WEST VIRGINIA CODE: §19-16-3

§19-16-3. Certificate of registration; seed fees; payment of fees; disposition of funds.

(a) No person may distribute any agricultural, vegetable, tree and shrub, or flower seeds, or seed potatoes without a valid certificate of registration issued by the commissioner. Application forms shall be provided by the commissioner and the application fee shall be set forth in a legislative rule. Each certificate of registration expires on December 31 following the next date of issue. A dealer may not be required to register, if he or she can prove that the person he or she is obtaining the seed from has a valid certificate of registration.

(b) A person shall apply for a certificate of registration at least 15 days prior to the expiration of the current registration; or at least 15 days prior to the date that the person intends to engage in business in this state. Each application shall be accompanied by the required application fee. The commissioner shall add a penalty to the fee for each registration, as set forth in legislative rules, that is not applied for or renewed within the time limit.

(c) Certificates of registration are not transferable with respect to persons or locations.

(d) The commissioner may refuse to grant, or may suspend or revoke, a certificate of registration when it is determined that the applicant or registrant has violated the provisions of this article or any rule promulgated under this article: *Provided*, That the applicant or registrant may request a hearing prior to the denial of the application or suspension or revocation of the registration.

(e) Each person who holds a valid certificate of registration is required to pay a tonnage fee on seed sold in this state and shall report to the commissioner the net pounds or kilograms of seeds distributed and sold by kind or variety, except for seed potatoes, on a quarterly basis. Each report shall be filed under oath and is due before the last day of January, April, July, and October of each year for the preceding three-month period. He or she shall pay the tonnage fee according to the fee schedule for agriculture, vegetable, tree and shrub, and flower seeds as set by legislative rules. The commissioner may add a penalty, as set forth in legislative rules, to the tonnage fee for each tonnage report that is not filed on time.

(f) Persons distributing vegetable and flower seeds packaged in containers of eight ounces or 226.8 grams or less and sold from display units are exempt from reporting poundage and paying a poundage fee: *Provided*, That a seed stamp be purchased from the commissioner, at the rate set by legislative rules, and placed in a conspicuous place on each display unit.

(g) Persons first distributing seed potatoes into West Virginia trade channels shall report to the commissioner the net pounds or kilograms of seed potatoes distributed monthly in arrears: *Provided*, That payments for the previous month shall be made not later than the

www.LegisStorm.com

15th day of the following month, as set by legislative rules.

(h) A person who holds a valid certificate of registration shall keep accurate records, as may be necessary or required by the commissioner, to indicate the pounds of agricultural, vegetable, tree and shrub, or flower seeds, or seed potatoes distributed in this state.

(i) All fees and penalties collected under the provisions of this article shall be deposited with the State Treasurer in a special revenue account. These moneys shall be expended by the Commissioner of Agriculture for inspection, sampling, analysis, and other expenses necessary for the administration of this article.

WV Legislature