

H. 3/6/97 Agriculture
H. 3-3-97 Do Pass
FILED FEB 26 1997
H. 4/10/97 Unfinished Business Calendar

SENATE FILE 219
BY COMMITTEE ON AGRICULTURE

(SUCCESSOR TO SSB 137)

Passed Senate, Date 3/4/97 (p. 476) Passed House, ^(P. 1200) Date 4-14-97
Vote: Ayes 49 Nays 0 Vote: Ayes 97 Nays 0
Approved April 22, 1997

A BILL FOR

1 An Act relating to trespassing or stray livestock and providing
2 remedies and an effective date.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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S.F. 219

1 Section 1. NEW SECTION. 169C.1 DEFINITIONS.

2 As used in this chapter, unless the context otherwise
3 requires:

4 1. "Aggrieved party" means a landowner or a local
5 authority.

6 2. "Landowner" means a person who holds an interest in
7 land, including a titleholder or tenant.

8 3. "Livestock" means an animal belonging to the bovine,
9 caprine, equine, ovine, or porcine species; ostriches, rheas,
10 or emus; farm deer as defined in section 481A.1; or poultry.

11 4. "Livestock care provider" means a person designated by
12 a local authority to provide care to livestock which is
13 distrained by a local authority.

14 5. "Livestock owner" means the person who holds title to
15 livestock or who is primarily responsible for the care and
16 feeding of the livestock as provided by the titleholder.

17 6. "Local authority" means a city as defined in section
18 362.2 or a county as provided in chapter 331.

19 7. "Maintenance" means the provision of shelter, food,
20 water, or a nutritional formulation as required pursuant to
21 chapter 717.

22 Sec. 2. NEW SECTION. 169C.2 CUSTODY AND MAINTENANCE.

23 A landowner may take custody of livestock if the livestock
24 trespasses upon the landowner's land or strays from the
25 livestock owner's control on a public road which adjoins the
26 landowner's land. A local authority may take custody of the
27 livestock as provided by the local authority. The landowner
28 shall not transfer custody of the livestock to a person other
29 than the livestock owner or a local authority, unless the
30 livestock owner approves of the transfer. A local authority
31 shall not transfer custody of the livestock to a person other
32 than the livestock owner or a livestock care provider.

33 Sec. 3. NEW SECTION. 169C.3 NOTICE TO LIVESTOCK OWNER.

34 1. a. If livestock trespasses upon a landowner's land or
35 the landowner takes custody of the livestock, the landowner

1 shall deliver notice of the trespass or custody to the
2 livestock owner within forty-eight hours following discovery
3 of the trespass or taking custody of livestock which has not
4 trespassed. If a local authority takes custody of the
5 livestock, the local authority shall deliver notice of the
6 custody to the livestock owner within forty-eight hours after
7 taking custody of the livestock. The forty-eight-hour period
8 shall exclude any time that falls on a Sunday or a holiday
9 recognized by the state or the United States. The notice
10 shall be made in writing and delivered by certified mail or
11 personal service to the last known mailing address of the
12 livestock owner.

13 b. If the aggrieved party does not know the name and
14 address of the livestock owner, the aggrieved party shall make
15 reasonable efforts to determine the identity of the livestock
16 owner. The reasonable efforts shall include obtaining the
17 name and address of the owner of the brand appearing on the
18 livestock from the department of agriculture and land
19 stewardship under chapter 169A. If the name and address of
20 the livestock owner cannot be determined, the aggrieved party
21 shall publish the notice as soon as possible at least once
22 each week for two consecutive weeks in a newspaper having
23 general circulation in the county where the livestock is
24 located.

25 2. A notice required under this section shall at least
26 provide all of the following:

27 a. The name and address of the landowner or local
28 authority.

29 b. A description of the livestock and where it trespassed
30 or strayed.

31 c. An estimate of the amount of the livestock owner's
32 liability.

33 Sec. 4. NEW SECTION. 169C.4 LIABILITY.

34 1. A livestock owner shall be liable to the following
35 persons:

1 a. To a landowner for damages caused by the livestock
2 owner's livestock which have trespassed on the landowner's
3 land, including but not limited to property damage and costs
4 incurred by a landowner's custody of the livestock including
5 maintenance costs. A livestock owner's liability is not
6 affected by the failure of a landowner to take custody of the
7 livestock. A livestock owner shall not be liable for damages
8 incurred by the landowner if the livestock trespassed through
9 a fence that was not maintained by the landowner as required
10 pursuant to chapter 359A.

