility). If a person keeps livestock at multiple locations but never moves or commingles livestock between those locations, the person is advised to register those locations as separate premises (separate primary locations, each with its own premises code). See s. ATCP 17.02.

(30) “Premises code” means a code issued under s. ATCP 17.02 (7).

(31) “Primary location” means a premises location to which a premises code is assigned.

(32) “Ratite” means a member of the group of flightless birds that includes the ostrich, emu, cassowary, kiwi and rhea.

(33) “Register” means to apply for and obtain from the department an annual premises registration certificate under s. ATCP 17.02.

(34) “Registered location” means a primary or secondary location that is covered by a current annual premises registration certificate under s. ATCP 17.02 (6).

Note: A registration application must identify the primary and secondary locations included in the registered premises. The department issues a premises code for the primary location, but the registration certificate also covers secondary locations identified in the registration application. See s. ATCP 17.02 (6) (c).

(35) “Secondary location” means a location that shares or commingles animals with the primary location and is registered with the primary location under a single premises code.

(36) “Slaughter establishment” means a place at which livestock are received for slaughter.

History: CR 04-103; cr. Register September 2005 No. 597, eff. 10-1-05; CR 06-009; am. (19) and (20) Register September 2006 No. 609, eff. 10-1-06; CR 06-028; am. (1) (c) Register November 2006 No. 611, eff. 12-1-06; **CR 07-107; am. (8) and (28) Register November 2008 No. 635, eff. 12-1-08.**

ATCP 17.02 Livestock premises; registration required. (1) GENERAL. A person may not keep livestock at a location in this state unless that location is registered under this section. There is no fee to register. A registration expires on the third December 31 after it is issued.

Note: Once a person completes an initial registration, subsequent registrations will be relatively simple. The department will send the registrant a renewal application form (or directions on how to renew on-line) prior to the renewal deadline. The renewal transaction may be conducted by mail, online or by e-mail if an e-mail address has been provided. The renewal application form will include pre-printed information obtained from the last previous registration. The registrant may renew the registration by returning the pre-printed form with corrections, if any. There is no fee for an initial or renewal registration.

(2) WHO MUST REGISTER. (a) If 2 or more persons are involved in keeping livestock at the same location, one of those persons shall register that location. A person is not required to register a location that is currently registered by another person. A premises registration by one person does not prevent other persons from keeping livestock on the registered premises.

Note: For example, if *Person A* feeds and cares for livestock owned by *Person B*, on premises owned by *Person C*, any one of those persons may register the premises (the others need not). Likewise, if *Person X* pastures livestock on land that *Person Y* owns and also uses to pasture livestock, either person may register that pasture (the other need not).

(b) A person may not register a premises that is currently registered by another person. The department may transfer a current registration from the current registrant to another person if the department finds that the other person is licensed to operate the premises under other applicable law, is more directly engaged in operating the premises, or can provide more definitive knowledge of livestock movements to and from the premises. The department shall notify the current registrant and give the current registrant a chance to comment before transferring a registration to another person.

(c) If a person keeps livestock at any location as part of an operation for which that person is required to hold another license, registration or permit from the department, that person may register that location as part of the person’s initial application for that other license, registration or permit.

Note: For example, if a person holds or is required to hold a dairy farm license under s. ATCP 60.02 (2), a deer farm registration under s. ATCP 10.46 (1), a fish farm registration under s. ATCP 10.61 (1), an animal market license under s. ATCP 12.02, an animal dealer license under s. ATCP 12.03, an animal trucker license under s. ATCP 12.04, a meat establishment license under s. ATCP 55.03 (1), an equine quarantine station permit under s. ATCP 10.37 (3), or a rendering establishment or other license under s. 95.72, Stats., that person may register each related livestock premises location as part of the person’s initial application for that other license, registration or permit. Subsequent license renewal applications must include the livestock premises registration number assigned under this chapter.

(3) HOW TO REGISTER. Except as provided in sub. (2) (c), a person shall register in one of the following ways:

(a) By applying on-line at <http://www.datcp.state.wi.us/>.

(b) By filing a hard-copy application with the department on a form provided by the department.

