

No. 1978-163

AN ACT

SB 1430

Amending the act of May 27, 1937 (P.L.901, No.241), entitled "An act for the protection of producers of farm produce; providing for the licensing, the bonding or holding collateral of and the regulation of certain dealers in farm produce, as herein defined, within this Commonwealth; conferring powers, and imposing duties on the Department of Agriculture; providing for appeals and injunctions; and prescribing penalties," further defining "farm produce" and further providing for the application of the act and for penalties for violations of the act.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. Clause (c) of section 1 and sections 2, 3 and 12, act of May 27, 1937 (P.L.901, No.241), referred to as the Farm Produce Dealers License Law, amended April 8, 1976 (P.L.83, No.35), are amended to read:

Section 1. Be it enacted, &c., That the following words or phrases, unless the context clearly indicates otherwise, shall have the meanings ascribed to them in this section:

* * *

(c) "Farm produce" includes all [agricultural, horticultural, vegetable, fruit, and floriculture products of the soil; poultry, eggs, nuts, flowers, honey, mushrooms and Christmas trees, but shall not include timber products, tea, coffee, live stock, wool, grain, milk or milk products.] *unprocessed fruits and vegetables.*

* * *

Section 2. The *licensing* provisions of this act shall not apply to—

(a) The sale of farm produce for cash, cash to mean settlement in full, in United States currency, certified check or United States postal money order, on or before delivery;

(b) Producers marketing farm produce of their own raising;

(c) Processors of farm produce when such shipments or purchases are covered by a written contract, duly signed by the producer;

(d) Transactions subject to the provisions of the Federal "Perishable Agricultural Commodities Act of 1930."

Section 3. It shall be unlawful for any dealer in farm produce to engage in business in this Commonwealth, unless he or it shall hold a license issued by the department as provided in this act *except for those which are exempted by section two.*

Section 12. Any dealer in farm produce violating the provisions of section three of this act, or interfering with an agent of the department in the enforcement of this act, shall, upon conviction in a summary proceeding, be sentenced to pay a fine of not less than [twenty-five dollars

(\$25.00)] fifty dollars (\$50.00) nor more than [two hundred dollars (\$200.00)] three hundred dollars (\$300.00) and costs of prosecution, and in default of payment of such fine and costs, shall be sentenced to undergo imprisonment in the county jail for a period not exceeding thirty (30) days, and for a second or subsequent offense within a calendar year, shall be guilty of a misdemeanor and shall, upon conviction thereof, be sentenced to pay a fine of not less than five hundred dollars (\$500.00) nor more than one thousand dollars (\$1,000.00) or to undergo imprisonment not exceeding one year, or both in the discretion of the court.

Section 2. This act shall take effect in 60 days.

APPROVED—The 28th day of September, A. D. 1978.

MILTON J. SHAPP