11 b. To a landowner who takes custody of livestock on a
12 public road as provided in section 169C.3 for costs incurred
13 by the landowner in taking custody of the livestock, including
14 maintenance costs.

15 c. To a local authority which takes custody of livestock
16 for costs incurred by the local authority in taking custody of
17 the livestock, including maintenance costs.

18 2. An aggrieved party who fails to provide timely notice
19 of a livestock's trespass or custody as required by section
20 169C.3 shall not be entitled to compensation for damages for
21 the period of time during which the aggrieved party fails to
22 provide timely notice.

23 3. An aggrieved party is not liable for an injury or death
24 suffered by the livestock in the landowner's custody, unless
25 the landowner caused the injury or death. The landowner is
26 not liable for livestock that strays from the landowner's
27 land. An aggrieved party is not liable for livestock that
28 strays from the control of the aggrieved party.

29 Sec. 5. NEW SECTION. 169C.5 SATISFACTION FOR DAMAGES.

30 1. a. After receiving notice by an aggrieved party as
31 required by section 169C.3, the livestock owner shall pay all
32 damages to the aggrieved party for which the livestock owner
33 is liable.

34 b. The aggrieved party or the livestock owner may bring a
35 civil action in order to determine the livestock owner's

1 liability and the amount of any claim for damages. The
2 aggrieved party or livestock owner must bring the action
3 within thirty days following receipt or publication of the
4 notice as required by section 169C.3. The court may join all
5 other claims arising out of the same facts that are alleged in
6 the claim for damages. The civil action may be heard by a
7 district judge or a district associate judge. The civil
8 action may be heard by the district court sitting in small
9 claims as provided in chapter 631.

10 c. If the livestock is in the custody of an aggrieved
11 party or livestock care provider, a rebuttable presumption
12 arises that the livestock has trespassed or strayed from the
13 control of the livestock owner. The rebuttable presumption
14 shall not apply if a criminal charge has been filed involving
15 the removal or transfer of the livestock. The burden of proof
16 regarding all other matters of dispute shall be on the
17 aggrieved party.

18 d. The failure of an aggrieved party to provide notice as
19 required by section 169C.3 shall not bar the aggrieved party
20 from being awarded a judgment, if the court determines that
21 the livestock owner had actual knowledge that the livestock
22 had trespassed or strayed and the name and address of the
23 aggrieved party.

24 2. If a civil action is brought by the livestock owner or
25 aggrieved party, the matter shall be heard by a court on an
26 expedited basis. The aggrieved party shall provide for the
27 transfer of the livestock to the livestock owner, if the
28 livestock owner posts a bond or other security with the court
29 in the amount of the aggrieved party's claim. If a bond or
30 security is not posted, the aggrieved party or livestock care
31 provider shall keep custody of and provide maintenance to the
32 livestock. However, the livestock owner shall post the bond
33 or other security if the matter is set for hearing more than
34 thirty days from the date that the petition bringing the civil
35 action is filed. The court shall order the immediate

1 disposition of the livestock as provided in chapter 717, if
2 the livestock is permanently distressed by disease or injury
3 to a degree that would result in severe or prolonged
4 suffering.

5 3. If a civil action is not timely brought as provided in
6 this section, title to the livestock shall transfer to the
7 aggrieved party thirty days following receipt of the notice by
8 the livestock owner or the first date of the notice's
9 publication as required pursuant to section 169C.3, if the
10 parties fail to agree to the amount, terms, or conditions of
11 payment or if the identity of the livestock owner cannot be
12 determined. Title to the livestock shall transfer subject to
13 any applicable security interests or liens.

14 4. A landowner is liable to the livestock owner for twice
15 the fair market value of livestock that the landowner
16 transfers to a person other than a local authority in
17 violation of section 169C.2.

18 5. If the aggrieved party is a local authority, the local
19 authority shall reimburse the landowner for the landowner's
20 damages from proceeds received from the sale of the livestock,
21 after satisfying any superior security interests or liens.

