

28 (b) "Dealer" includes a livestock dealer.

29 (c) "Dealer" includes a person who owns or leases a warehouse.

30 (4) (a) "Immediate resale" means the resale of livestock within 60 days of purchase.

31 (b) "Immediate resale" does not include the resale of livestock culled within 60 days
32 that were purchased for feeding or replacement.

33 (5) "Livestock" means cattle, swine, equines, sheep, camelidae, ratites, bison, and
34 domesticated elk as defined in Section 4-39-102.

35 (6) "Livestock dealer" means a person engaged in the business of purchasing livestock
36 for immediate resale or interstate shipment for immediate resale.

37 (7) "Producer" means any person who is primarily engaged in the business of raising
38 any product of agriculture for profit.

39 (8) "Product of agriculture" means any product useful to the human species which
40 results from the application of the science and art of the production of plants and animals.

41 (9) "Product of Agriculture Receipt" means a formal document issued by a dealer for
42 any product of agriculture in accordance with Section 4-7-9. The receipt is a fungible
43 certificate of title and claim for the product of agriculture and may be used as ~~h~~ [cash or] PROOF OF
43a OWNERSHIP FOR ~~h~~ collateral.

44 (10) "Warehouse" means every building, structure, yard, or other protected enclosure in
45 which any product of agriculture is or may be stored. ~~h~~ **IT DOES NOT INCLUDE RETAIL STORES,**
45a **EXCEPT THOSE THAT BUY DIRECTLY FROM A PRODUCER. ~~h~~**

46 Section 2. Section 4-7-9 is amended to read:

47 **4-7-9. Dealers -- Records mandated -- Product of Agriculture Receipt -- Records**
48 **subject to inspection.**

49 (1) Each dealer who receives any product of agriculture for sale, storage, or
50 consignment shall promptly record:

- 51 (a) the name and address of the consignor;
- 52 (b) the date received;
- 53 (c) the condition and quantity upon arrival;
- 54 (d) the date of sale for account of the producer-consignor;
- 55 (e) the sale price;
- 56 (f) an itemized statement of the charges to be paid by the producer-consignor;
- 57 (g) the lot number or other means used for identification of the product;
- 58 (h) the nature and amount of any claims the dealer has against third persons for

59 overcharges or damages; and

60 (i) if the dealer has a direct or indirect financial interest in the business of the
61 purchaser, or, if the purchaser has a similar financial interest in the business of the dealer, the
62 name and address of the purchaser.

63 (2) (a) The dealer shall provide a copy of the Product of Agriculture Receipt to the
64 producer immediately upon delivery of the product.

64a **h (b) DEALERS WHO ISSUE PRODUCT OF AGRICULTURE RECEIPTS TO PRODUCERS SHALL**
64b **PLAINLY CANCEL UPON THE FACE OF THE RECEIPTS EACH RECEIPT RETURNED TO THE DEALER**
64c **UPON:**

64d **(i) THE DELIVERY BY THE DEALER OF THE PRODUCT OF AGRICULTURE FOR WHICH THE**
64e **RECEIPT WAS ISSUED; OR**

64f **(ii) PAYMENT BY THE DEALER FOR THE RECEIPTED PRODUCT. h**

65 **h [(b)] (c) h** The records required by this section shall be retained for a period of one year
66 following the date of consignment and shall be available during business hours for inspection
67 by the department.

68 **[(b)] h [(c)] (d) h** A consignor involved in a consignment subject to inquiry may inspect
68a relevant
69 records.

Legislative Review Note

as of 11-20-02 4:26 PM

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel

Interim Committee Note

as of 12-12-02 3:36 PM

The Natural Resources, Agriculture, and Environment Interim Committee recommended this bill.

Mixed Membership Committee Note

as of 12-12-02 3:36 PM

The Agricultural Sustainability Task Force recommended this bill.

Membership:	12 legislators	9 non-legislators	
Legislative Vote:	9 voting for	0 voting against	3 absent

Fiscal Note
Bill Number HB0018

Dealers in Agricultural Products

02-Jan-03

11:09 AM

State Impact

No fiscal impact.

Individual and Business Impact

By broadening the definition of "dealer," this bill may require some entities to be licensed that did not previously have that requirement. Dealers may incur some additional costs in issuing Product of Agricultural Receipts.

Office of the Legislative Fiscal Analyst