

**RULES  
OF  
TENNESSEE DEPARTMENT OF AGRICULTURE  
ANIMAL HEALTH**

**CHAPTER 0080-02-08  
LIVESTOCK DEALERS**

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**0080-02-08-.01 RECORDS REQUIRED BY THE COMMISSIONER.** Each person eligible for licensing under this Act as a Livestock Dealer shall maintain written records on each transaction made involving livestock bought, sold, traded for, or given away.

**Authority:** T.C.A. §§ 44-2-1302, 44-11-112, 44-10-204, and Chapter 112, Section 4 of the Public Acts of 1973. **Administrative History:** Original rule filed May 15, 1977, effective June 14, 1977.

**0080-02-08-.02 LENGTH OF TIME RECORDS TO BE MAINTAINED.** Records required by the Commissioner shall be maintained and preserved for a period of five years.

**Authority:** T.C.A. §§ 4-3-203, 44-2-1302, 44-10-204, 44-11-112, and Chapter 112, Section 4 of the Public Acts of 1973. **Administrative History:** Original rule filed May 15, 1977, effective June 14, 1977. Amendments filed March 30, 2017; effective June 28, 2017.

**0080-02-08-.03 INFORMATION TO BE RECORDED.**

- (1) Full name and address of the buyer and seller of livestock, which shall reflect the origin and destination of such livestock.
- (2) Date of each purchase, sale, or transaction.
- (3) Date and place of Brucellosis test, when such test is required.
- (4) Number of animals involved.
- (5) Sufficient individual description of identification so that each animal may be traced to the herd and farm of origin. (This may include breed, sex, age, weight, tattoos, registration numbers, eartag numbers and/or backtag numbers.)

**Authority:** T.C.A. §§ 4-3-203, 44-2-1302, 44-10-204, 44-11-112, and Chapter 112, Section 4 of the Public Acts of 1973. **Administrative History:** Original rule filed May 15, 1977, effective June 14, 1977.

**0080-02-08-.04 INSPECTION OF RECORDS.** All records required by the Commissioner shall be available for inspection by the Commissioner or his representative at any reasonable hour.

**Authority:** T.C.A. §§ 4-3-203, 44-2-1302, 44-10-204, 44-11-112, and Chapter 112, Section 4 of the Public Acts of 1973. **Administrative History:** Original rule filed May 15, 1977, effective June 14, 1977.

**0080-02-08-.05 NOTICE OF INSPECTION.** Persons dealing in livestock within the state shall submit required records for inspection within twenty-four (24) hours of any request by the Commissioner or his representative for such inspection.

**Authority:** T.C.A. §§ 4-3-203, 44-2-1302, 44-10-204, 44-11-112, and Chapter 112, Section 4 of the Public Acts of 1973. **Administrative History:** Original rule filed May 15, 1977, effective June 14, 1977.

**0080-02-08-.06 AUTHORITY TO MAKE COPIES.** The Commissioner or his representative shall have the authority to copy, photograph, or otherwise reproduce all such records as he may deem necessary for official use.

**Authority:** T.C.A. §§ 4-3-203, 44-2-1302, 44-10-20, 44-11-112, and Chapter 112, Section 4 of the Public Acts of 1973. **Administrative History:** Original rule filed May 15, 1977, effective June 14, 1977.

**0080-02-08-.07 FALSIFICATION OF INFORMATION.** Falsification of any information in records which are required by the Commissioner shall be cause for revocation or suspension of livestock dealer license.

**Authority:** T.C.A. §§ 4-3-203, 44-2-1302, 44-10-204, 44-11-112, and Chapter 112, Section 4 of the Public Acts of 1973. **Administrative History:** Original rule filed May 15, 1977, effective June 14, 1977.

**0080-02-08-.08 SCOPE.**

- (1) This chapter applies to any person who buys, receives, or assembles livestock for resale—on that person's account or for the account of another person—more than nine times in any consecutive three-month period.
- (2) Persons licensed under this chapter shall be responsible for permitted operations until the applicable license expires or the department receives written notification from the licensee desiring to terminate the license. The department shall not refund fees for early termination of any license under this chapter.
- (3) Licenses issued under this chapter are not transferable from person to person.

**Authority:** T.C.A. §§ 4-3-203 and 44-10-204. **Administrative History:** New rule filed March 30, 2017; effective June 28, 2017.

**0080-02-08-.09 DEFINITIONS.**

- (1) Terms in this chapter share those meanings of terms set forth in the Tennessee Livestock Dealer Act, T.C.A. § 44-10-201, et seq.
- (2) When used in this chapter, unless the context requires otherwise:
  - (a) Act means the Tennessee Livestock Dealer Act, compiled at T.C.A. § 44-10-201, et seq.;
  - (b) Buys, receives, or assembles livestock means the constructive acquisition of livestock, which includes but is not limited to placement of a winning bid for livestock at public auction;
  - (c) For resale means the acquisition of livestock, where the acquirer or purchaser retains the animals for less than 60 days;
  - (d) Public auction means the presentation of livestock, open to the public, where offers are solicited and competitive bidding is undertaken for sale of the livestock, with or without reservation;

(Rule 0080-02-08-.09, continued)

- (e) Times in any consecutive three-month period means the number of times livestock is bought, received, or assembled for resale within a 90 day period. The term refers to the number of transactions conducted and not the number of animals acquired.

**Authority:** T.C.A. §§ 4-3-203 and 44-10-204. **Administrative History:** New rule filed March 30, 2017; effective June 28, 2017.

**0080-02-08-.10 LICENSE APPLICATION AND FEES.**

- (1) All persons to whom these rules apply shall obtain a license in accordance with this chapter.
- (2) Application for a livestock dealer license shall be made on forms provided by the department, which shall be completed in full and shall include:
  - (a) Name of the applicant;
  - (b) Date of birth for any applicant who is an individual or a partner in a general partnership;
  - (c) Proof of one of the following for any applicant that is not an individual or a partner in a general partnership:
    - 1. Applicant's registration in its state of incorporation;
    - 2. Applicant's registration with the Tennessee Department of Revenue; or,
    - 3. Applicant's business license issued by a local governmental authority;
  - (d) For any applicant that is not an individual, name and date of birth of the applicant's agent(s) who are authorized to buy, receive, or assemble livestock on the applicant's behalf.
  - (e) Contact information for applicant, to include name of person legally responsible for applicant's operations, telephone number, email address, and address of the principal place of business;
  - (f) Name and address of applicant's registered agent for service of process, if any.
- (3) Licensees shall notify the department of any changes to the information or contents of an application within 30 days after the change takes place.
- (4) The fee for a livestock dealer license is a Tier 3 annual fee under T.C.A. § 43-1-703(f). However, for any person holding dual licensure from the department as a livestock market, no fee shall be required for a livestock dealer license.
- (5) An applicant for licensure under this chapter shall remit its application and annual license fee to the department on or before July 1 of each year. All licenses issued under this chapter shall expire on June 30 following their issuance. If an applicant for renewal fails to remit payment of the license fee on or before July 16 of the licensure year for which renewal is sought, the applicant shall also be required to pay a late charge assessed under T.C.A. § 43-1-703 prior to renewal of the applicant's license.
- (6) The department may deny any application for licensure that is not completed in accordance with this rule.

(Rule 0080-02-08-.10, continued)

**Authority:** T.C.A. §§ 4-3-203, 43-1-703, 44-10-203, and 44-10-204. **Administrative History:** New rule filed March 30, 2017; effective June 28, 2017.