Note: A person may obtain an application form from the department and may submit the completed form to the department at the following address:

Wisconsin Department of Agriculture, Trade and Consumer Protection
2811 Agriculture Drive
PO Box 8911
Madison, WI 53708-8911
Phone: (608) 224-4872
E-mail: premises@datcp.state.wi.us

(4) INFORMATION REQUIRED. A registration application under sub. (3) shall include all of the following information:

(a) The registrant’s legal name, and any trade names under which the registrant keeps livestock in this state.

(b) The registrant’s mailing address.

(bm) The registrant’s county.

(c) The registrant’s telephone number.

(d) The address of the primary premises location, including county.

Note: See s. ATCP 17.01 (1). A street address is preferred.

(e) A description of each secondary location included in the premises. A person may not register more than 3 secondary locations under a single premises code without department approval. The department may consider whether the secondary locations are part of the same premises, for registration purposes, or whether they should be registered as separate premises under separate premises codes.

Note: See s. ATCP 17.01 (18) and (35). Secondary locations are locations that share or commingle animals with the primary location, and are related to the primary location. For example, a dairy farm “premises” may include a primary location (that includes the milking barn or parlor) and one or more secondary locations (such as non-contiguous pastures or heifer facilities).

If a person keeps livestock at multiple locations but never moves or commingles livestock between those locations, the person should register the locations as separate premises (separate primary locations, each with its own premises code).

(f) The name and telephone number of at least one individual who has knowledge of livestock and livestock carcass movements to and from every location included in the premises.

(g) The types of livestock operations conducted on the premises. The registrant shall designate one or more of the following:

1. Farm or production unit.

2. Market or livestock collection point.

3. Slaughter establishment.

4. Rendering or carcass collection point.

5. Clinic.

6. Livestock exhibition.

7. Quarantine facility.

8. Other. The registrant shall specify the type or types of operations.

(h) The types of livestock or livestock carcasses kept on the premises. The registrant shall designate one or more of the following:

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1. Bovine animals. The registrant shall indicate whether the bovine animals are beef cattle, dairy cattle or bison.
2. Swine.
3. Sheep.
4. Goats.
5. Horses or other equine animals.
6. Farm-raised deer.
7. Poultry.
8. Llamas, alpacas or other camelids.
9. Fish.
10. Other. The registrant shall specify the type or types of livestock.

(5) DEPARTMENT ACTION ON REGISTRATION APPLICATION. (a) Except as provided in par. (d), the department shall grant or deny a registration application under sub. (3) within 30 days after the department receives a complete registration application.

Note: The department will normally grant or deny an on-line application at the time of the on-line application. If the department grants an on-line application, the department will immediately issue a printable electronic registration certificate to the applicant.

(b) The department may deny a registration application if the application is incorrect or incomplete, or if the primary location identified in the application is currently registered. The department shall state the reason for the denial.

(c) If the department denies an application because the primary location identified in the application is already registered, the department shall disclose to the applicant the premises code assigned to that registered primary location. The denial does not prevent the applicant from keeping livestock at the registered primary location or from registering other locations.

(d) If a person submits a registration application under sub. (2) (c) as part of that person's application for another license, permit or registration, the department shall grant or deny the registration application within the time period prescribed for department action on the other license, permit or registration application. The denial, suspension or revocation of another license, permit or registration does not affect a premises registration under this section.

(6) REGISTRATION CERTIFICATE. (a) Whenever the department grants a registration application under sub. (3), the department shall immediately issue a registration certificate to the registrant. The registration certificate shall bear an expiration date that complies with sub. (1). The department shall issue the registration certificate in hard-copy or printable electronic form, depending on the method of registration.

Note: A person who registers on-line will normally receive a printable electronic registration certificate at the time of the on-line registration.

(b) A registration certificate under par. (a) shall include a premises code assigned under sub. (7).

(c) A registration certificate covers the primary location and all secondary locations identified in the approved registration application, regardless of whether the certificate includes descriptions of all of those locations.

(d) If a person submits a premises registration application as part of that person's application for another license, permit or registration identified in sub. (2) (c), the department shall issue the premises registration certificate with or as part of that other license, permit or registration.

(7) PREMISES CODE. Whenever the department grants a registration application under sub. (3), the department shall assign a unique code to the primary location identified in that application. The premises code shall be generated by the United States department of agriculture. A premises code may not be transferred to another location.