22 Sec. 6. EFFECTIVE DATE. This Act, being deemed of
23 immediate importance, takes effect upon enactment.

24 EXPLANATION

25 This bill provides a cause of action to a landowner or a
26 county or city, referred to as a local authority, when the
27 livestock is trespassing, or is taken into custody when it has
28 strayed from its owners control. The bill provides that a
29 landowner may take custody of livestock if the livestock
30 trespasses upon the landowner's land or is on a public road
31 which adjoins the landowner's land. The bill also provides
32 that a local authority may take custody of the livestock. The
33 bill provides that the landowner or the local authority must
34 provide notice to the livestock owner. The livestock owner is
35 liable for damages caused by the livestock, including property

1 damage and costs associated with the trespass or custody,
2 including livestock maintenance costs during a period of
3 custody. After receiving notice, the livestock owner is
4 required to pay damages to the landowner or local authority.
5 Either party may bring an action in district court to
6 determine liability. The court case must be heard on an
7 expedited basis. If the case is not brought to court, title
8 to the livestock transfers to the landowner or local
9 authority, if the livestock owner fails to pay the damages or
10 the identity of the livestock owner cannot be determined. If
11 the local authority takes custody of the livestock, the local
12 authority must reimburse the landowner for the landowner's
13 damages from proceeds received from the sale of the livestock.
14 The bill takes effect upon enactment.

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Judge, Chair
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SSB-137

Agriculture

SENATE FILE Succeeded By 219
BY (PROPOSED ~~COMMITTEE ON~~
AGRICULTURE BILL BY
CHAIRPERSON RENSINK)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

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10 or emus; farm deer as defined in section 481A.1; or poultry.

11 4. "Livestock care provider" means a person designated by
12 a local authority to provide care to livestock which is
13 distrained by a local authority.

14 5. "Livestock owner" means the person who holds title to
15 livestock or who is primarily responsible for the care and
16 feeding of the livestock as provided by the titleholder.

17 6. "Local authority" means a city as defined in section
18 362.2 or a county as provided in chapter 331.

19 7. "Maintenance" means the provision of shelter, food,
20 water, or a nutritional formulation as required pursuant to
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24 trespasses upon the landowner's land or strays from the
25 livestock owner's control on a public road which adjoins the
26 landowner's land. A local authority may take custody of the
27 livestock as provided by the local authority. The landowner
28 shall not transfer custody of the livestock to a person other
29 than the livestock owner or a local authority, unless the
30 livestock owner approves of the transfer. A local authority
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3 of the trespass or taking custody of livestock which has not
4 trespassed. If a local authority takes custody of the
5 livestock, the local authority shall deliver notice of the
6 custody to the livestock owner within forty-eight hours after
7 taking custody of the livestock. The forty-eight-hour period
8 shall exclude any time that falls on a Sunday or a holiday
9 recognized by the state or the United States. The notice
10 shall be made in writing and delivered by certified mail or
11 personal service to the last known mailing address of the
12 livestock owner.

13 b. If the aggrieved party does not know the name and
14 address of the livestock owner, the aggrieved party shall make
15 reasonable efforts to determine the identity of the livestock
16 owner. The reasonable efforts shall include obtaining the
17 name and address of the owner of the brand appearing on the
18 livestock from the department of agriculture and land
19 stewardship under chapter 169A. If the name and address of
20 the livestock owner cannot be determined, the aggrieved party
21 shall publish the notice as soon as possible at least once
22 each week for two consecutive weeks in a newspaper having
23 general circulation in the county where the livestock is
24 located.

25 2. A notice required under this section shall at least
26 provide all of the following:

27 a. The name and address of the landowner or local
28 authority.

29 b. A description of the livestock and where it trespassed
30 or strayed.

31 c. An estimate of the amount of the livestock owner's
32 liability.

33 Sec. 4. NEW SECTION. 169C.4 LIABILITY.

34 1. A livestock owner shall be liable to the following
35 persons:

1 a. To a landowner for damages caused by the livestock
2 owner's livestock which have trespassed on the landowner's
3 land, including but not limited to property damage and costs
4 incurred by a landowner's custody of the livestock including
5 maintenance costs. A livestock owner's liability is not
6 affected by the failure of a landowner to take custody of the
7 livestock. A livestock owner shall not be liable for damages
8 incurred by the landowner if the livestock trespassed through
9 a fence that was not maintained by the landowner as required
10 pursuant to chapter 359A.

11 b. To a landowner who takes custody of livestock on a
12 public road as provided in section 169C.3 for costs incurred
13 by the landowner in taking custody of the livestock, including
14 maintenance costs.

