

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

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HOUSE BILL 464  
Committee Substitute Favorable 4/17/91

Short Title: Seed Fees Revised/ No Bond.

(Public)

Sponsors:

Referred to:

April 1, 1991

A BILL TO BE ENTITLED

AN ACT TO MODIFY THE FEES PAYABLE BY SEED GROWERS AND DEALERS, TO AUTHORIZE THE BOARD OF AGRICULTURE TO ISSUE A STOP-SALE ORDER WHEN A DEALER OR GROWER FAILS TO PAY THE SEED FEE, AND TO ELIMINATE THE REQUIREMENT THAT A SEED DEALER OR GROWER FURNISH A BOND.

The General Assembly of North Carolina enacts:

Section 1. G.S. 106-277.28 reads as rewritten:

**"§ 106-277.28. Fees for tags, stamps and licenses. License and inspection fees.**

For the purpose of providing a fund to defray the expense of inspection, examination, ~~analyses and analysis~~ of seeds and ~~the enforcement of the provisions of the~~ this Article:

- (1) ~~Each seed dealer or grower selling, offering or exposing for sale in this State any agricultural or vegetable seeds for seeding purposes shall purchase from the Commissioner for two cents (2¢) each, official North Carolina seed analysis tags or stamps and shall attach a tag (or stamp on the seedman's label) to each container holding 10 pounds or more of seed; provided, however, that a seed dealer or grower who sells only seed lots originated by his company may request to pay these applicable fees through the reporting system prescribed in subdivision (3) hereof; provided, further, that this subdivision shall not apply to the sale of seed by a farmer who sells only seed grown on his farm and when such sales are confined to his farm.~~

- 1           (2) Each seed dealer ~~selling, distributing, offering, or exposing for sale in, or~~  
2 ~~exporting from, this State~~ who offers for sale any agricultural, vegetable,  
3 or lawn or turf seeds for seeding purposes shall register with the  
4 Commissioner and shall obtain an annual license, for each location  
5 where activities are conducted, by January 1 of each year and shall pay  
6 for such license as follows: the following license fee:
- 7           a. Wholesale or combined wholesale and retail  
8             seed dealer       \$100.00
  - 9           b. Retail seed dealer with sales of no  
10            more than \$500.00       5.00
  - 11           c. Retail seed dealer with sales of more  
12            than \$500.00 but no more than \$1,000       15.00
  - 13           d. Retail seed dealer with sales of more  
14            than \$1,000       25.00.

- 15           (3) ~~A seed~~ Each seed dealer or grower who sells only seed lots originated by  
16 ~~his company may request of the Commissioner of Agriculture authority to~~  
17 ~~who has seed, whether originated or labeled by the dealer or grower,~~  
18 that is offered for sale in this State shall report the quantity of seed  
19 sold and to pay the fees pay an inspection fee of two cents (2¢) for each  
20 applicable under G.S. 106-277.28(1) in lieu of attaching an official North  
21 Carolina tag or stamp to each container of seeds weighing 10 pounds or  
22 more. This fee does not apply to seed grown by a farmer and offered  
23 for sale by the farmer at the farm where the seed was grown.

24           ~~Upon granting authority, the Commissioner of Agriculture shall require~~  
25 ~~each~~ Each seed dealer or grower ~~to shall~~ keep ~~such accurate~~ records as  
26 ~~may be necessary to indicate accurately of~~ the quantity of seeds and  
27 container weights sold from each distribution point in the State. ~~Such~~  
28 These records shall be available to the Commissioner or ~~his duty an~~  
29 authorized representative of the Commissioner at any and all  
30 reasonable hours for the purpose of ~~making such examination as is~~  
31 ~~necessary to verify~~ verifying the quantity of seed sold and the fees paid.  
32 Each seed dealer or grower shall report quarterly on forms furnished  
33 by the Commissioner the quantity and container weight of seeds sold.  
34 The reports shall be made on the first day of January, April, July, and  
35 October, or within 10 days thereafter, and the inspection fee shall be  
36 due and payable with the report. If the report is not filed and the  
37 inspection fee paid to the Department of Agriculture by the tenth day  
38 following the date due, or if the report of the quantity or container  
39 weights ~~be is~~ false, the Commissioner may ~~revoke the authority to use the~~  
40 ~~reporting system~~ issue a stop-sale order for all seed offered for sale by  
41 the dealer or grower. If the inspection fee is unpaid more than 15 days  
42 after the due date, the amount due shall bear a penalty of ten percent  
43 (10%) which shall be added to the inspection fee ~~due and the~~  
44 ~~Commissioner shall have authority to deduct said amount due and penalty~~

1 from the cash, securities or bond which has been deposited with the  
2 Department of Agriculture.

3 ~~In order to guarantee faithful performance with the provisions of~~  
4 ~~this section, each seed dealer or grower, before being granted a permit~~  
5 ~~to use the reporting system, shall deposit with the Commissioner cash~~  
6 ~~in the amount of five hundred dollars (\$500.00) or securities~~  
7 ~~acceptable to the Commissioner of a value of at least five hundred~~  
8 ~~dollars (\$500.00) or shall post with the Commissioner a surety bond in~~  
9 ~~like amount, executed by some corporate surety company authorized~~  
10 ~~to do business in North Carolina. due."~~

11 Sec. 2. This act becomes effective July 1, 1992.