Note: A premises code, once assigned to a primary location, normally continues with that location even if the registrant changes. If a registrant adds or removes a secondary location without changing the primary location, the premises code will remain the same. But if the primary premises location is subdivided among new registrants,

the premises code assigned to that location will be retired and a new premises code will be assigned to each new primary location created by the subdivision.

History: CR 04-103: cr. Register September 2005 No. 597, eff. 10-1-05; CR 06-009: am. (2) (c) 3. and 8. Register September 2006 No. 609, eff. 10-1-06; CR 07-107: am. (1), (2) (b), (4) (d), (5) (d) and (6) (a), r. and recr. (2) (c), (4) (h) 1. and 8. to 10, cr. (4) (bm), r. (4) (h) 11. and 12. Register November 2008 No. 635, eff. 12-1-08.

ATCP 17.03 Confidential information. (1) GENERAL. Except as provided in subs. (2) to (4), premises registration information received by the department or its contract agent under s. ATCP 17.02 is confidential and may not be disclosed to any other person or agency.

Note: A premises code is not confidential because it is not received from the registrant but is issued by the department. A premises code, by itself, does not reveal any information received from a registrant.

(2) INFORMATION REQUIRED BY OTHER LAWS. Subsection (1) does not apply to information that a person is required to provide to the department under other law. This subsection does not authorize disclosure of information that is protected from disclosure under other law.

Note: For example, information that was required of license holders and was open to public inspection prior to the effective date of the livestock premises registration law, s. 95.51, Stats., remains open to public inspection. But premises registration information required for the first time under s. 95.51, Stats., or this chapter must be kept confidential.

(3) AUTHORIZED DISCLOSURE. The department may disclose, to any of the following, information that a registrant provides under s. ATCP 17.02:

(a) A person to whom the registrant authorizes disclosure.

(b) The animal and plant health inspection service of the United States department of agriculture, if the animal and plant health inspection service agrees not to disclose the information except in situations in which the department is authorized to disclose the information.

(c) The department's contract agent, subject to this section and s. ATCP 17.04.

(d) To another person or agency, or to the public, if the department believes that the release is necessary to prevent or control disease, to enforce laws under its jurisdiction, or to protect public health, safety, or welfare. The department may disclose information under this paragraph subject to any confidentiality requirements that the department considers necessary under the circumstances.

(4) AGGREGATE INFORMATION. (a) The department may create aggregate information, such as maps and statistics, from registration information obtained under s. ATCP 17.02. Except as provided in par. (b), the department may disclose that aggregate information to another person or agency, or to the public.

(b) The department may not disclose aggregate information under par. (a) that does any of the following, unless that information qualifies for disclosure under sub. (2) or (3):

1. Discloses the street address, section number, geographic coordinates of any premises, or the identity of any registrant.

2. Makes it possible to deduce with certainty the street address, section number or geographic coordinates of any premises, or the identity of any registrant.

Note: For example, the department may not disclose a detailed map that permits readers to deduce with certainty the street address, section number or geographic coordinates of any premises, or the identities of registrants whose premises are portrayed by points on the map. However, the department may disclose less detailed maps.

(5) DISCLOSURE BY CONTRACT AGENT. The department may authorize its contract agent to disclose, on behalf of the department, information that the department is authorized to disclose under this section, except that the department may not authorize its contract agent to release aggregate information.

History: CR 04-103: cr. Register September 2005 No. 597, eff. 10-1-05; CR 06-028: am. (4) (b) Register November 2006 No. 611, eff. 12-1-06.

ATCP 17.04 Contract agent. (1) GENERAL. The department may contract with an agent to process registrations, manage registration information, and perform other functions on behalf of

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the department under this chapter. The contract agent shall comply with this chapter and the contract.

(2) CONTRACT. A contract under sub. (1) shall specify applicable terms and conditions, including all of the following:

(a) The services that the contract agent will perform for the department, and the price for which the contract agent will perform those services.

(b) The scope of authority that the department delegates to the contract agent for the purpose of performing the services under par. (a), and relevant limits on that authority.

(c) The registration process and forms approved under sub. (3), if the contract agent will process registrations on behalf of the department.

(d) Terms related to information disclosure and confidentiality, including the terms specified in sub. (4).