15 c. To a local authority which takes custody of livestock
16 for costs incurred by the local authority in taking custody of
17 the livestock, including maintenance costs.

18 2. An aggrieved party who fails to provide timely notice
19 of a livestock's trespass or custody as required by section
20 169C.3 shall not be entitled to compensation for damages for
21 the period of time during which the aggrieved party fails to
22 provide timely notice.

23 3. An aggrieved party is not liable for an injury or death
24 suffered by the livestock in the landowner's custody, unless
25 the landowner caused the injury or death. The landowner is
26 not liable for livestock that strays from the landowner's
27 land. An aggrieved party is not liable for livestock that
28 strays from the control of the aggrieved party.

29 Sec. 5. NEW SECTION. 169C.5 SATISFACTION FOR DAMAGES.

30 1. a. After receiving notice by an aggrieved party as
31 required by section 169C.3, the livestock owner shall pay all
32 damages to the aggrieved party for which the livestock owner
33 is liable.

34 b. The aggrieved party or the livestock owner may bring a
35 civil action in order to determine the livestock owner's

1 liability and the amount of any claim for damages. The
2 aggrieved party or livestock owner must bring the action
3 within thirty days following receipt or publication of the
4 notice as required by section 169C.3. The court may join all
5 other claims arising out of the same facts that are alleged in
6 the claim for damages. The civil action may be heard by a
7 district judge or a district associate judge. The civil
8 action may be heard by the district court sitting in small
9 claims as provided in chapter 631.

10 c. If the livestock is in the custody of an aggrieved
11 party or livestock care provider, a rebuttable presumption
12 arises that the livestock has trespassed or strayed from the
13 control of the livestock owner. The rebuttable presumption
14 shall not apply if a criminal charge has been filed involving
15 the removal or transfer of the livestock. The burden of proof
16 regarding all other matters of dispute shall be on the
17 aggrieved party.

18 d. The failure of an aggrieved party to provide notice as
19 required by section 169C.3 shall not bar the aggrieved party
20 from being awarded a judgment, if the court determines that
21 the livestock owner had actual knowledge that the livestock
22 had trespassed or strayed and the name and address of the
23 aggrieved party.

24 2. The matter shall be heard by the court within thirty
25 days from the filing of a petition by the livestock owner or
26 aggrieved party. The aggrieved party or livestock care
27 provider shall keep custody of and provide maintenance to the
28 livestock during the proceedings, unless the court orders
29 otherwise. However, the livestock shall be returned to the
30 livestock owner, if the livestock owner posts a bond or other
31 security with the court in an amount determined by the court,
32 which shall be not more than the amount of the aggrieved
33 party's claim. The court may continue the hearing for up to
34 forty days upon motion by the livestock owner. However, the
35 livestock owner must post the bond or other security with the

1 court. The court may grant a subsequent continuance by the
2 livestock owner for the same length of time. The court shall
3 order the immediate disposition of the livestock as provided
4 in chapter 717, if the livestock is permanently distressed by
5 disease or injury to a degree that would result in severe or
6 prolonged suffering.

7 3. a. If a petition is not timely brought in district
8 court contesting the livestock owner's liability as provided
9 in this section, the livestock owner shall pay the aggrieved
10 party the amount in damages incurred by the aggrieved party as
11 established in the notice. The agreement shall be enforceable
12 in a civil action.

13 b. If a civil action is not timely brought as provided in
14 this section, title to the livestock shall transfer to the
15 aggrieved party thirty days following receipt of the notice by
16 the livestock owner or the first date of the notice's
17 publication as required pursuant to section 169C.3, if the
18 parties fail to agree to the amount, terms, or conditions of
19 payment or if the identity of the livestock owner cannot be
20 determined. Title to the livestock shall transfer subject to
21 any applicable security interests or liens.

22 4. A landowner is liable to the livestock owner for twice
23 the fair market value of livestock that the landowner
24 transfers to a person other than a local authority in
25 violation of section 169C.2.

26 5. A landowner is liable to a livestock owner for an
27 amount equaling the difference between the fair market value
28 of livestock and damages incurred by the aggrieved party
29 including maintenance costs prior to transfer of the
30 livestock's title pursuant to section 169C.5. If the
31 aggrieved party is a local authority, the local authority
32 shall reimburse the landowner for the landowner's damages from
33 proceeds received from the sale of the livestock, after
34 satisfying any superior security interests or liens.

