

NORTH CAROLINA GENERAL ASSEMBLY  
1969 SESSION

CHAPTER 105  
SENATE BILL 72

1 AN ACT AMENDING THE NORTH CAROLINA SEED LAW SO AS TO PROVIDE AN  
2 ALTERNATIVE METHOD FOR COLLECTING FUNDS UNDER SAID ACT.

3  
4 The General Assembly of North Carolina do enact:

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6 **Section 1.** G.S. 106-277.28(1) is rewritten in its entirety to read as follows:

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

17 **Sec. 2.** G.S. 106-277.28 is amended by adding a new subdivision thereto, to be  
18 designated subdivision (3), and reading as follows:

19 "(3) A seed dealer or grower who sells only seed lots originated by his company  
20 may request of the Commissioner of Agriculture authority to report the  
21 quantity of seed sold and to pay the fees applicable under G.S. 106-  
22 277.28(1) in lieu of attaching an official North Carolina Tag or Stamp to  
23 each container of seeds weighing ten pounds or more.

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

"In order to guarantee faithful performance with the provisions of this section, each seed dealer or grower, before being granted a permit to use the reporting system, shall deposit with the Commissioner cash in the amount of Five Hundred Dollars (\$500.00) or securities acceptable to the Commissioner of a value of at least Five Hundred Dollars (\$500.00) or shall post with the Commissioner a surety bond in like amount, executed by some corporate surety company authorized to do business in North Carolina."

**Sec. 3.** All laws and clauses of laws in conflict with this Act are hereby repealed.

**Sec. 4.** This Act shall be in full force and effect from and after July 1, 1969.

In the General Assembly read three times and ratified, this the 24th day of March,

1969.