(e) Terms related to information management, including the terms specified in sub. (5).

(f) Terms related to contract agent actions that may affect or impair the administration of this chapter, including the terms specified in subs. (6) to (8).

(g) Provisions related to contract termination, including the terms specified in sub. (9).

(h) Standard contract terms required by the state of Wisconsin.

(3) APPROVED REGISTRATION PROCESS. A contract agent that processes livestock premises registrations on behalf of the department, whether in hard-copy or on-line form, shall use a process and forms approved by the department. The hard-copy or on-line registration process shall be conducted under the name of the department, not the contract agent. The contract agent may not supplement or modify the registration process or forms, or charge any registration fee, without the department's written approval. The contract agent may not make solicitations or promotional communications to registrants in connection with the registration process, other than communications that the department requires for purposes of registration under this chapter.

(4) DISCLOSURE OF INFORMATION; CONFIDENTIALITY. (a) A contract agent may not use or disclose any information that it acquires as the department's contract agent under this chapter without the department's written approval.

(b) A contract agent shall specifically identify the individuals who, on behalf of the contract agent, may have access to confidential information. Each of those individuals shall sign a personal confidentiality agreement with the department and shall comply with that agreement. No other persons employed or affiliated with the contract agent may have access to confidential information.

(c) No contract agent or individual affiliated with a contract agent may use or disclose information in violation of this chapter, the agency contract, or an individual confidentiality agreement under par. (b).

(5) MANAGING INFORMATION. A contract agent that holds information under this chapter on behalf of the department shall do all of the following:

(a) Comply with applicable state standards related to the storage, handling and disposition of state records. A contract agent may not dispose of information collected or held under this chapter, except as authorized by the department pursuant to a state records disposal authorization under s. 16.61, Stats.

(b) Handle and maintain electronic records according to applicable standards in ch. Adm 12.

(6) COLLECTING OTHER INFORMATION. (a) A contract agent may not collect any information under color of its agency agreement with the department, without the department's written authorization to collect that information.

(b) Paragraph (a) does not prohibit a contract agent from doing any of the following on its own behalf, and not as an agent of the department:

1. Contacting registrants that it identifies from sources other than registrations under this chapter.

2. Soliciting and receiving information voluntarily provided by registrants that the contract agent identifies under subd. 1. The contract agent shall disclose, to each registrant from whom it requests information, that the information is not required by state law and is not being collected on behalf of the department.

(c) A contract agent who collects information under par. (b) shall keep that information separate from any confidential information that the contract agent keeps on behalf of the department.

(7) PROHIBITED PRACTICES. A contract agent may not do any of the following:

(a) Under color of its agency contract with the department, and without the department's written authorization, ask a registrant for permission to use or release confidential information.

(b) Represent, directly or by implication, that it is acting within its authority as the department's contract agent unless that representation is true.

(8) ETHICS. (a) A contract agent shall avoid any conflict of interest that may affect the integrity of the livestock premises registration program under this chapter, or the contract agent's faithful performance of its obligations. The contract agent shall disclose to the department any actual or potential conflict of interest.

(b) A contract agent may not use for private financial or business advantage confidential information that it acquires under this chapter as an agent of the department.

(c) No individual having access to confidential information under this chapter may use that information for personal financial advantage or for the financial advantage of any person or organization with which he or she is affiliated.

(9) CONTRACT TERMINATION. (a) The department may terminate a contract under sub. (1) at any time, with or without cause.

(b) If a contract under sub. (1) expires or is terminated by either party, the contract agent shall promptly return to the department all of the information that the contract agent holds on behalf of the department.

History: CR 04-103: cr. Register September 2005 No. 597, eff. 10-1-05.

ATCP 17.05 Receiving livestock from unregistered locations. **(1) PROHIBITION.** Except as provided in sub. (2), no person may receive, for purposes of sale, exhibition or slaughter, livestock from a location that is required to be registered under s. ATCP 17.02 or an equivalent law in another state, unless that location is registered according to this chapter or an equivalent law in the other state.

(2) APPLICATION CONTINGENT UPON RECIPROCITY. Subsection (1) does not apply to any person, or to any receipt of livestock for a purpose identified in sub. (1), unless the United States department of agriculture or all of the states surrounding Wisconsin prohibit persons in those surrounding states from receiving livestock for that purpose from unregistered locations in this state that are required to be registered under s. ATCP 17.02. The surrounding states are Minnesota, Iowa, Illinois and Michigan.

