

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2013

SESSION LAW 2013-345  
SENATE BILL 455

AN ACT TO INCREASE PENALTIES FOR VIOLATION OF THE SEED LAW.

The General Assembly of North Carolina enacts:

**SECTION 1.(a)** G.S. 106-277.19 reads as rewritten:

"§ 106-277.19. ~~Revocation~~ **Revocation, suspension, or refusal of license for cause; hearing; appeal.**

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

**SECTION 1.(b)** G.S. 106-277.24 reads as rewritten:

"§ 106-277.24. **Penalty for violations.**

Any person, firm or corporation violating any provision of this Article or any rule or regulation adopted pursuant thereto shall be guilty of a Class 3 misdemeanor and upon conviction thereof shall only pay a fine of not more than five hundred dollars (\$500.00) ten thousand dollars (\$10,000). This fine shall not apply, however, to a retailer with respect to any transaction where the seed sold by the retailer was acquired by the retailer in a sealed container or package, or the retailer did not have reasonable knowledge that the seed sold was in violation of this Article. In determining the amount of the fine, the court shall consider the retail value of the seed sold in violation of the law, and in cases involving the unlawful sale of seed protected under the federal Plant Variety Protection Act, the court shall order the payment of restitution to any injured party for any losses incurred as a result of the unlawful sale."

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

In the General Assembly read three times and ratified this the 17<sup>th</sup> day of July, 2013.

s/ Daniel J. Forest  
President of the Senate

s/ Thom Tillis  
Speaker of the House of Representatives

s/ Pat McCrory  
Governor

Approved 4:30 p.m. this 23<sup>rd</sup> day of July, 2013

