

ALABAMA DEPARTMENT OF AGRICULTURE AND INDUSTRIES
ANIMAL INDUSTRY
ADMINISTRATIVE CODE

CHAPTER 80-3-11
LIVESTOCK DEALERS

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80-3-11-.01 Purpose.

The purpose of the Chapter is to further define and implement the provisions of the Livestock Dealers Financial Responsibility Act under Code of Ala. 1975, §§2-15-131 through 2-15-138.

Author: Charles H. Barnes

Statutory Authority: Code of Ala. 1975, §2-15-45.

History: Filed April 19, 1982.

80-3-11-.02 Previous Regulations Repealed.

That regulation entitled **Regulations of the Department of Agriculture and Industries, State of Alabama, Promulgated Under the Alabama Livestock Dealers Financial Responsibility Act**, approved January 13, 1970, is hereby repealed. The following rules are substituted in its place.

Author: Charles H. Barnes

Statutory Authority: Code of Ala. 1975, §2-15-45.

History: Filed April 19, 1982.

80-3-11-.03 Dealer Defined And Exemptions.

(1) Code of Ala. 1975, §2-15-131(5), defines dealer as follows:

(5) **DEALER.** Any person engaged in the business of buying livestock in the State of Alabama for resale, exchange or slaughter and meat packing purposes, either on his own account or as agent for others on a commission basis or otherwise. The above definition is not construed to mean full-time salaried employees of a person or business already required to be

licensed, but if a person buys livestock for more than one person or business unit, no matter how he is paid, he is deemed to meet the above definition of **dealer**, thereby requiring a license and bond. Those persons considered **full-time** employees of a person or business unit may be required to submit proof of their being carried on the rolls of a business unit as any other employee. Even a full-time employee of only one business unit, who is in the business of buying livestock in his own name, for later transfer to his employer, is deemed to be a dealer, as defined above.

(2) Bona fide farmers or stockman purchasing livestock for grazing, feeding, dairying or breeding purposes, under Code of Ala. 1975, §2-15-137, are exempt from the provisions of the Act, but as provided in the above section, any livestock purchased for the above purposes must be kept for at least 15 days. Any person buying and selling the same livestock within a 15 day period shall be deemed a **Dealer**, and required to meet the requirements of licensing and bonding.

Author: Charles H. Barnes

Statutory Authority: Code of Ala. 1975, §2-15-45.

History: Filed April 19, 1982.

80-3-11-.04 Record Requirements For Dealers.

(1) Every dealer, as defined in the law and this Chapter must maintain written records of every livestock transaction within which he is involved, including buying, selling, trading for, or giving away livestock. These records must be kept and maintained for a period of at least two years.

(2) The above records must be available for inspection by the Commissioner of Agriculture and Industries, or his authorized representative, at any reasonable hour, within 24 hours after notice has been given of intention to inspect. Said availability shall also include copying, photographing, or otherwise reproducing any of the records which the Commissioner or his representative shall deem necessary for official use.

(3) The following information is deemed to be the minimum required to be kept by the dealer for livestock transaction:

(a) Full name and address of the buyer and seller of livestock, which shall reflect the origin and distribution of each livestock.

(b) Date of each purchase, sale, or transaction.

(c) Date and place of brucellosis test, when such test is required.

(d) Number of animals involved.

(e) Sufficient individual description of identification so that each animal may be traced to the herd and farm of origin. This must include breed, sex, age, weight, tattoo, registration number and ear tag number. Back tag numbers may be substituted in place of tattoo, registration number and ear tag number.

(4) Willful falsification of any information required to be kept concerning livestock transactions is deemed to be sufficient cause for suspension or revocation of the dealer license required under Code of Ala. 1975, §2-15-132.

Author: Charles H. Barnes

Statutory Authority: Code of Ala. 1975, §2-15-45.

History: Filed April 19, 1982.

80-3-11-.05 Specific Requirements For Dealer Licenses.

All licenses issued under the provisions of Code of Ala. 1975, §2-15-132, shall be governed by the following requirements:

(a) No license shall be transferable.

(b) The license issued to a firm or corporation, or association or other like entities shall only be used by that officer or employees of the licensee who is specifically listed as a buyer in the application for license.

(c) All licensees, when engaged in the business of a dealer, shall carry on his person official proof of such licensing. He shall produce such proof to anyone, when requested, with whom he is engaged in livestock transactions. He shall also produce such proof at any time to the Commissioner of Agriculture and Industries or his official representative. Willful failure to produce such proof, under the above circumstances, may result in suspension or revocation of the license.

(d) Whenever any change is made in the name or address or in the management or nature or in the substantial control or ownership of the business of a licensee, such licensee shall report such change in writing to the Commissioner of Agriculture and Industries, Montgomery, Alabama, within 10 days after making such change. The above is not to imply that the restrictions on transferring may be waived, but only that notice must be sent as provided. Failure to comply with the above may result in revocation or suspension of the license.

(e) Licenses expire on December 31 and are renewable as of January 1 of each year as provided under § 2-15-132(a) above. The Department distributes applications for relicensing to all

known licensees approximately two months prior to the expiration date. It is imperative for the licensee to return a fully executed application along with proper funds and other required documents prior to the expiration date. Anyone acting as a dealer as defined under the law and Rule 80-3-11-.03 of this Chapter, after the expiration date of the license, that has not, prior to the expiration date, taken all necessary steps to become relicensed, shall be deemed to be in violation of the law and this Chapter and subject to all available penalties. The burden of complying in a timely manner with the laws and regulations for relicensing every year is upon the dealer, but a good faith attempt by a licensee to renew the license and through no fault of his own the existing license expires prior to renewal will be taken into consideration.

Author: Charles H. Barnes

Statutory Authority: Code of Ala. 1975, §2-15-45.

History: Filed April 19, 1982.