ALABAMA DEPARTMENT OF AGRICULTURE AND INDUSTRIES
GINS AND WAREHOUSES
ADMINISTRATIVE CODE

CHAPTER 80-6-4
OPERATING PROCEDURES FOR GRAIN DEALERS

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80-6-4-.01 Purpose.

The purpose of this regulation is to set up requirements and guidelines to be used by grain dealers in keeping of records, inspections and weighing of grain.
Author: Charles H. Barnes
Statutory Authority: Code of Ala. 1975, §2-31-16.
History: Filed April 19, 1982.

80-6-4-.02 Previous Regulations Repealed.

Any and all regulations promulgated under the authority of the State Board of Agriculture and Industries in conflict with this regulation are hereby repealed and withdrawn.
Author: Charles H. Barnes
Statutory Authority: Code of Ala. 1975, §2-31-16.
History: Filed April 19, 1982.

80-6-4-.03 Definitions. The words defined under Code of Ala.

1975, §2-31-1, for use in the Grain Dealer Law shall carry the same meaning in this regulation unless otherwise noted.
Author: Charles H. Barnes
Statutory Authority: Code of Ala. 1975, §2-31-16.

History: Filed April 19, 1982.

80-6-4-.04 Requirements For Weighing Grain.

(1) All grain purchased by weight by a grain dealer from a producer shall be weighed by a weighmaster. This weight shall be the official weight in price determination.

(2) The above weighmaster shall be appointed and bonded as a weighmaster under the provisions of Code of Ala. 1975, §§ 8-16-50 through 8-16-59.
Author: Charles H. Barnes
Statutory Authority: Code of Ala. 1975, §2-31-16.
History: Filed April 19, 1982.

80-6-4-.05 Access Requirements For Departmental Personnel.

(1) So that Department of Agriculture and Industries personnel may effectively and safely administer the grain dealer law, all grain storage bins, tanks and elevators shall be equipped with sufficient ladders, man-1ifts, catwalks, and safety devices so to permit ready and safe ingress, egress, and/or examination.

(2) This shall include having all grain storage facilities equipped in such a manner as to afford reasonable accessible inspection, measuring and/or examination by Department personnel.
Author: Charles H. Barnes
Statutory Authority: Code of Ala. 1975, §2-31-16.
History: Filed April 19, 1982.

80-6-4-.06 Procedure For Consignment Purchased Grain.

(1) Upon selling grain on consignment, a grain dealer shall mail to the selling producer payment in full for said grain within 48 hours after being instructed to sell by the producer. Documentation reflecting full information concerning the sale and/or the producer's account shall accompany the payment.

(2) The requirements of Paragraph (1) above may be waived upon written authorization for different arrangements, signed by the producer.
Author: Charles H. Barnes
Statutory Authority: Code of Ala. 1975, §2-31-16.
History: Filed April 19, 1982.

80-6-4-.07 Handling And Keeping Of Records.

(1) Each grain dealer shall keep and maintain grain receiving and shipping records on the premises of each separate location which reflect the minimum information listed below:

(a) Date issued.

(b) To whom issued.

(c) Weight of grain.

(d) Kind of grain.

(e) Date released or shipped.

(f) To whom the grain was shipped or released.

(g) Identifying marks, if any.

(h) Weight tickets shall be prenumbered.

(2) Records reflecting grain sold on consignment shall reflect the minimum information listed below:

(a) Name and address of the producer consigning such grain.

(b) The date of receipt of the grain.

(c) The kind, quality and amount of the grain.

(d) Full price documentation to include consignment price and amount sent to the selling producer, if different, and charges for storing, handling, etc., made against selling price.

(3) The minimum records required in this rule shall be maintained and kept by the grain dealer for at least 12 months following the last transaction.
Author: Charles H. Barnes
Statutory Authority: Code of Ala. 1975, §2-31-16.
History: Filed April 19, 1982.

80-6-4-.08 Examination Of Grain Dealers.

The Commissioner will attempt to inspect and examine every grain dealer at least twice each year, time and personnel permitting. Right is reserved to either increase or decrease examination and inspection time within the discretion of the Commissioner. It

should be clearly understood that either increasing or decreasing this time does not necessarily reflect evidence or suspicion of wrongdoing or an exemplary operation.
Author: Charles H. Barnes
Statutory Authority: Code of Ala. 1975, §2-31-16.
History: Filed April 19, 1982.

80-6-4-.09 License Application Fee.

Pursuant to Code of Ala. 1975, §2-31-3, each applicant for a license as a grain dealer shall pay a license application fee according to the terms of Code of Ala. 1975, §2-31-3 according to the following formula:

(1) 500,000 bushels or less storage capacity; $50.00 each separate location;

(2) Over 500,000 bushels storage capacity; $100.00 each separate location;

(3) No storage capacity; $25.00.

Author: John P. Hagood, Robert J. Russell
Statutory Authority: Code of Ala. 1975, §2-31-3.
History: **New Rule:** Filed August 16, 2004; effective September 20, 2004. **Amended:** Filed October 24, 2008; effective November 28, 2008.