

# Code of Alabama 1975



## Title 2 Agriculture

### Regulation of Dealers in Livestock for Purposes of Resale, Market or Slaughter

#### Article 3, Section 2-15-40 ~ Section 2-15-48

##### Section 2-15-40

##### **"Dealer" defined.**

Every person engaged in the business of buying livestock as defined in Section 2-15-20 for resale or slaughter or who engages in the business of transporting, hauling or driving livestock as defined in Section 2-15-20 along any public road or highway of Alabama for resale, market or slaughter or who engages in the business of slaughtering such livestock shall be deemed to be a dealer for the purposes of this article.

*(Acts 1936, Ex. Sess., No. 190, p. 222; Code 1940, T. 2, §384; Acts 1979, No. 79-774, p. 1376, §1; Acts 1994, No. 94-322, p. 562, §3.)*

##### Section 2-15-41

##### **Dealer's permit required; permit fee and plates for vehicles used in hauling or transporting livestock; relation to Article 6 of chapter.**

No dealer, except as provided in this section, may engage in any business described in Section 2-15-40 without a permit. Every dealer shall annually, on or before October 1, file an application with the commissioner for a permit to engage in the business. The application shall be made upon forms furnished by the Department of Agriculture and Industries and shall contain such information as may be required. The fee for every permit, except as provided in this section, shall be established by the Board of Agriculture and Industries not to exceed thirty-seven dollars fifty cents (\$37.50), which shall be paid to the commissioner and deposited in the State Treasury to the credit of the Agricultural Fund. If such permit fee is not paid within 45 days from the date on which the fee is due, a delinquent penalty of 15 percent shall be added.

Every dealer who also engages in the business of transporting or hauling for hire cattle, sheep, goats, or hogs along any public road or highway of Alabama for resale, market, or slaughter shall pay an annual permit fee established by the Board of Agriculture and Industries not to exceed thirty-seven dollars fifty cents (\$37.50) for each vehicle used in hauling or transporting such livestock, and the commissioner, under rules promulgated by the Board of Agriculture and Industries, shall issue a suitable permit plate or annual decal for proper identification of each vehicle used by dealers in hauling or transporting livestock for resale, market, or slaughter.

Any dealer who procures a license as a dealer pursuant to the requirements of Article 6 of this chapter and who otherwise complies with the provisions of Article 6 of this chapter shall not be required to obtain the annual permit nor pay the fee therefor as required under this section, but every such dealer shall comply with the other provisions and requirements of this article; provided, that any dealer who is required to procure a license by Article 6 of this chapter who also engages in the business of transporting or hauling for hire cattle, sheep, goats, or hogs along any public road or highway in Alabama shall also be required to procure a permit and pay the fee therefor as required under this section.

*(Acts 1936, Ex. Sess., No. 190, p. 222; Code 1940, T. 2, §385; Acts 1953, No. 226, p. 292; Acts 1976, No. 363, p. 448, §1; Act 2004-516, p. 996, §1; Act 2017-226, §1.)*

#### Section 2-15-42

#### **Forfeiture of dealer's permit.**

Any dealer as defined in Section 2-15-40 who willfully violates any of the rules and regulations of the Commissioner of Agriculture and Industries lawfully made under the provisions of this article, shall forfeit the permit as such dealer in addition to any other penalty or punishment provided by law.

*(Acts 1936, Ex. Sess., No. 190, p. 222; Code 1940, T. 2, §391.)*

#### Section 2-15-43

**Dealers to obtain, etc., bills of sale upon purchase of livestock as defined in Section 2-15-20; dealers transporting livestock for hire upon public roads or highways to issue waybills or bills of lading; transporting of livestock without bill of sale, etc.; dealer, etc., to exhibit bill of sale, etc., upon demand by sheriff, etc.**

All such dealers shall be required to obtain from the owner or seller, on purchase of any livestock as defined in Section 2-15-20, a bill of sale

therefor, upon such forms as may be prescribed by the Commissioner of Agriculture and Industries and shall, on purchase, leave with such owner or seller a copy or duplicate of such bill of sale.

Dealers engaged in the business of transporting or hauling for hire livestock as defined in Section 2-15-20 along any public road or highway shall issue a waybill or bill of lading for all livestock hauled or transported by them containing such information as may be required by rules and regulations approved by the State Board of Agriculture and Industries.

It shall be unlawful for any dealer or his agent or employee to drive, haul or otherwise transport any such livestock along or upon any public road or highway in Alabama unless such dealer or his agent or employee shall have in his possession accompanying such hauling or shipment or transportation the original or a duplicate copy of the bill of sale, waybill or bill of lading as required by this section for any such livestock so being driven, hauled or transported, and the dealer or his agent or employee or other person in charge of such livestock shall on demand exhibit said accompanying bill of sale, waybill or bill of lading to any sheriff, deputy or other officer of the law.

*(Acts 1936, Ex. Sess., No. 190, p. 222; Code 1940, T. 2, §386; Acts 1976, No. 363, p. 448, §2; Acts 1994, No. 94-322, p. 562, §4.)*

#### **Section 2-15-45**

### **Promulgation of rules and regulations as to conduct, management and operation of business of dealers.**

Power is hereby conferred upon the Commissioner of Agriculture and Industries, with the approval of the State Board of Agriculture and Industries, to establish rules and regulations not inconsistent with law for the conduct, management and operation of any business as defined in this article, including the making, keeping and inspection of records to facilitate the tracing and identification of such livestock, the records to be kept and reports made and other like matters provided for to protect against stealing or unlawful dealing in or transportation of such livestock.

*(Acts 1936, Ex. Sess., No. 190, p. 222; Code 1940, T. 2, §389.)*

#### **Section 2-15-46**

### **Violation of provisions of article deemed misdemeanor.**

Any person violating any provisions of this article shall be guilty of a misdemeanor.

*(Acts 1936, Ex. Sess., No. 190, p. 222; Code 1940, T. 2, §390.)*

**Section 2-15-47**

**Applicability of provisions of article.**

The provisions of this article shall not apply to the buying, transportation or resale of cattle, hogs, sheep or goats when the buying, transportation or resale of such livestock is for the purpose of grazing, feeding or milking of such livestock by the person so buying, transporting or reselling such livestock.

*(Acts 1936, Ex. Sess., No. 190, p. 222; Code 1940, T. 2, §388.)*

**Section 2-15-48**

**Permits required by article cumulative; article not to prohibit adoption by municipalities of sanitary rules or regulations for conduct of dealer's business.**

The payment of the permit fees provided for in this article shall be in addition to any license or licenses now or hereafter required to be paid to the State of Alabama or any county or any incorporated city or town for the privilege of conducting such business or businesses, and nothing contained in this article shall prohibit any incorporated city or town from adopting sanitary rules or regulations for the conduct of any such business within such city or town.

*(Acts 1936, Ex. Sess., No. 190, p. 222; Code 1940, T. 2, §392.)*