History: CR 04-103: cr. Register September 2005 No. 597, eff. 10-1-05.



Wisconsin Department of Agriculture, Trade and Consumer Protection

Livestock Premises Registration (c/o WLIC)

135 Enterprise Dr., Ste. ID

Verona, WI 53593-0202

Fax: (608) 848-4702

Livestock Premises Registration Instructions (Original)

(S. 95.51, Wis. Stats. and ch. ATCP 17, Wis. Adm. Code)

⇒ Complete this registration on-line at: <http://datcp.wisconsin.gov/uploads/Animals/pdf/ApplicationInstructions.pdf>

INSTRUCTIONS

The livestock premises registration program is intended to protect animal health. Premises registration will help state animal health officials respond quickly to an animal health emergency. If you keep livestock in Wisconsin, please complete the enclosed livestock premises registration renewal form and return it in the envelope provided.

Which animals are considered “livestock”? See Section E for additional livestock types

- **Bovine** (bison, beef cattle, and dairy cattle).
- **Horses or other equine.**
- **Poultry** (includes ratites and captive game birds, see section E).
- **Swine.**
- **Sheep.**
- **Farm-raised deer or other cervids.**
- **Fish** (kept at a fish farm).
- **Goats.**
- **Llamas, alpacas, or other camelids.**

Who needs to register?

Any person[†] who keeps one or more livestock animals at a location in Wisconsin is required to register that location. To “keep livestock” means to own, feed, house, confine or care for livestock, or to exercise legal or physical control over livestock. However, if two or more persons have a role in keeping livestock at the same location, then any one of those persons may register that location – one registration will suffice for all.

Certain DATCP licensees that keep livestock must register, including **slaughter establishments** required to be licensed under s. ATCP 55.03(3), **equine quarantine stations** for which a permit is required under s. ATCP 10.37(3), **deer farms** required to be registered under s. ATCP 10.46, **fish farms** required to be registered under s. ATCP 10.61, **animal markets** required to be registered under s. ATCP 12.02, **animal dealer premises** operated by animal dealers required to be licensed under s. ATCP 12.03 (unless the premises is registered as an animal market), **animal trucker premises** operated by animal truckers required to be licensed under s. ATCP 12.04 (unless the premises is registered as an animal market or as a premises operated by an animal dealer), **approved import feed lots** receiving a permit under s. ATCP 10.22(9), **rendering establishments, animal food processing establishments, and grease processing establishments** required to be licensed under Wis. Stat. s. 95.72. Transfer stations or other locations at which an operator collects livestock carcasses must be included. Dairy farms on which dairy cattle are kept must be registered. Livestock premises registration expires on the third December 31 after it is issued.

Which locations need to be registered?

Every location at which livestock is kept in Wisconsin must be registered. Certain licensed livestock facility operations that keep or receive livestock **or livestock carcasses** at their sites must also be registered (See “Who needs to register?” above). Even if there are only one or two livestock animals at a location, that location must be registered. Locations where livestock are kept as pets or for family use only must also be registered.

Section A – Registrant information

The ‘registrant’ is the name of the individual registering (first name, middle initial, last name) OR the legal name of the business (or other legal entity) that is registering. If the registrant is required to hold one of the licenses listed above, this registration should be in the name of the individual or legal entity that holds that license.

[†] “Person” means an individual, corporation, partnership, cooperative, limited liability company, trust or other legal entity.

Continued on next page.

Section B – Contact information

'Primary contact' is the individual who best knows about livestock movement on and off or between the premises locations being registered and can be contacted if there is an animal disease emergency. If the primary contact individual does not have a phone number, provide the phone number of someone who would be able to reach the contact in case of an emergency, like a neighbor.

Section C – Address of primary premises location

If the primary premises location does not have an address, enter a description of the location from a designated point (Example: "1/4 mile east of the intersection of Main Road and Jefferson Lane on Main Road") and provide geographic coordinates. Call toll-free (888) 808-1910 for assistance.

