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Requirements for Grain Dealers

State of South Carolina

Licensing

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Requirements for Grain Dealers

STATE OF SOUTH CAROLINA

Current with legislation from 2013 Reg. Sess.

Code 1976 § 46-41-40 **§ 46-41-40. Application for license.**

Every dealer in agricultural products, desiring to transact business within the State, shall, prior to transacting such business, file an application for a license with the Commissioner. License shall be renewed annually on its anniversary date. The application shall be on a form furnished by the Commissioner and, together with such other information as the Commissioner shall require, shall state:

- (1) The kind of agricultural products the applicant proposes to handle;
- (2) The full name or title of the applicant, or if the applicant be an association or copartnership, the name of each member of such association or copartnership, or if the applicant be a corporation, the name of each officer of the corporation;
- (3) The name of the local agent of the applicant, if any;
- (4) The cities, and towns, within which places of business of the applicant will be located, together with the street or mailing address of each.

Code 1976 § 46-41-50 **§ 46-41-50. Issuance of license; fees; penalty for late renewal.**

Each application for a dealer's license under § 46-41-40 or affidavit registered and filed under § 46-41-25 shall be subject to an annual fee for the principal place of business for a dealer in agricultural products of fifty dollars. For each additional place of business named in the application, there shall be an additional ten dollars annual fee.

Should any dealer in agricultural products fail, or neglect to apply and qualify for the renewal of a license, or register an affidavit of exception, on or before the date of expiration, a fine of one hundred dollars shall apply and be added to the original fee and shall be paid by the dealer before the renewal may be issued. An additional fine of one hundred dollars shall be applied for each month or part of a month beyond the first month after expiration.

Code 1976 § 46-41-120 **§ 46-41-120. Grounds for refusal; suspension or revocation of license.**

The Commissioner may decline to grant a license or may suspend or revoke a license already granted if he is satisfied that the applicant or licensee has either:

- (1) Suffered a money judgment to be entered against him upon which execution has been returned unsatisfied; or

- (2) Made false charges for handling or services rendered; or
- (3) Failed to account promptly and properly, or to make settlements with any producer; or
- (4) Made any false statement or statements as to condition, quality or quantity of goods received or held for sale when he could have ascertained the true condition, quality or quantity by reasonable inspection; or
- (5) Made any false or misleading statement as to market conditions or service rendered; or
- (6) Been guilty of a fraud in the attempt to produce or the procurement of a license; or
- (7) Directly or indirectly sold agricultural products received on consignment or on a net return basis for his own account, without prior authority from the producer, consigning such products, or without notifying such producer; or
- (8) Failed to remain acceptable for coverage under the surety bond required by § 46-41-60 or to cooperate with the bond provider.

Code 1976 § 46-41-130

§ 46-41-130. Procedure for refusal, suspension or revocation of license; temporary suspension.

- (A) Before the commissioner refuses to issue a license or revokes a license he shall give ten days' notice, by registered mail, to the applicant or licensee of a time and place of hearing. At the hearing the applicant or licensee must be allowed to appear in person or by or with counsel and to produce witnesses. If the commissioner finds the applicant or licensee guilty of any of the acts provided in Section 46-41-120 or finds that the grain dealer has not paid the assessment prescribed by Section 46-40-60(B) of the Grain Dealers Guaranty Fund, the commissioner may refuse, suspend, or revoke the license and shall give immediate notice of his action to the applicant or licensee.
- (B) The commissioner may temporarily suspend and take possession of a license simultaneously with the institution of proceedings under this section or Section 46-41-70 if he finds there is imminent danger to public welfare.