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VIRGINIA ACTS OF ASSEMBLY — CHAPTER

An Act to amend and reenact §§ 3.2-3700 and 3.2-3704 of the Code of Virginia, relating to fertilizer and lime permit requirements.

[H 749]

Approved

Be it enacted by the General Assembly of Virginia:
1. That §§ 3.2-3700 and 3.2-3704 of the Code of Virginia are amended and reenacted as follows:
§ 3.2-3700. Definitions.

- As used in this chapter, unless the context requires a different meaning:
- "Agricultural liming material" means any limestone with calcium and magnesium compounds that has the capacity, and whose intended purpose is, to neutralize soil acidity.
- "Applicant" means the person who applies for, or requests, a license, or applies for registration of any liming material; ~~or applies to become a contractor.~~
- "Brand" means the term, designation, trademark, product name or other specific designation under which any liming material is offered for sale.
- "Bulk" means materials in nonpackaged form.
- "Calcium carbonate equivalent" means the acid neutralizing capacity of any liming material, expressed as weight percentage of calcium carbonate.
- ~~"Contractor" means any person required to hold a permit to sell any bulk liming material to the consumer pursuant to § 3.2-3704.~~
- "Distributor" means any person who imports or consigns, manufactures, produces, compounds, mixes, or blends any liming material, or who offers for sale, sells, barter or otherwise supplies any liming material.
- "Effective Neutralizing Value" or "ENV" means a relative value using the calcium oxide content, magnesium oxide content and fineness to express the effectiveness of an agricultural liming material in neutralizing soil acidity. This term is synonymous with Effective Neutralizing Power (ENP).
- "Fineness" means the percentage by weight of the material that will pass through United States Standards sieves of specified sizes.
- "Industrial co-product used to neutralize soil acid" means a waste or by-product of an industrial process that contains any compound not normally found in limestone that has the capacity, and whose intended purpose is, to neutralize soil acidity.
- "Kind" means one of the two classes of liming material.
- "Label" means any written or printed matter on, or attached to, the package, or on the delivery ticket that accompanies bulk shipments, of any liming material.
- "Licensed" or "licensee" means the person issued a license to distribute any liming material in the Commonwealth.
- "Limestone" means a material consisting essentially of calcium carbonate, or a combination of calcium carbonate and magnesium carbonate, capable of neutralizing soil acidity.
- "Liming material" means any agricultural liming material and any industrial co-product used to neutralize soil acid.
- "Manufacturer" means any person who manufactures, produces, compounds, mixes, blends, imports or consigns liming material, or who offers for sale, sells, barter or otherwise supplies liming material.
- "Percent" or "percentage" means by weight.
- "Quantity statement" means the net weight (mass), net volume (liquid or dry), count or other form of measurement of a commodity.
- "Registrant" means the person registering any liming material pursuant to the provisions of this chapter.
- "Standard liming ton" means a ton of agricultural liming material with a calcium carbonate equivalent of 90 percent.
- "Stop sale, use, removal or seizure order" means an order that prohibits the distributor from selling, relocating, using, or disposing of a lot of liming material, or portion thereof, in any manner, until the Commissioner or a court gives written permission to sell, relocate, use or dispose of the lot of liming material or portion thereof.
- "Ton" means a unit of 2,000 pounds avoirdupois weight.
- "Type" means the identification of the agricultural liming material as follows:
 1. "Burnt" means any agricultural liming material with calcium and magnesium compounds capable of neutralizing soil acidity, and that consists essentially of calcium oxide, or a combination of calcium oxide and magnesium oxide.

57 2. "Calcitic" means any agricultural liming material in which 85 percent or more of the total neutralizing
58 value, expressed as calcium carbonate equivalent, is derived from calcium.

59 3. "Dolomitic" means any agricultural liming material in which 15 percent or more of the total carbonate
60 content is magnesium carbonate.

61 4. "Hydrated" means any agricultural liming material, made from burnt lime, that consists essentially of:
62 (i) calcium hydroxide; (ii) a combination of calcium hydroxide, magnesium oxide and magnesium hydroxide;
63 or (iii) a combination of calcium hydroxide, and either magnesium oxide or magnesium hydroxide.

64 5. "Marl" means a granular or loosely consolidated earthy agricultural liming material composed largely
65 of calcium carbonate.

66 **§ 3.2-3704. Sale of Bulk Liming Material.**

67 A. It is unlawful for any person, other than a registrant ~~or~~, licensee, *or person who (i) is licensed to*
68 *distribute a regulated product, as that term is defined in § 3.2-3600, pursuant to § 3.2-3606; (ii) holds a valid*
69 *permit to be a contractor-applicator pursuant to § 3.2-3608; or (iii) is an employee or agent of a person*
70 *holding a valid permit to be a contractor-applicator pursuant to § 3.2-3608, to sell bulk liming material*
71 *unless the person: (i) obtains a license by completing a contractor application form furnished or approved by*
72 *the Commissioner and pays the \$50 annual fee required to be a contractor; (ii) is an employee or agent of a*
73 *contractor who holds a valid permit, in which case no permit is required and no fee is due from the employee*
74 *or agent; or (iii) holds a valid permit to be a contractor-applicator pursuant to subsection A of § 3.2-3608, or*
75 *is an employee or agent of person holding a valid permit to be a contractor-applicator pursuant to subsection*
76 *A of § 3.2-3608, in which case no additional permit is required and no additional fee is due. Each permit to*
77 *do business as a contractor shall expire on June 30 of the permitting year for which the Commissioner issued*
78 *the permit. Every such permit shall be valid through July 31 of the next permitting year or until issuance of*
79 *the renewal permit, whichever occurs first, if the holder of the permit has filed a renewal application with the*
80 *Commissioner on or before June 30 of the permitting year for which the Commissioner issued the permit.*

81 B. The Commissioner shall grant to a contractor who has failed to obtain a contractor's permit to do
82 business during the permitting year a grace period of 15 working days, starting upon issuance of notification,
83 to obtain the permit without the payment of a late fee. If the contractor fails to obtain a permit by the 15th day
84 of the grace period, the contractor shall pay to the Commissioner a \$50 late fee in addition to the permit fee,
85 and the Commissioner shall cause a stop sale, use, removal or seizure order to be issued on any liming
86 material the contractor sells until the contractor obtains the required permit.

87 C. ~~The contractor~~ *A person authorized to sell bulk liming material pursuant to this section shall guarantee*
88 *the consumer that the contractor shall comply he has complied with all provisions of this chapter that apply to*
89 *the sale and delivery of bulk liming material.*