

02 NCAC 48C .0125 PENALTIES

The assessment of penalties to cover the costs of inspection and testing seeds not in compliance with the North Carolina Seed Law, as authorized in Section 106-277.22, shall be as follows:

- (1) A fifteen dollar (\$15.00) service penalty shall be charged to the dealer who labels the seeds after 10 previous violations during the calendar year, if each violation is limited to quality statements out of tolerance with official laboratory analysis results, but the lot is not substandard for sale.
- (2) An itemized service penalty sufficient to cover all costs to the North Carolina Department of Agriculture shall be charged to the dealer who labels seeds found in violation of the North Carolina Seed Law if the infraction is considered to result from planned misrepresentation, gross carelessness, or habitual mislabeling after previous warnings. The total cost penalty for such violations shall be assessed, regardless of the number of minor infractions of tolerance in (1) of this Rule. In computing the charge, mileage and time of the inspector from his official base of operation, and actual time of the analyst who analyzes the sample, shall be charged, along with related miscellaneous costs.
- (3) A fifteen dollars (\$15.00) service penalty shall be charged to the dealer who contracted and/or supplied the order for seeds delivered to a location in this state where seeds are sold at retail, if the seeds are delivered without labels as required in Section 106-277.3.

History Note: Authority G.S. 106-2;
Eff. February 1, 1976;
Transferred from T02.11C Eff. January 1, 1985;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 26, 2017.