35 Sec. 6. EFFECTIVE DATE. This Act, being deemed of

1 immediate importance, takes effect upon enactment.

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EXPLANATION

3 This bill provides a cause of action to a landowner or a
4 county or city, referred to as a local authority, when the
5 livestock is trespassing, or is taken into custody when it has
6 strayed from its owners control. The bill provides that a
7 landowner may take custody of livestock if the livestock
8 trespasses upon the landowner's land or is on a public road
9 which adjoins the landowner's land. The bill also provides
10 that a local authority may take custody of the livestock. The
11 bill provides that the landowner or the local authority must
12 provide notice to the livestock owner. The livestock owner is
13 liable for damages caused by the livestock, including property
14 damage and costs associated with the trespass or custody,
15 including livestock maintenance costs during a period of
16 custody. After receiving notice, the livestock owner is
17 required to pay damages to the landowner or local authority.
18 Either party may bring an action in district court to
19 determine liability. The court case must be heard on an
20 expedited basis. If the case is not brought to court, title
21 to the livestock transfers to the landowner or local
22 authority, if the livestock owner fails to pay the damages or
23 the identity of the livestock owner cannot be determined. The
24 landowner or local authority must reimburse the livestock
25 owner for the difference between the value of the livestock
26 and the amount incurred in damages. If the local authority
27 takes custody of the livestock, the local authority must
28 reimburse the landowner for the landowner's damages from
29 proceeds received from the sale of the livestock.

30 The bill takes effect upon enactment.

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SENATE FILE 219

AN ACT
RELATING TO TRESPASSING OR STRAY LIVESTOCK AND PROVIDING
REMEDIES AND AN EFFECTIVE DATE.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. NEW SECTION. 169C.1 DEFINITIONS.

As used in this chapter, unless the context otherwise requires:

1. "Aggrieved party" means a landowner or a local authority.
2. "Landowner" means a person who holds an interest in land, including a titleholder or tenant.
3. "Livestock" means an animal belonging to the bovine, caprine, equine, ovine, or porcine species; ostriches, rheas, or emus; farm deer as defined in section 481A.1; or poultry.
4. "Livestock care provider" means a person designated by a local authority to provide care to livestock which is distrained by a local authority.
5. "Livestock owner" means the person who holds title to livestock or who is primarily responsible for the care and feeding of the livestock as provided by the titleholder.

6. "Local authority" means a city as defined in section 362.2 or a county as provided in chapter 331.

7. "Maintenance" means the provision of shelter, food, water, or a nutritional formulation as required pursuant to chapter 717.

Sec. 2. NEW SECTION. 169C.2 CUSTODY AND MAINTENANCE.

A landowner may take custody of livestock if the livestock trespasses upon the landowner's land or strays from the livestock owner's control on a public road which adjoins the landowner's land. A local authority may take custody of the livestock as provided by the local authority. The landowner shall not transfer custody of the livestock to a person other than the livestock owner or a local authority, unless the livestock owner approves of the transfer. A local authority shall not transfer custody of the livestock to a person other than the livestock owner or a livestock care provider.

Sec. 3. NEW SECTION. 169C.3 NOTICE TO LIVESTOCK OWNER.

1. a. If livestock trespasses upon a landowner's land or the landowner takes custody of the livestock, the landowner shall deliver notice of the trespass or custody to the livestock owner within forty-eight hours following discovery of the trespass or taking custody of livestock which has not trespassed. If a local authority takes custody of the livestock, the local authority shall deliver notice of the custody to the livestock owner within forty-eight hours after taking custody of the livestock. The forty-eight-hour period shall exclude any time that falls on a Sunday or a holiday recognized by the state or the United States. The notice shall be made in writing and delivered by certified mail or personal service to the last known mailing address of the livestock owner.
- b. If the aggrieved party does not know the name and address of the livestock owner, the aggrieved party shall make reasonable efforts to determine the identity of the livestock owner. The reasonable efforts shall include obtaining the

name and address of the owner of the brand appearing on the livestock from the department of agriculture and land stewardship under chapter 169A. If the name and address of the livestock owner cannot be determined, the aggrieved party shall publish the notice as soon as possible at least once each week for two consecutive weeks in a newspaper having general circulation in the county where the livestock is located.

2. A notice required under this section shall at least provide all of the following:

- a. The name and address of the landowner or local authority.
- b. A description of the livestock and where it trespassed or strayed.
- c. An estimate of the amount of the livestock owner's liability.

