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Requirements for Grain Dealers

State of North Carolina

Licensing

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Requirements for Grain Dealers

STATE OF NORTH CAROLINA

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N.C.G.S.A. § 106-602 **§ 106-602. License required**

No person shall act or hold himself out as a grain dealer without first having obtained a license as herein provided.

N.C.G.S.A. § 106-603 **§ 106-603. Application for license or renewal thereof**

Every grain dealer before transacting business within the State of North Carolina shall on or before July 1, 1974, and annually on or before June 15 of each year thereafter, file a written application for a license or for the renewal of a license with the Commissioner. The application shall be on a form furnished by the Commissioner and shall contain the following information:

- (1) The name and address of the applicant and that of its local agent or agents, if any, and the location of its principal place of business within this State.
- (2) The kinds of grain the applicant proposes to handle.
- (3) The type of grain business proposed to be conducted.

N.C.G.S.A. § 106-604 **§ 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 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 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.

N.C.G.S.A. § 106-606
§ 106-606. Posting of license; decal on truck, etc.

The grain dealer license shall be posted in a conspicuous place in the place of business. In the case of a licensee operating a truck or tractor-trailer unit, the licensee is required to have a decal that the license is in effect and that a bond has been filed, such decal to be carried in each truck or tractor-trailer unit used in connection with the purchase of grain from producers.

N.C.G.S.A. § 106-607
§ 106-607. Renewal of license

Licenses shall be renewed upon application and payment of renewal fees on or before the fifteenth day of June following the date of expiration of any license hereunder issued. Applications received after June 15 of any year shall be subject to a late filing fee of twenty dollars (\$20.00) in addition to other applicable fees.

N.C.G.S.A. § 106-610
§ 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 of any of the following:

- (1) The dealer has suffered a final money judgment to be entered against him and such judgment remains unsatisfied.
- (2) The dealer has failed to promptly and properly account and pay for grain.
- (3) The dealer has failed to keep and maintain business records of his grain transactions as required by this Article.
- (4) The dealer has engaged in fraudulent or deceptive practices in the transaction of his business as a 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.
- (6) The dealer or applicant has been convicted, pled guilty or nolo contendere within three years in any state or federal court of a crime involving moral turpitude.
- (7) The dealer has failed either to file the required bond or to keep such bond in force.
- (8) The applicant has acted or held himself or herself out as a grain dealer without first having obtained a license under the provisions of this Article.
- (9) The dealer has hired a person who has been convicted of a crime involving fraud, deceit, or misrepresentation in any capacity involving the buying or selling of grain, or the handling of payments for grain.
- (10) The dealer or applicant has violated any provision of this Article or rules adopted pursuant to this Article.

N.C.G.S.A. § 106-611

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

- (a) A denial, suspension, or revocation of a license under this Article shall be made in accordance with Chapter 150B of the General Statutes.
- (b) A license may not be suspended for more than one year. A person whose license is revoked may not obtain another license under this Article until at least two years have elapsed from the date of the final decision revoking the license or, if the decision is appealed, from the date of the final judgment sustaining the revocation.