

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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HOUSE BILL 116\*  
Committee Substitute Favorable 4/18/95

Short Title: Penalties/Viol. of Ag. Laws.

(Public)

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Sponsors:

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Referred to: Agriculture, if favorable, Judiciary I.

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February 7, 1995

A BILL TO BE ENTITLED

AN ACT TO PROVIDE FOR CIVIL PENALTIES FOR VIOLATIONS OF THE  
GASOLINE AND OIL INSPECTION LAW, THE MEAT INSPECTION LAW,  
AND THE ANIMAL WELFARE AND ANIMAL HEALTH LAWS.

The General Assembly of North Carolina enacts:

**PART I. GASOLINE AND OIL INSPECTION ACT.**

Section 1. Article 3 of Chapter 119 of the General Statutes is amended by adding the following new section:

**"§ 119-39.1. Civil Penalties.**

The Commissioner of Agriculture may assess a civil penalty of not more than two thousand dollars (\$2,000) against any person who violates a provision of this Article or any rule promulgated thereunder. In determining the amount of the penalty, the Commissioner shall give due consideration to the appropriateness of the penalty with respect to the size of the business of the person being charged, the gravity of the violation, the good faith of the person, and the record of previous violations."

**PART II. MEAT INSPECTION LAWS.**

Sec. 2. G.S. 106-549.35 is amended by adding the following new subsection:

"(c) The Commissioner may assess a civil penalty of not more than two thousand dollars (\$2,000) against any person who violates a provision of this Article or Article

1 49B, or any rule promulgated thereunder. In determining the amount of the penalty, the  
2 Commissioner shall give due consideration to the appropriateness of the penalty with  
3 respect to the size of the business of the person being charged, the gravity of the  
4 violation, the good faith of the person, and the record of previous violations.

5 **PART III. ANIMAL WELFARE ACT.**

6 Sec. 3. Article 3 of Chapter 19A of the General Statutes, Animal Welfare Act,  
7 is amended by adding the following new section:

8 **"§ 19A-40. Civil Penalties.**

9 The Director may assess a civil penalty of not more than two thousand dollars  
10 (\$2,000) against any person who violates a provision of this Article or any rule  
11 promulgated thereunder. In determining the amount of the penalty, the Director shall  
12 give due consideration to the appropriateness of the penalty with respect to the size of the  
13 business of the person being charged, the gravity of the violation, the good faith of the  
14 person, and the record of previous violations."

15 **PART IV. ANIMAL HEALTH LAWS.**

16 Sec. 4. Article 14A of Chapter 106 of the General Statutes, Licensing and  
17 Regulation of Rendering Plants and Rendering Operations, is amended by adding the  
18 following new section:

19 **"§ 106-168.16. Civil Penalties.**

20 The Commissioner may assess a civil penalty of not more than two thousand dollars  
21 (\$2,000) against any person who violates a provision of this Article or any rule  
22 promulgated thereunder. In determining the amount of the penalty, the Commissioner  
23 shall give due consideration to the appropriateness of the penalty with respect to the size  
24 of the business of the person being charged, the gravity of the violation, the good faith of  
25 the person, and the record of previous violations."

26 Sec. 5. Article 34 of Chapter 106 of the General Statutes, Animal Diseases, is  
27 amended by adding the following:

28 **"PART 12. PENALTIES.**

29 **"§ 106-405.20. Civil Penalties.**

30 The Commissioner may assess a civil penalty of not more than two thousand dollars  
31 (\$2,000) against any person who violates a provision of this Article or any rule  
32 promulgated thereunder. In determining the amount of the penalty, the Commissioner  
33 shall give due consideration to the appropriateness of the penalty with respect to the size  
34 of the business of the person being charged, the gravity of the violation, the good faith of  
35 the person, and the record of previous violations."

36 Sec. 6. Article 35 of Chapter 106 of the General Statutes, Public Livestock  
37 Markets, is amended by adding the following new section:

38 **"§ 106-417.1. Civil Penalties.**

39 The Commissioner may assess a civil penalty of not more than two thousand dollars  
40 (\$2,000) against any person who violates a provision of this Article or any rule  
41 promulgated thereunder. In determining the amount of the penalty, the Commissioner  
42 shall give due consideration to the appropriateness of the penalty with respect to the size

1 of the business of the person being charged, the gravity of the violation, the good faith of  
2 the person, and the record of previous violations."

