

House Bill 289

By: Representatives Shaw of the 176th, Corbett of the 174th, LaRiccia of the 169th, Watson of the 172nd, and McCall of the 33rd

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 1 of Chapter 9 of Title 2 of the Official Code of Georgia Annotated,
2 relating to dealers in agricultural products generally, so as to require dealers of certain
3 agricultural products to take ownership of such products upon delivery and inspection; to
4 provide for related matters; to repeal conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 style="text-align:center">**SECTION 1.**

7 Article 1 of Chapter 9 of Title 2 of the Official Code of Georgia Annotated, relating to
8 dealers in agricultural products generally, is amended by revising Code Section 2-9-11.1,
9 relating to ownership, payment, receipt, and quality of agricultural products, as follows:
10 "2-9-11.1.

11 (a) ~~In the absence of a written contract between the producer and a dealer in agricultural~~
12 ~~products to the contrary, any~~ Any agricultural product which is harvested by a dealer, an
13 agent or employee of a dealer, or an independent contractor retained by a dealer or which
14 is delivered to a dealer or an agent or employee thereof on the farm or at a facility of the
15 dealer shall become the property of the dealer at the time of delivery and the dealer shall
16 become obligated to pay the agreed-upon price as provided in subsection (b) of this Code
17 section.

18 (b) A dealer in agricultural products shall make prompt payment for agricultural products
19 purchased in this state. Prompt payment shall mean payment 20 days following delivery,
20 as provided in subsection (a) of this Code section, ~~unless explicitly stated otherwise in a~~
21 ~~written contract agreed to by the producer and dealer in agricultural products.~~

22 (c) ~~Unless explicitly stated otherwise in a written contract, at~~ At the time of delivery as
23 specified in subsection (a) of this Code section, the dealer and the producer in agricultural
24 products shall jointly issue a certificate of receipt and quality to the producer or the
25 producer's agent. The certificate of receipt and quality shall contain information, including
26 but not limited to the:

- 27 (1) Name and address of the dealer in agricultural products;
28 (2) Name and address of the producer;
29 (3) Delivery date and time of receipt;
30 (4) Description of the product as to identity, quantity, quality, condition, and grade of the
31 product;
32 (5) Price per unit; and
33 (6) Terms of the transaction.

34 Information contained in the certificate of receipt and quality pertaining to quality,
35 quantity, and price shall be presumed to be satisfied unless such agricultural product is
36 inspected and a certificate stating the product is in a different condition is issued by an
37 inspector pursuant to Code Section 2-9-11 within 48 hours of delivery of the agricultural
38 product to the dealer.

39 (d) The provisions of this Code section shall apply unless explicitly stated otherwise in a
40 written contract between the producer and dealer; provided, however, that such provisions
41 shall apply to all transactions involving berries and shall not be limited or modified by
42 contract.

43 ~~(d)~~(e) This Code section does not preclude the producer from commencing and
44 maintaining an action against the dealer as in any civil action."

45 **SECTION 2.**

46 All laws and parts of laws in conflict with this Act are repealed.