

TITLE 21 AGRICULTURE AND RANCHING
CHAPTER 19 PEST, DISEASE, AND WEED CONTROL
PART 2 PECAN BUYERS LICENSURE

21.19.2.1 ISSUING AGENCY: New Mexico State University, New Mexico Department of Agriculture, MSC 3189, Box 30005, Las Cruces New Mexico 88003-8005, Telephone No. (575) 646-3007.
[21.19.2.1 NMAC - N, 11/01/2018]

21.19.2.2 SCOPE: The rule shall apply to all persons buying in-shell pecans in New Mexico, except where stated in statute.
[21.19.2.2 NMAC - N, 11/01/2018]

21.19.2.3 STATUTORY AUTHORITY: Granted to the board of regents of New Mexico state university under Chapter 47, SB 217, 2018 legislature.
[21.19.2.3 NMAC - N, 11/01/2018]

21.19.2.4 DURATION: Permanent
[21.19.2.4 NMAC - N, 11/01/2018]

21.19.2.5 EFFECTIVE DATE: November 1, 2018, unless a later date is cited at the end of a section.
[21.19.2.5 NMAC - N, 11/01/2018]

21.19.2.6 OBJECTIVE: The rule establishes licensing fees, licensing requirements, and licensing period for persons buying in-shell pecans.
[21.19.2.6 NMAC - N, 11/01/2018]

21.19.2.7 DEFINITIONS:

A. “Fixed Buying Location” means locations in which the purchase of in-shell pecans is conducted from a building or other structure.

B. “Mobile Buying Location” means location in which the purchase of in-shell pecans is conducted from a vehicle or a location not defined as a fixed buying location.
[21.19.2.7 NMAC - N, 11/01/2018]

21.19.2.8 LICENSE YEAR: The license year shall be a twelve month period from October 1 to September 30. Licenses, certificates or permits issued at any time during the license year, for a current licensing period, shall expire on September 30 following issuance. Licenses, certificates or permits shall be issued by New Mexico Department of Agriculture.
[21.19.2.8 NMAC - N, 11/01/2018]

21.19.2.9 LICENSE APPLICATION:

A. For fixed buying locations, a pecan buyer’s license shall be required for each buying location. An application form for a fixed buying location shall include the following:

- (1) name of the business submitting for a license;**
- (2) name of the owner of the businesses submitting for a license;**
- (3) valid mailing address, telephone number, and email of person authorized to request a license for each buying location;**
- (4) physical address or directions for each buying location to include sufficient information to be located for on-site inspections;**
- (5) physical address or directions where buying records are maintained to include sufficient information to be located for on-site inspections; and**

- (6) days and hours of operation to include seasonal deviations.

B. For mobile buying locations, a license will be required for each mobile unit engaged in the purchase of in-shell pecans at each permitted location. Additionally, a pecan buyer's location permit will be required for each location that a mobile unit will be parked and engaged in the purchase of in-shell nuts. An application form for mobile buying locations shall include the following:

- (1) name of the business submitting for a license;
- (2) name of the owner of the businesses submitting for a license;
- (3) valid mailing address, telephone number, and email of person authorized to request a license for each buying location;
- (4) mobile unit description including make, model, year, license plate, and color that will be parked and used for the purchase of in-shell pecans;
- (5) physical address or directions where buying records are maintained to include sufficient information to be located for on-site inspections;
- (6) physical address(es) or directions where each mobile unit will be parked for the purpose of purchasing in-shell pecans;
- (7) a mobile license holder shall be required to register and obtain additional location permits, prior to engaging in the business of purchasing in-shell pecans, for locations not identified in a current and valid license application; and
- (8) days and hours of operation to include seasonal deviations.

C. Incomplete or improperly completed applications will be identified by the department and shall be returned to the applicant for completion or correction.

[21.19.2.9 NMAC - N, 11/01/2018]

21.19.2.10 BUYERS' RECORD REQUIREMENTS: Shall include the following:

- A.** information obtained by each buyer of in-shell pecans from the seller shall include:
- (1) location and date of the purchase;
 - (2) name, telephone number, and address of the seller;
 - (3) street address or physical location of the tree or the farm from where the in-shell pecans originated;
 - (4) personal identification number obtained from either a drivers' license, military identification card, or passport issued by the United States;
 - (5) license plate number, make and model of the seller's motor vehicle; and
 - (6) total weight of the in-shell purchased.

B. Ensure record of the purchase of in-shell pecans are available for inspection by the department or a peace officer within 48 hours of a transaction.

C. Retain records of purchase of in-shell pecans for a minimum of two years.
[21.19.2.10 NMAC - N, 11/01/2018]

21.19.2.11 FEES: Acceptable forms of payment shall be identified by the department. Licenses and location permits shall be displayed at each licensed or permitted location for public viewing.

A. For fixed locations, the annual pecan buyer's license fee shall be three hundred dollars (\$300) per physical location.

B. For mobile buying locations, the annual pecan buyer's license fee shall be two hundred and seventy five dollars (\$275) per mobile unit engaged in the purchase of in-shell pecans. For each buying location that a vehicle operates from, the annual fee for a location permit shall be twenty five dollars (\$25).

C. Fees are not refundable after a pecan buyer's license or location permit has been issued by the department.

[21.19.2.11 NMAC - N, 11/01/2018]

21.19.2.12 LICENSE TRANSFERS: Fees and licenses are not transferable between locations or businesses.

[21.19.2.12 NMAC - N, 11/01/2018]

History of 21.19.2 NMAC: [RESERVED]