Section D – Livestock premises type and non-producer participants

"Non-producer participants" are only those persons engaged in the USDA Disease Traceability Framework, such as the United States Animal Identification Number (USAIN) manager, USAIN tag distributor, designated animal health officials, and designated diagnostic laboratories.

If there is more than one business operation on a premises, call toll-free (888) 808-1910 for further instructions.

Section E – Types of livestock or livestock carcasses on premises

Livestock types include:

▪ **Bovine** (bison, beef cattle, and dairy cattle) ▪ **Camelids** (includes llamas and alpacas) ▪ **Captive cervids** (includes deer, elk, moose, caribou, reindeer and the subfamily musk deer) ▪ **Equine** (includes horses, mules and donkeys) ▪ **Fish** (includes all fish kept at a fish farm that requires registration under s. ATCP 10.61) ▪ **Goats** ▪ **Poultry** (includes **domesticated fowl** like chickens, turkeys, geese, ducks, guinea fowl, squab, **ratites** like rheas, ostriches, emus, cassowaries, kiwi, and **captive game birds** like pheasants, quail, wild turkeys, migratory wildfowl, pigeons, and exotic birds raised for hunting, which are raised in captivity) ▪ **Sheep** ▪ **Swine**

Section F – Secondary locations

In addition to your primary premises location (see Section C), you can also register one or more secondary (additional) locations at which you keep your livestock from time to time.

- For example, a dairy farm "premises" may include a *primary* location (that includes the milking barn or parlor) and one or more *secondary* locations (such as a non-contiguous pasture or heifer facility).
- If a person keeps livestock at multiple locations but never moves or commingles livestock between those locations, the person is advised to register those locations as separate premises (separate primary locations, each with its own livestock premises code).

If a secondary location has no street address, provide general directions from the primary premises to the secondary location and any other information that would help determine where that location is.

No more than 3 secondary locations can be added under a single livestock premises code without department approval. (To seek approval, contact the department at the address listed at the top left corner of the form or call 608-224-4884.)

The department will determine whether the secondary locations are part of the same premises for registration purposes, or whether they should be registered as separate premises under separate livestock premises codes.

Additional premises must be registered separately. Additional premises registration forms may be obtained by calling (888) 808-1910.

Information provided for livestock premises registration is CONFIDENTIAL as provided under Wis. Stat. s. 95.51 and s. ATCP 17.03, Wis. Adm. Code. However, personally identifiable information as defined under Wis. Stat. s. 19.62(5), which has been provided to the department for licensure or other purposes, may be subject to inspection under Wisconsin's Open Records Law, Wis. Stat. ss. 19.31-19.39. See also Wis. Stat. s. 15.04(1)(m).

Failure to provide the required information may result in penalties, which include withholding any license, registration, certificate or permit issued by the department under Wis. Stat. chs. 93, 95, and 97 and chs. ATCP 10, 12, 17, 55, 57, or 60 Wis. Adm. Code, and penalties including those under Wis. Stat. ss. 95.99 and 97.22.

DATCP is an equal opportunity employer.

Upon request, this application can be made accessible to persons with disabilities.

If you have any questions, please call toll-free (888) 808-1910.



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Livestock Premises Registration Application (Original)

(S. 95.51, Wis. Stats. and ch. ATCP 17, Wis. Adm. Code)

Please return completed form to the address listed above.

A. Registrant information If registrant is a business, provide the legal name of that business.

Name of individual (first name, middle initial, last name) * OR legal name of business (or other legal entity) *		Registrant phone* ()	
All trade or other names*, if any (d/b/a or "doing business as")			County*
Mailing address*	City/Village/Town*	State*	Zip code*
Registrant type: check one <input type="checkbox"/> Individual (includes a pet owner or 'hobby farm') <input type="checkbox"/> Corporation <input type="checkbox"/> Partnership <input type="checkbox"/> Cooperative <input type="checkbox"/> Limited Liability Company (LLC) <input type="checkbox"/> State or local government entity <input type="checkbox"/> Tribal entity <input type="checkbox"/> Trust <input type="checkbox"/> Estate <input type="checkbox"/> Limited Liability Partnership (LLP)			

B. Contact information List the name of the Primary Contact for the premises. 'Primary contact' is the individual who best knows about livestock movement on and off or between the premises locations being registered and can be contacted if there is an animal disease emergency. Check applicable box for each phone number type. If contact does not have a phone number, see instruction sheet.

