

PART 24**MILK DEALER LICENSING POLICY AND PROCEDURES**

(Statutory authority: Agriculture and Markets Law, §§ 16, 18, 255)

Sec.

- 24.1 Coverage
- 24.2 Application
- 24.3 Procedure

Historical Note

Part (§§ 24.1-24.75) repealed, filed Jan. 2, 1970; new Subparts (§§ 24-1, 24-3) filed May 22, 1986; repealed, new (§§ 24.1-24.3) added by renum. Subpart 24-1, filed Nov. 15, 1989 eff. Dec. 6, 1989.

§ 24.1 Coverage.

The requirements and standards of this Part shall apply to any person defined as a *milk dealer* pursuant to section 253(4) of the Agriculture and Markets Law, unless exempted from licensing pursuant to section 257 of such law.

Historical Note

Sec. repealed, filed Jan. 2, 1970; new added by renum. 24- 1. 1, filed Nov. 15, 1989 eff. Dec. 6, 1989.

§ 24.2 Application.

(a) Any person who proposes to purchase, handle, sell or otherwise deal in milk in a manner which represents the customary function of a milk dealer shall file an application for a license, setting forth the nature of the milk business the applicant intends to conduct and such other information as the commissioner deems necessary to determine whether the applicant qualifies for a license. For purposes of reviewing and determining such applications, licenses shall be classified according to the following types of milk businesses:

- (1) purchase of milk;
- (2) sale and distribution of milk;
- (3) processing of fluid milk;
- (4) manufacture of milk products;
- (5) cooperative bargaining and collecting for the sale of milk;
- (6) brokering of milk; and
- (7) hauling of milk.

(b) Any licensed milk dealer who proposes to change the type of his or her milk business, so as to result in a new classification of license, including the acquisition of the milk business of another milk dealer and the operation of a new or additional plant or other facility, shall file an application for an extension of license. The application shall be on a form provided by the commissioner and shall contain such information as deemed necessary to determine the extent and nature of the proposed change in the milk dealer's business.

(c) Any person who proposes to purchase, merge or transfer stock of an existing milk dealer which is a nonpublic corporation, or a one-third or greater ownership interest in an existing milk dealer which is a corporation whose stock is publicly traded, shall notify the commissioner in writing of his intention and obtain approval before completing any such transaction, in accordance with Agriculture and Markets Law, section 258-c.

§ 24.2

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(d) An applicant for a milk dealer's license, or for an extension of an existing license, or to acquire an existing milk dealer, shall not engage in the business for which the application is made until the application has been granted by the commissioner.

Historical Note

Sec. repealed, filed Jan. 2, 1970; new added by renum. 24-1.2, filed Nov. 15, 1989 eff. Dec. 6, 1989.

§ 24.3 Procedure.

(a) Each application for a milk dealer's license or extension of license will be reviewed and investigated in accordance with the standards set forth in section 258-c and other pertinent sections of the Agriculture and Markets Law. In the event that an adjudicatory proceeding is conducted relative to an application, the procedures prescribed in Part 367 of this Title shall be followed, except as may otherwise be provided in this Part or in article 21 of the Agriculture and Markets Law.

(b) If a hearing is to be held to consider denial of an application for a milk dealer's license or for an extension of a license, the hearing will be held within 15 days of notice to the applicant unless he requests an adjournment to a later date.

(c) A final determination on an application for a milk dealer's license or for an extension of a license, or for approval to purchase, merge or transfer stock of an existing milk dealer, will be made within the time frames and subject to the conditions described in section 258-c of the Agriculture and Markets Law.

(d) A log of pending applications for a milk dealer's license or for an extension thereof will be compiled and maintained by the Division of Dairy Industry Services and made available to any person for inspection or copying. The log shall contain the name and address of each applicant, the date the application was received in a completed form, and the type of business of milk business for which the application is filed.

(e) Any person who has information with respect to the qualifications of an applicant for a milk dealer's license or for an extension of a license may provide such, in writing, to the commissioner.

Historical Note

Sec. repealed, filed Jan. 2, 1970; new added by renum. 24-1.3, filed Nov. 15, 1989 eff. Dec. 6, 1989.

§ 24.4-24.13

Historical Note

Secs. repealed, filed Jan. 2, 1970 eff. Dec. 31, 1969.

§ 24.20-24.21

Historical Note

Secs. repealed, filed Jan. 2, 1970 eff. Dec. 31, 1969.

§ 24.25-24.28

Historical Note

Secs. repealed, filed Jan. 2, 1970 eff. Dec. 31, 1969.

§ 24.35-24.39

Historical Note

Secs. repealed, filed Jan. 2, 1970 eff. Dec. 31, 1969.

§ 24.45-24.46

Historical Note

Secs. repealed, filed Jan. 2, 1970 eff. Dec. 31, 1969.

§ 24.50-24.60

Historical Note

Secs. repealed. filed Jan. 2, 1970 eff. Dec. 31, 1969.

§ 24.65

Historical Note

Sec. repealed, filed Jan. 2, 1970 eff. Dec. 31, 1969.

§ 24.70-24.75

Historical Note

Secs. repealed. filed Jan. 2, 1970 eff. Dec. 31, 1969.

SUBPART 24-1**Historical Note**

Subpart (§§ 24-1.1--24-1.3) filed May 22, 1986; repealed, new (§§ 24-1.1--24-1.4) filed Feb. 29, 1988 as emergency measure, expired 60 days after filing; repealed, new (§ 24-1.1--24-1.3) filed May 10, 1988; renum. Part (§§ 24.1-24.3) filed Nov. 15, 1989 eff. Dec. 6, 1989.

§ 24-1.1-24-1.3

Historical Note

Secs. filed May 22, 1986; repealed, new filed: Feb. 29, 1988 as emergency measure, expired 60 days after filing; May 10, 1988; renum. 24.1-24.3, filed Nov. 15, 1989 eff. Dec. 6, 1989.

§ 24-1.4

Historical Note

Sec. filed May 22, 1986; repealed, new filed Feb. 29, 1988 as emergency measure, expired 60 days after filing; repealed, filed May 10, 1988 eff. May 31, 1988.

§ 24-1.5

Historical Note

Sec. filed May 22, 1986; repealed, filed: Feb. 29, 1988 as emergency measure, expired 60 days after filing; May 10, 1988 eff. May 31, 1988.

SUBPART 24-3**Historical Note**

Subpart (§§ 24-3.1--24-3.11) filed May 22, 1986; repealed, filed Nov. 15, 1989 eff. Dec. 6, 1989.

§ 24-3.1-24-3.11

Historical Note

Sec. filed May 22, 1986; repealed, filed Nov. 15, 1989 eff. Dec. 6, 1989.

