

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

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SENATE BILL 386*
PROPOSED COMMITTEE SUBSTITUTE S386-PCS75273-TQ-7

Short Title: Amend Grain Dealer Licensing Laws.-AB

(Public)

Sponsors:

Referred to:

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 AND TO SPECIFY ADDITIONAL GROUNDS FOR LICENSE REFUSAL OR REVOCATION.

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



- 1 (6) The dealer or applicant has been convicted, pled guilty or nolo contendere
2 within three years in any state or federal court of a crime involving moral
3 ~~turpitude;~~turpitude.
- 4 (7) The dealer has failed either to file the required bond or to keep such bond in
5 force.
- 6 (8) The applicant has acted or held himself or herself out as a grain dealer
7 without first having obtained a license under the provisions of this Article.
- 8 (9) The dealer has hired a person who has been convicted of a crime involving
9 fraud, deceit, or misrepresentation in any capacity involving the buying or
10 selling of grain, or the handling of payments for grain.
- 11 (10) The dealer or applicant has violated any provision of this Article or rules
12 adopted pursuant to this Article."

13 **SECTION 3.** This act becomes effective October 1, 2013.