

ARTICLE 74-05

WHOLESALE POTATO DEALERS

Chapter
74-05-01 Wholesale Potato Dealer Requirements

**CHAPTER 74-05-01
WHOLESALE POTATO DEALER REQUIREMENTS**

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74-05-01-01. Definition of wholesale potato dealer. ~~A wholesale potato dealer, within the meaning of this chapter is any individual, firm, copartnership, corporation, company, society, or association who shall buy or sell or contract to buy or sell or who shall handle in wholesale lots for the purpose of resale, or who shall handle on account of or as an agent for another, any white or Irish potatoes.~~

~~**General Authority:** NDCC 4-11-19
Law Implemented: NDCC 4-11-19~~

74-05-01-02. Persons excluded from application of chapter. This chapter does not apply to any person who grows or produces one's own potatoes for one's own account, nor to any person who makes purchase of potatoes for the purpose of retail sale in less than standard freight carload lots and in one's local trade.

~~**General Authority:** NDCC 4-11-19
Law Implemented: NDCC 4-11-19~~

~~**74-05-01-03. License fee.** The annual license fee must be set by the state seed commission. All licenses expire on June thirtieth.~~

~~**History:** Amended effective June 1, 1998.
General Authority: NDCC 4-11-06
Law Implemented: NDCC 4-11-06~~

74-05-01-04. Bond - Fee - Exemption. ~~An applicant for license must file a bond issued in favor of the seed commissioner in the amount fixed by the seed commission or present a letter of credit from a bank in lieu of a bond if approved by the commissioner.~~

~~**History:** Amended effective June 1, 1998.~~

~~**General Authority:** NDCC 4-11-04~~

~~**Law Implemented:** NDCC 4-11-04~~

74-05-01-05. Dealer responsible for acts of agents. A licensed dealer shall at all times be responsible for the acts, contracts or agreements made by the dealer's agent or agents in the purchase or sale of potatoes.

General Authority: NDCC 4-11-19

Law Implemented: NDCC 4-11-19

74-05-01-06. Time limit for payment. Whenever potatoes have been sold to any dealer on open account, the buyer shall pay for the potatoes within ~~seven~~ thirty days from delivery thereof unless an agreement for extension of credit has been made between the seller and the purchaser, or unless prompt cash payment on delivery is specified.

General Authority: NDCC 4-11-19

Law Implemented: NDCC 4-11-19

74-05-01-07. Contracts - Confirmation. Whenever a contract is entered into between the purchaser and the seller or the seller's agent for the purchase of potatoes and a confirmation is submitted by either the seller or the seller's agent, unless the purchaser refuses to accept the confirmation by promptly notifying the seller or the seller's agent to the effect that the confirmation is not in accordance with the contract, in person, in writing, or by telegram, the confirmation shall be considered binding.

General Authority: NDCC 4-11-19

Law Implemented: NDCC 4-11-19

~~**74-05-01-08. Complaints.** Complaints or damage claims against bonds must be filed with the seed commissioner in the form of an affidavit duly signed and sworn to before a notary public setting forth the facts in the particular case. The complaint or claim should be substantiated and accompanied by pertinent and essential data and correspondence.~~

~~**General Authority:** NDCC 4-11-19~~

~~**Law Implemented:** NDCC 4-11-20~~

74-05-01-09. Claims against bonds. No person delivering potatoes to a licensed dealer shall be entitled to the benefits of any required ~~bond~~ financial instrument unless the person shall have filed the person's claim therefore with the seed commissioner within one hundred eighty days after the delivery of the person's potatoes to the principal in the case of a sale, or within one hundred eighty days after the sale by the principal in the case of sale, or within one hundred eighty days after the sale by the

principal in the case of potatoes received on consignment. ~~The approval of the commissioner must be secured before any civil action can be maintained against the surety or sureties on the bond of the licensed dealer. No civil action shall be brought against the surety or sureties on a bond of a licensed dealer without including in the complaint the name of the principal and making the principal a party to the action.~~

History: Amended effective June 1, 1998.

General Authority: NDCC 4-11-19

Law Implemented: NDCC 4-11-15

74-05-01-10. License suspension, revocation, or cancellation. ~~The license of any wholesale potato dealer subject to North Dakota Century Code chapter 4-11 who is found guilty of violating any of the provisions of North Dakota Century Code chapter 4-09 or North Dakota Century Code chapter 4-10, relating to potatoes, may be suspended, revoked, or canceled by the seed commissioner upon ten days' notice and opportunity to be heard.~~

General Authority: NDCC 4-11-19

Law Implemented: NDCC 4-11-23