

# TIPS ON SELLING



- ✓ Sell to licensed dealers who make prompt payment.
- ✓ Adhere to the prompt payment provision of the law. The law requires dealers to pay producers within 30 days of sale and delivery, unless you have a written agreement to extend the payment terms. Payment terms cannot exceed 120 days from the sale and delivery.
- ✓ Good business requires good records with clear terms of sale. Keep copies of receipts, invoices, delivery and/or weight tickets with a complete description of the terms of sale.
- ✓ Be conscious of the time limits to be eligible for financial protection under the Agricultural Producers Security Program.
- ✓ Discuss issues of nonpayment immediately with the dealer to resolve any problems.
- ✓ Discontinue selling until your account is current. If you are unsuccessful in resolving the payment problem, notify the Department immediately and file a complaint by calling 1-800-554-4501.

## AGRICULTURAL PRODUCERS SECURITY PROGRAM

Article 20 of the New York State Agriculture and Markets Law (AML) requires farm product dealers to be licensed. The law provides financial protection for producers against nonpayment for their products sold to licensed dealers from the dealer's security and the Agricultural Producers Security Fund.



The Agricultural Producers Security Program is administered by the New York State Department of Agriculture and Markets

For more information, call  
1-800-554-4501  
or call direct at 518-457-8861

Visit the Department's Website at  
[www.agriculture.ny.gov](http://www.agriculture.ny.gov)

## AGRICULTURAL PRODUCERS SECURITY PROGRAM



As it relates to the  
New York State  
Agriculture & Markets Law  
Article 20 - Licensing & Sale  
of Farm Products

Learn about your  
financial rights as an  
agricultural producer  
and how to sell your products  
only to licensed dealers who  
make prompt payment

# AGRICULTURAL PRODUCERS SECURITY LAW

## PURPOSE OF THE LAW

- To help ensure that producers are paid fully and promptly
- To ensure payment to producers in the event a farm products dealer defaults in payment
- To suppress and prevent any unfair and fraudulent marketing practices

## ELIGIBLE PRODUCERS

Typically, any person who grows or sells farm products or livestock in New York is eligible to participate.

## STATE PRODUCTS COVERED

All agricultural products grown or raised in New York State are generally covered by the law with the exception of dairy, eggs and timber.

## WHO'S SUBJECT TO A LICENSE

Dealers, including commission merchants, net-return dealers, brokers and processors who buy or receive New York farm products from New York State producers for resale.



# YOUR RESPONSIBILITIES AS A PRODUCER

## 1. Do business with a licensed dealer.

Only transactions involving the sale of farm products to a licensed dealer are covered under the law. Before selling your products to a dealer, make sure they are licensed by calling the Department at 1-800-554-4501 or consulting the Department's website at: [www.agriculture.ny.gov/programs/apsf.html](http://www.agriculture.ny.gov/programs/apsf.html)

## 2. Do not continue to sell products to a dealer who has failed to make timely payments.

The law covers only transactions where the sale of farm products occurred within 120 days after the earliest transaction between you and the dealer, which remains unpaid at the time you file a claim, regardless of whether that earliest unpaid transaction is included in your claim.

The law requires dealers to pay you within 30 days of the sale and delivery of your products, unless a written agreement exists between you and the dealer that extends the term for payment up to a maximum of 120 days.

## 3. File a claim when a dealer has failed to make timely payments.

If a dealer has failed to pay you in a timely way for farm products you sold and delivered to the dealer, you should file a complaint with the Department. If the matter is not resolved or the Commissioner has reason to believe that there has been a default by a licensed dealer in making payment to producers, the Department will provide notice for producers to file claims within 30 days.

To be eligible for coverage, all claims must be filed no later than 365 days after the sale and delivery of the farm product, but in no event, beyond the expiration of the 30-day period provided in the notice published by the Department.

Claim forms may be obtained by contacting the Department at 1-800-554-4501 or by downloading the forms from the Department's website at: [www.agriculture.ny.gov/programs/apsf.html](http://www.agriculture.ny.gov/programs/apsf.html)

***\*\*This pamphlet only highlights the requirements of the Agricultural Producers Security Law (Article 20). It is recommended that you or your attorney review the law in detail to fully understand what you must do to maximize its benefits for you, including additional protections like providing the dealer with notice that you have chosen to preserve the trust benefit provided by AML section 250-a.***