

CHAPTER 35**(HB 267)**

AN ACT relating to agriculture.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 260.010 is amended to read as follows:

As used in this chapter, unless the context requires otherwise:

- (1) ~~"Closed package" means a package the contents of which cannot be seen or inspected when the package is closed.~~
- ~~(2)~~ "Commissioner" means the Commissioner of Agriculture.
- (2) ~~(3)~~ "Experiment station" means the agricultural experiment station.
- ~~(3)~~ ~~(4)~~ "Grower" means a bona fide producer of strawberries, either by himself, tenant, sharecropper or hired person.
- ~~(5)~~ "Hay" means grass, alfalfa, clover, or other forage crop cut and dried as fodder.
- ~~(4)~~ ~~(6)~~ "Not hand-picked" includes windfalls, drops and apples shaken or knocked from the tree.
- ~~(7)~~ "Producer" means a person who cultivates or harvests hay or other agricultural products for sale.

Section 2. KRS 260.990 is amended to read as follows:

- (1) ~~Any person who knowingly violates any of the provisions of KRS 260.040 to 260.120 shall, for the first offense, be fined not less than ten dollars (\$10), nor more than twenty five dollars (\$25), for the second offense, he shall be fined not less than twenty five dollars (\$25), nor more than fifty dollars (\$50), and for the third and each subsequent offense, he shall be fined not less than fifty dollars (\$50), nor more than two hundred dollars (\$200). Whenever a violation is with respect to a lot or shipment consisting of fifty (50) or more closed packages, there may be imposed in addition to the above penalties twenty five cents (\$0.25) for the first offense, fifty cents (\$0.50) for the second offense and one dollar (\$1) for each subsequent offense for each package in excess of fifty (50) with respect to which the violation is committed.~~
- ~~(2)~~ Any person who violates a stop order in violation of KRS 260.550(2) shall be fined one hundred dollars (\$100) for the first offense, be fined two hundred fifty dollars (\$250) for the second offense, and have his or her license revoked or suspended or, if the person has no license, be fined one thousand dollars (\$1,000) for each subsequent offense.
- ~~(2)~~ ~~(3)~~ Any person who violates a withdraw from sale order in violation of KRS 260.550(3) shall be guilty of a Class B misdemeanor.

Section 3. The following KRS sections are repealed:

- 260.040 Commissioner to enforce law -- Apples exempt.
- 260.050 Packages of apples to be marked.
- 260.060 Sale or distribution of improperly marked, adulterated or misbranded apples prohibited.
- 260.070 Standard barrel for apples -- Dimensions.
- 260.080 Standard grades for apples.
- 260.090 Minimum size of apples -- Tolerances.
- 260.100 When apple packages deemed misbranded.
- 260.110 When apple packages deemed adulterated.
- 260.120 Guaranty relieves recipient from liability -- Guarantor liable.
- 260.130 Growers exempt.
- 260.140 Packages of strawberries to be marked.
- 260.150 Standard grades for strawberries.

260.160 Commissioner to enforce KRS 260.130 to 260.160 -- Functions.

Approved March 24, 2006.