

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

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SENATE BILL 455*

Agriculture/Environment/Natural Resources Committee Substitute Adopted 4/9/13

Short Title: Increased Penalty/Seed Law Violations.-AB

(Public)

Sponsors:

Referred to:

March 27, 2013

1 A BILL TO BE ENTITLED
2 AN ACT TO INCREASE PENALTIES FOR VIOLATION OF THE SEED LAW.
3 The General Assembly of North Carolina enacts:

4 SECTION 1.(a) G.S. 106-277.19 reads as rewritten:
5 "§ 106-277.19. ~~Revocation~~ Revocation, suspension, or refusal of license for cause;
6 hearing; appeal.

7 In accordance with Chapter 150B of the General Statutes, the Commissioner is
8 authorized to suspend any seed license issued for a period not to exceed three years, revoke any
9 seed license issued, or to refuse to issue a seed license to any person as hereinafter provided,
10 upon satisfactory proof that said person has repeatedly violated any of the provisions of this
11 Article or any of the rules and regulations made and promulgated adopted
12 thereunder, thereunder; provided that no license shall be revoked or refused until the person
13 shall have first been given an opportunity to appear at a hearing before the Commissioner. Any
14 person who is refused a license, or whose license is revoked by any order of the Commissioner,
15 may appeal within 30 days from said order to the Superior Court of Wake County or the
16 superior court of the county of his residence."

17 SECTION 1.(b) G.S. 106-277.24 reads as rewritten:
18 "§ 106-277.24. **Penalty for violations.**

19 Any person, firm or corporation violating any provision of this Article or any rule or
20 regulation adopted pursuant thereto shall be guilty of a Class 3 misdemeanor and upon
21 conviction thereof shall ~~only~~ pay a fine of not more than ~~five hundred dollars (\$500.00)~~ ten
22 thousand dollars (\$10,000). In determining the amount of the fine, the court shall consider the
23 retail value of the seed sold in violation of the law, and in cases involving the unlawful sale of
24 seed protected under the federal Plant Variety Protection Act, the court shall order the payment
25 of restitution to any injured party for any losses incurred as a result of the unlawful sale."

26 SECTION 2. This act becomes effective December 1, 2013, and applies to
27 violations committed on or after that date.

