

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013**

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SENATE BILL 386*

Short Title: Amend Grain Dealer Licensing Laws.-AB (Public)

Sponsors: Senators Barefoot, Rabin, Walters (Primary Sponsors); Brock, Jackson, and Jenkins.

Referred to: Agriculture/Environment/Natural Resources.

March 21, 2013

A BILL TO BE ENTITLED

AN ACT TO AMEND THE GRAIN DEALER LICENSING ACT TO INCREASE THE BONDING AMOUNT THAT MUST ACCOMPANY LICENSE APPLICATIONS; TO SPECIFY ADDITIONAL GROUNDS FOR LICENSE REFUSAL OR REVOCATION; AND TO PROVIDE THAT PERSONS WHOSE ACTIONS LED TO A LICENSE SUSPENSION OR REVOCATION MAY NOT WORK FOR A GRAIN DEALER IN A CAPACITY RELATED TO GRAIN SALES.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 106-604 reads as rewritten:

"§ 106-604. License fee; bond required; exemption.

All applications shall be accompanied by an initial or renewal license fee of fifty dollars (\$50.00) plus thirty dollars (\$30.00) per certificate or decal for each separate buying station or truck and a good and sufficient bond in the amount of ~~ten thousand dollars (\$10,000)~~ one hundred thousand dollars (\$100,000) to satisfy the initial license application. A fee of five dollars (\$5.00) shall be charged for each duplicate license, certificate or decal. "Cash buyers" upon written request to the Commissioner showing proof satisfactory to the Commissioner that the person is a "cash buyer" under this Article shall be exempted from the bonding requirements hereunder of this section. The exemption shall be granted within 20 days of the receipt of the exemption request or unless the Commissioner requests the dealer to provide additional necessary information or unless the request is denied."

SECTION 2. G.S. 106-610 reads as rewritten:

"§ 106-610. Grounds for refusal, suspension or revocation of license.

The Commissioner may refuse to grant or renew license, may suspend or may revoke any license upon a showing by substantial and competent evidence ~~that~~ of any of the following:

- (1) The dealer has suffered a final money judgment to be entered against him and such judgment remains ~~unsatisfied; or~~ unsatisfied.
- (2) The dealer has failed to promptly and properly account and pay for ~~grain;~~ or grain.
- (3) The dealer has failed to keep and maintain business records of his grain transactions as required ~~herein; or~~ by this Article.
- (4) The dealer has engaged in fraudulent or deceptive practices in the transaction of his business as a ~~dealer; or~~ dealer.
- (5) The dealer has failed to collect from a producer and remit to the Commissioner of Agriculture such assessments as have been approved by



1 the producers and are required to be collected under the provisions of Article
2 50 of Chapter 106 of the General ~~Statutes;~~ Statutes.

3 (6) The dealer or applicant has been convicted, pled guilty or nolo contendere
4 within three years in any state or federal court of a crime involving moral
5 ~~turpitude;~~ turpitude.

6 (7) The dealer has failed either to file the required bond or to keep such bond in
7 force.

8 (8) The applicant has acted or held himself out as a grain dealer without first
9 having obtained a license under the provisions of this Article.

10 (9) The dealer or applicant has violated any provision of this Article or rules
11 adopted pursuant to this Article. "

12 **SECTION 3.** G.S. 106-611 reads as rewritten:

13 **"§ 106-611. Procedure for denial, suspension, or revocation of license; effect of**
14 **revocation.**

15 (a) A denial, suspension, or revocation of a license under this Article shall be made in
16 accordance with Chapter 150B of the General Statutes.

17 (b) A license may not be suspended for more than one year. A person whose license is
18 revoked may not obtain another license under this Article until at least two years have elapsed
19 from the date of the final decision revoking the license or, if the decision is appealed, from the
20 date of the final judgment sustaining the revocation. A person whose actions lead to the
21 suspension or revocation of a grain dealer's license may not work for a grain dealer in any
22 capacity that involves the buying or selling of grain, or the handling of payments for grain."

23 **SECTION 4.** This act is effective when it becomes law.