

Proposed Rule
LSA Document #10-242

DIGEST

Amends [360 IAC 1-1-13](#) concerning inspection fees. *NOTE: LSA Document #10-242, posted at [20100915-IR-360100242PRA](#), was resubmitted for publication.* Effective 30 days after filing with the Publisher.

[IC 4-22-2.1-5 Statement Concerning Rules Affecting Small Businesses](#)

SECTION 1. [360 IAC 1-1-13](#) IS AMENDED TO READ AS FOLLOWS:

[360 IAC 1-1-13](#) Inspection fees

Authority: [IC 15-15-1-27](#)

Affected: [IC 15-15-1-31](#); [IC 15-15-1-34](#)

Sec. 13. (a) For the purpose of defraying the costs of inspection, analysis, publication, and other expenses incurred in the administration of this rule, the state seed commissioner shall charge the amount set forth in this section.

(b) A distributor of agricultural seed in packages of not more than one (1) pound shall pay not later than January 15 of each year an annual fee of forty-five dollars (\$45) for each brand of seed distributed. Payment of an annual fee is not required of retailers who furnish quantities of not more than one (1) pound from a properly labeled container of seed on which the inspection fee has been paid.

(c) A person who distributes agricultural or vegetable seed in Indiana may apply to the state seed commissioner for a permit to use the person's own labeling, report the quantity of seed sold, and pay the inspection fee on the basis of the report. The inspection fee is the following:

(1) Thirty cents (\$0.30) per one hundred (100) pounds of alfalfa, clover, vegetable, grass seed, and mixtures of such seeds, with a minimum payment of seven and one-half cents (\$0.075) for each package or container of more than one (1) pound.

(2) Fifteen cents (\$0.15) per one hundred (100) pounds of all agricultural seed other than seeds described in subdivision (1), with a minimum payment of three and three-fourths cents (\$0.0375) for each package or container of more than one (1) pound.

(d) A person who distributes vegetable seeds in packets as prepared for use in home gardens or household plantings or preplanted containers, mats, tapes, or other planting devices in containers of not more than one (1) pound shall pay three dollars (\$3) for each retail location offering such assortments or display units of seed for sale in Indiana.

(e) In making application for a permit under subsection (c), the distributor must agree to the following:

(1) Label the seed with the information required by law.

(2) Keep the records the state seed commissioner considers necessary to indicate accurately the number and size of containers of each kind of agricultural and vegetable seed distributed and the quantity of such seed distributed in bulk.

(3) Grant the state seed commissioner or the state seed commissioner's authorized representative permission to examine the records described in subdivision (2) and verify the statement of quantity of seed distributed.

(4) Report under oath to the state seed commissioner on forms furnished by the state seed commissioner the quantity of agricultural and vegetable seed sold during the period covered.

(f) The state seed commissioner may grant a permit under subsection (c) if the state seed commissioner determines that the applicant's proposed report of the quality of agricultural and vegetable seed sold will lead to efficient enforcement of this rule. The state seed commissioner may revoke the permit at any time if it appears to the state seed commissioner that the distributor is not complying with

the agreement described in subsection (e).

(g) The report of quantity sold is due and the inspection fees are payable semiannually on the last day of the month following the end of the semiannual period. The first half reporting period ends June 30. The second half reporting period ends December 31.

(h) If the:

(1) report is not filed and the inspection fee not paid not more than fifteen (15) days following the due date;
(2) report of quantity sold is false; or
(3) labeling requirements of this rule have not been complied with;
the state seed commissioner may revoke the permit.

(i) If the report is not filed and the inspection fee not paid not more than fifteen (15) days following the due date described in subsection (g), a penalty must be assessed in the amount of:

(1) fifty dollars (\$50); or
(2) ten percent (10%) of the amount due;
whichever is greater, in addition to the amount due.

(j) The minimum inspection fee is ten dollars (\$10) per reporting period, if a report is required under this section.

~~(a)~~ (k) No inspection fee is to be paid on seed supplied to a wholesaler, one whose predominant business is to supply other distributors rather than consumers of seed. Seeds distributed under all other conditions (except those specifically exempted in ~~IC 15-4-1-8~~ [IC 15-15-1-31](#)) must be completely labeled and the inspection fee must be paid thereon when distributed. The inspection fee is not to be paid more than once on any shipment of seed. At the end of each quarter, the state seed commissioner will issue a credit to any distributor of seed for the inspection fee paid to his or her supplier on ~~(1)~~ seed subsequently sold to a wholesaler. ~~and (2) seed to which he subsequently attached state seed commissioner tags or labels.~~ For payment of the annual fee forty-five dollars (\$45) on agricultural seeds distributed in packages of one (1) pound or less, each definitive type shall constitute a brand. An example is "Sunny Lawn Seed" and "Shady Lawn Seed" are separate brands.

(State Seed Commissioner; Rule 13; filed Dec 23, 1957, 11:10 a.m.: Rules and Regs. 1958, p. 153; filed Dec 6, 1983, 2:18 p.m.: 7 IR 343; filed Nov 20, 1986, 3:47 p.m.: 10 IR 866; readopted filed Dec 2, 2001, 1:15 p.m.: 25 IR 1269; readopted filed Oct 31, 2008, 10:42 a.m.: [20081119-IR-360080676RFA](#))

[Notice of Public Hearing](#)

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