3 Sec. 7. Article 35A of Chapter 106 of the General Statutes, Livestock Prompt  
4 Pay Law, is amended by adding the following new section:

5 **"§ 106-418.7A. Civil Penalties.**

6 The Commissioner may assess a civil penalty of not more than two thousand dollars  
7 (\$2,000) against any person who violates a provision of this Article or any rule  
8 promulgated thereunder. In determining the amount of the penalty, the Commissioner  
9 shall give due consideration to the appropriateness of the penalty with respect to the size  
10 of the business of the person being charged, the gravity of the violation, the good faith of  
11 the person, and the record of previous violations."

12 Sec. 8. Article 35B of Chapter 106 of the General Statutes, Livestock Dealer  
13 Licensing Act, is amended by adding the following new section:

14 **"§ 106-418.16. Civil Penalties.**

15 The Commissioner may assess a civil penalty of not more than two thousand dollars  
16 (\$2,000) against any person who violates a provision of this Article or any rule  
17 promulgated thereunder. In determining the amount of the penalty, the Commissioner  
18 shall give due consideration to the appropriateness of the penalty with respect to the size  
19 of the business of the person being charged, the gravity of the violation, the good faith of  
20 the person, and the record of previous violations."

21 Sec. 9. Article 49 of Chapter 106 of the General Statutes, Poultry, Hatcheries  
22 and Chick Dealers, is amended by adding the following new section:

23 **"§ 106-549.1. Civil Penalties.**

24 The Department of Agriculture may assess a civil penalty of not more than two  
25 thousand dollars (\$2,000) against any person who violates a provision of this Article or  
26 any rule promulgated thereunder. In determining the amount of the penalty, the  
27 Department shall give due consideration to the appropriateness of the penalty with  
28 respect to the size of the business of the person being charged, the gravity of the  
29 violation, the good faith of the person, and the record of previous violations."

30 Sec. 10. Article 49E of Chapter 106 of the General Statutes, Disposal of Dead  
31 Diseased Poultry, is amended by adding the following new section:

32 **"§ 106-549.72. Civil Penalties.**

33 The Commissioner may assess a civil penalty of not more than two thousand dollars  
34 (\$2,000) against any person who violates a provision of this Article or any rule  
35 promulgated thereunder. In determining the amount of the penalty, the Commissioner  
36 shall give due consideration to the appropriateness of the penalty with respect to the size  
37 of the business of the person being charged, the gravity of the violation, the good faith of  
38 the person, and the record of previous violations."

39 Sec. 11. Article 49F of Chapter 106 of the General Statutes, Biological  
40 Residues, is amended by adding the following new section:

41 **"§ 106-549.89. Civil Penalties.**

42 The Commissioner may assess a civil penalty of not more than two thousand dollars  
43 (\$2,000) against any person who violates a provision of this Article or any rule

1 promulgated thereunder. In determining the amount of the penalty, the Commissioner  
2 shall give due consideration to the appropriateness of the penalty with respect to the size  
3 of the business of the person being charged, the gravity of the violation, the good faith of  
4 the person, and the record of previous violations."

5 Sec. 12. Article 58 of Chapter 106 of the General Statutes, Biologics Laws, is  
6 amended by adding the following new section:

7 "**§ 106-715. Civil Penalties.**

8 The Commissioner may assess a civil penalty of not more than two thousand dollars  
9 (\$2,000) against any person who violates a provision of this Article or any rule  
10 promulgated thereunder. In determining the amount of the penalty, the Commissioner  
11 shall give due consideration to the appropriateness of the penalty with respect to the size  
12 of the business of the person being charged, the gravity of the violation, the good faith of  
13 the person, and the record of previous violations."

14 Sec. 13. The organizational headings to the parts of this act, set forth in bolded  
15 uppercase, are a convenience to the reader and are for reference only. The headings do  
16 not expand, limit, or define the text of this act.

17 Sec. 14. This act is effective upon ratification and shall apply to violations  
18 occurring on or after that date.