Sec. 4. NEW SECTION. 169C.4 LIABILITY.

1. A livestock owner shall be liable to the following persons:

a. To a landowner for damages caused by the livestock owner's livestock which have trespassed on the landowner's land, including but not limited to property damage and costs incurred by a landowner's custody of the livestock including maintenance costs. A livestock owner's liability is not affected by the failure of a landowner to take custody of the livestock. A livestock owner shall not be liable for damages incurred by the landowner if the livestock trespassed through a fence that was not maintained by the landowner as required pursuant to chapter 359A.

b. To a landowner who takes custody of livestock on a public road as provided in section 169C.3 for costs incurred by the landowner in taking custody of the livestock, including maintenance costs.

c. To a local authority which takes custody of livestock for costs incurred by the local authority in taking custody of the livestock, including maintenance costs.

2. An aggrieved party who fails to provide timely notice of a livestock's trespass or custody as required by section 169C.3 shall not be entitled to compensation for damages for the period of time during which the aggrieved party fails to provide timely notice.

3. An aggrieved party is not liable for an injury or death suffered by the livestock in the landowner's custody, unless the landowner caused the injury or death. The landowner is not liable for livestock that strays from the landowner's land. An aggrieved party is not liable for livestock that strays from the control of the aggrieved party.

Sec. 5. NEW SECTION. 169C.5 SATISFACTION FOR DAMAGES.

1. a. After receiving notice by an aggrieved party as required by section 169C.3, the livestock owner shall pay all damages to the aggrieved party for which the livestock owner is liable.

b. The aggrieved party or the livestock owner may bring a civil action in order to determine the livestock owner's liability and the amount of any claim for damages. The aggrieved party or livestock owner must bring the action within thirty days following receipt or publication of the notice as required by section 169C.3. The court may join all other claims arising out of the same facts that are alleged in the claim for damages. The civil action may be heard by a district judge or a district associate judge. The civil action may be heard by the district court sitting in small claims as provided in chapter 631.

c. If the livestock is in the custody of an aggrieved party or livestock care provider, a rebuttable presumption arises that the livestock has trespassed or strayed from the control of the livestock owner. The rebuttable presumption shall not apply if a criminal charge has been filed involving the removal or transfer of the livestock. The burden of proof regarding all other matters of dispute shall be on the aggrieved party.

d. The failure of an aggrieved party to provide notice as required by section 169C.3 shall not bar the aggrieved party from being awarded a judgment, if the court determines that the livestock owner had actual knowledge that the livestock had trespassed or strayed and the name and address of the aggrieved party.

2. If a civil action is brought by the livestock owner or aggrieved party, the matter shall be heard by a court on an expedited basis. The aggrieved party shall provide for the transfer of the livestock to the livestock owner, if the livestock owner posts a bond or other security with the court in the amount of the aggrieved party's claim. If a bond or security is not posted, the aggrieved party or livestock care provider shall keep custody of and provide maintenance to the livestock. However, the livestock owner shall post the bond or other security if the matter is set for hearing more than thirty days from the date that the petition bringing the civil action is filed. The court shall order the immediate disposition of the livestock as provided in chapter 717, if the livestock is permanently distressed by disease or injury to a degree that would result in severe or prolonged suffering.

3. If a civil action is not timely brought as provided in this section, title to the livestock shall transfer to the aggrieved party thirty days following receipt of the notice by the livestock owner or the first date of the notice's publication as required pursuant to section 169C.3, if the parties fail to agree to the amount, terms, or conditions of payment or if the identity of the livestock owner cannot be determined. Title to the livestock shall transfer subject to any applicable security interests or liens.

4. A landowner is liable to the livestock owner for twice the fair market value of livestock that the landowner transfers to a person other than a local authority in violation of section 169C.2.

5. If the aggrieved party is a local authority, the local authority shall reimburse the landowner for the landowner's damages from proceeds received from the sale of the livestock, after satisfying any superior security interests or liens.

Sec. 6. EFFECTIVE DATE. This Act, being deemed of immediate importance, takes effect upon enactment.

.....
MARY S. KRAMER
President of the Senate

.....
RON J. CORBETT
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 219, Seventy-seventh General Assembly.

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MARY PAT GUNDERSON
Secretary of the Senate

Approved *April 22*, 1997

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TERRY E. BRANSTAD
Governor