Primary contact name and phone number * – Fill in below.

First Name	Middle Initial	Last Name
Primary contact phone <input type="checkbox"/> Home <input type="checkbox"/> Business <input type="checkbox"/> Cell <input type="checkbox"/> Pager ()	Backup Phone <input type="checkbox"/> Home <input type="checkbox"/> Business <input type="checkbox"/> Cell <input type="checkbox"/> Pager ()	

Alternate contact name and phone number – Fill in below (OPTIONAL).

First Name	Middle Initial	Last Name
Alternate contact phone <input type="checkbox"/> Home <input type="checkbox"/> Business <input type="checkbox"/> Cell <input type="checkbox"/> Pager ()	Backup Phone <input type="checkbox"/> Home <input type="checkbox"/> Business <input type="checkbox"/> Cell <input type="checkbox"/> Pager ()	

C. Address of primary premises location* If the primary location does not have an address, see instruction sheet.

Description of location (Examples: "milking barn" or "pasture")

Premises Address: Check here if same as mailing address in Section A and skip to Section D

City/Village/Town	State WI	Zip code	County
O P T I O N A L Township number (1 – 53N) Range number (20W – 30E) Section number (1-36) ¼ Section ¼¼ Section	Geographic coordinates West (Longitude) (must be between 86.000 and 94.000) North (Latitude) (must be between 42.000 and 48.000)		

D. Livestock premises type* Check ONE that best applies. If your premises has more than one type of operation, see instruction sheet.

<input type="checkbox"/> Farm or production unit (Includes hobby farm)	<input type="checkbox"/> Livestock exhibition	<input type="checkbox"/> Clinic	<input type="checkbox"/> Market or livestock collection point	<input type="checkbox"/> Rendering or carcass collection point
<input type="checkbox"/> Slaughter establishment	<input type="checkbox"/> Tagging site	<input type="checkbox"/> Laboratory	<input type="checkbox"/> Quarantine facility	<input type="checkbox"/> Non-producer participant (See instruction sheet for definition and examples)

All information with an asterisk (*) is required under s. 95.51, Wis. Stats. and s. ATCP 17.02, Wis. Adm. Code., unless otherwise specified.

Continued on next page

E. Types of livestock or livestock carcasses on premises and any secondary locations* Check ALL that apply.

Bovine – please specify:

Beef Cattle

Dairy Cattle

Bison

Camelids (includes llamas and alpacas)

Captive cervids (includes deer, elk, moose, caribou, reindeer, and the subfamily musk deer)

Equine (includes horses, mules and donkeys)

Fish (includes all fish kept at a fish farm that requires registration under s. ATCP 10.61)

Goats

Poultry (includes **domesticated fowl** like chickens, turkeys, geese, ducks, guinea fowl, squab, **ratites** like rheas, ostriches, emus, cassowaries, kiwi, **and captive game birds** like pheasants, quail, wild turkeys, migratory wildfowl, pigeons, and exotic birds raised for hunting, which are raised in captivity)

Sheep

Swine

F. Secondary locations (if applicable)* If your premises has more than one location (but the same contact individual), you may list up to three secondary locations here. (Example: a dairy farm may list its heifer and dry cow facilities below as two secondary locations because they are at separate geographical locations, yet the contact individual is the same for all locations AND livestock are commingled.) Additional premises need to be registered separately (see instruction sheet).

Description of location (Example: "dry cow facility -- 3 miles west of main premises")

Address

City/Village/Town

State
WI

Zip code

County

Description of location (Example: "heifer facility -- 5 miles southeast of main premises")

Address

City/Village/Town

State
WI

Zip code

County

Description of location

Address

City/Village/Town

State
WI

Zip code

County

G. Signature

I declare that I have examined this registration application, and to the best of my knowledge it is true and correct.

Signature of registrant or authorized representative

Date

Print name of person signing

Title of person signing

(Examples: "livestock owner" or "Vice President, XYZ Farms, Inc.")

All information with an asterisk (*) is required under s. 95.51, Wis. Stats. and s. ATCP 17.02, Wis. Adm. Code.

Additional livestock premises registration forms may be obtained by calling (888) 808-1910.