

CHAPTER 56

DAIRY LICENSING FEES AND PENALTIES

Authority

N.J.S.A. 4:1-11.1 through 11.3.

Source and Effective Date

R.2009 d.22, effective December 10, 2008.
See: 40 N.J.R. 4649(a), 41 N.J.R. 123(a).

Chapter Expiration Date

Chapter 56, Dairy Licensing Fees and Penalties, expires on December 10, 2013.

Chapter Historical Note

Chapter 56, Dairy Licensing Fees and Penalties, was adopted as new rules by R.2003 d.293, effective July 21, 2003. See: 35 N.J.R. 1473(a), 35 N.J.R. 3295(b).

Chapter 56, Dairy Licensing Fees and Penalties, was readopted as R.2009 d.22, effective December 10, 2008. See: Source and Effective Date.

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SUBCHAPTER 1. DAIRY LICENSING FEES

2:56-1.1 Licensing fees of dealers who buy for shipment, sale, resale or manufacture

Persons licensed pursuant to N.J.S.A. 4:12-2 shall, in compliance with all other provisions of N.J.S.A. 4:12-3, pay a license fee of \$50.00. This fee will supersede the fee required by N.J.S.A. 4:12-3 as of July 21, 2003.

2:56-1.2 Licensing fees to operate as a milk dealer or store

(a) Persons licensed pursuant to N.J.S.A. 4:12A-33 shall, in compliance with all other provisions of N.J.S.A. 4:12A-36 pay a yearly license fee, as follows:

- 1. Stores selling 500 quart equivalents or less per week: \$25.00;
- 2. Stores selling 501 to 1,500 quart equivalents per week: \$50.00;

3. Stores selling 1,501 to 3,000 quart equivalents per week: \$75.00;

4. Stores selling 3,001 quart equivalents or more per week: \$100.00.

(b) Any person applying for a license to engage in business as a store at a new location shall pay a fee of \$25.00 for the first year of operation, but any person acquiring an existing store shall pay a fee based upon the average volume of milk sold during the previous two months in accordance with the store fee schedule in (a) above.

(c) Every milk dealer shall pay a fee of \$0.02 per hundredweight of milk sold for consumption within the State excluding dealer to dealer sales, but a milk dealer processing milk for sale to other dealers shall pay a minimum fee of \$1,300 per year and a milk dealer selling to stores and consumers shall pay a minimum fee of \$60.00 per year.

(d) A milk dealer engaged in handling milk in the State of New Jersey but selling milk only in another state or engaged only in manufacturing shall pay a license fee of \$300.00 per year.

(e) These fees shall supersede the fees required by N.J.S.A. 4:12A-36 as of July 21, 2003.

SUBCHAPTER 2. DAIRY PENALTIES FOR VIOLATIONS

2:56-2.1 Penalties for unlicensed dealers who buy for shipment, sale, resale or manufacture

Any person who shall conduct the business of buying milk or cream pursuant to N.J.S.A. 4:12-2, without being licensed to do so, shall be liable to a penalty of \$50.00 for the first offense and \$100.00 for the second and each subsequent offense. In accordance with N.J.S.A. 4:12-19, each day's receipts of milk will constitute a separate violation, to be sued for and recovered in a civil action by and in the name of the Department. This penalty amount will supersede the penalty amounts set forth by N.J.S.A. 4:12-19 as of July 21, 2003.

2:56-2.2 Penalties for violation of Act (N.J.S.A. 4:12A-1 et seq.)

(a) Any person who shall violate any of the provisions of N.J.S.A. 4:12A-1 et seq. or the orders, rules and regulation of the Director as adopted from time to time shall, pursuant to N.J.S.A. 4:12A-39, be deemed guilty of a violation and shall pay a penalty of not more than \$100.00 for the first offense and not more than \$400.00 for the second, or each subsequent, offense. These penalty amounts supersede the penalty amounts set forth by N.J.S.A. 4:12A-39 as of July 21, 2003.

(b) A distributor who shall be in violation of N.J.S.A. 4:12A-57 shall be liable to a penalty of \$2,000. This penalty amount shall supersede the penalty amount set forth by N.J.S.A. 4:12A-57 as of July 21, 2003.

(c) Any person in violation of N.J.S.A. 4:12A-63 et seq., the Milk Case Recovery Act, shall be subject to a fine of up

to \$200.00 for the illegal possession of up to nine milk cases and not less than \$200.00 nor more than \$1,000 or imprisonment for up to 30 days, or both, for the illegal possession of any greater number of milk cases. These penalty amounts shall supersede the penalty amounts set forth in N.J.S.A. 4:12A-69 as of July 21, 2003.