

2796

2009-2010 Regular Sessions

I N S E N A T E

March 3, 2009

Introduced by Sen. NOZZOLIO -- read twice and ordered printed, and when printed to be committed to the Committee on Agriculture

AN ACT to amend the agriculture and markets law, in relation to certain claims against the agricultural producers security fund

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. Paragraph (b) of subdivision 1 of section 250-b of the
2 agriculture and markets law, as amended by chapter 344 of the laws of
3 2002, is amended to read as follows:
4 (b) If the commissioner has reason to believe that a licensed dealer
5 has defaulted in making payments for farm products to producers, the
6 commissioner shall give notice to producers to file verified claims
7 within thirty days of such notice. The commissioner shall examine the
8 claims so filed, determine the amount due upon such claims, and certify
9 the amounts due each claimant. No claims against the security or the
10 agricultural producers security fund shall be allowed for sales of farm
11 products: (i) to any unlicensed person EXCEPT CLAIMS AGAINST THE FUND
12 FOR SALES OF FARM PRODUCTS AFTER SEPTEMBER FIRST, TWO THOUSAND TWO AND
13 PRIOR TO MARCH THIRTY-FIRST, TWO THOUSAND THREE TO A DEALER WHO WAS
14 REASONABLY BELIEVED TO BE LICENSED BY THE PRODUCER FOR THE LICENSE YEAR
15 BEGINNING JULY FIRST, TWO THOUSAND TWO AND ENDING JUNE THIRTIETH, TWO
16 THOUSAND THREE, BUT WAS NOT LICENSED PURSUANT TO THIS ARTICLE AND
17 PURCHASED FARM PRODUCTS FROM THE PRODUCER SUBMITTING THE CLAIM; (ii)
18 that occurred more than one hundred twenty days after the earliest tran-
19 saction between the producer and the dealer that remains unpaid as of
20 the date the claim is filed, whether or not that earliest unpaid trans-
21 action is included in the claim; or (iii) where a claim is submitted
22 more than three hundred sixty-five days after sale and delivery, but in
23 no event beyond the expiration of the thirty day period provided in the
24 notice published by the commissioner pursuant to this section. NOTWITH-
25 STANDING ANY OTHER PROVISION OF THIS PARAGRAPH, ANY CLAIMS ELIGIBLE FOR

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [] is old law to be omitted.

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1 PAYMENT PURSUANT TO THE EXCEPTION CONTAINED IN SUBPARAGRAPH (I) OF THIS
2 PARAGRAPH AND NOT PREVIOUSLY FILED WITH THE DEPARTMENT MAY BE SUBMITTED
3 WITHIN A THIRTY DAY PERIOD PUBLISHED BY THE COMMISSIONER FOR THE FILING
4 OF SUCH CLAIMS.

5 S 2. This act shall take effect immediately.