

**27.01 DEFINITIONS.**

Subdivision 1. [Repealed, 1996 c 310 s 1]

Subd. 2. **Produce.** "Produce" means:

- (1) perishable fresh fruits and vegetables;
- (2) milk and cream and products manufactured from milk and cream; and
- (3) poultry and poultry products.

Subd. 3. [Repealed, 1996 c 310 s 1]

Subd. 4. **Voluntary extension of credit.** The term "voluntary extension of credit" means a written agreement between the seller and the licensee wherein the time of payment for the purchase price of produce is extended beyond the due date.

Subd. 5. **Due date.** "Due date" means ten days from the date of delivery of produce by the seller to the licensee if the due date is not specified in the contract. For purposes of this definition a signed invoice with a due date is a contract.

If produce is consigned, "due date" means ten days from the date the sale is made by the broker or handler, except as to milk processing plants, where the due date means 15 days following the monthly day of accounting subsequent to deliveries following the date fixed by each milk processing plant for that accounting.

Subd. 6. [Repealed, 1996 c 310 s 1]

Subd. 7. **Commissioner.** "Commissioner" means the commissioner of the Department of Agriculture.

Subd. 8. **Wholesale produce dealer.** (a) "Wholesale produce dealer" or "dealer at wholesale" means:

- (1) a person who buys from or contracts with a seller for production or sale of produce in wholesale lots for resale;
- (2) a person engaging in the business of a broker or agent, who handles or deals in produce for a commission or fee;
- (3) a truck owner or operator who buys produce in wholesale lots for resale; and
- (4) a person engaged in the business of a cannery, food manufacturer, or food processor, who purchases produce in wholesale lots as a part of that business.

(b) For purposes of paragraph (a), "wholesale lots" means purchases from Minnesota sellers must total more than \$12,000 annually.

(c) "Wholesale produce dealer" or "dealer at wholesale" does not include:

- (1) a truck owner and operator who regularly engages in the business of transporting freight, including produce, for a transportation fee only, and who does not purchase, contract to purchase, or sell produce;
- (2) a marketing cooperative association in which substantially all of the voting stock is held by patrons who patronize the association and in which at least 75 percent of the business of the association is transacted with member or stockholder patrons;

(3) a person who purchases Minnesota seasonally grown perishable fresh fruits and vegetables, and pays cash, including lawful money of the United States, a cashier's check, a certified check, or a bank draft;

(4) a person who handles and deals in only canned, packaged, or processed produce or packaged dairy products that are no longer perishable as determined by the commissioner by rule; or

(5) retail merchants who purchase produce, defined in subdivision 2, directly from farmers, which in the aggregate does not exceed \$500 per month.

Subd. 9. [Repealed, 1996 c 310 s 1]

Subd. 10. **Seller.** "Seller" means a farmer or wholesale produce dealer, whether the person is the owner of the produce or produces it for another person who holds title to it.

**History:** (6240-18 1/2a) 1931 c 394 s 2; 1939 c 251 s 2; 1943 c 479 s 1; 1953 c 345 s 1; 1961 c 113 s 1; 1961 c 128 s 9; 1961 c 163 s 1; 1965 c 787 s 1; 1969 c 471 s 2; 1975 c 227 s 2-4; 1Sp1981 c 4 art 1 s 38; 1990 c 530 s 2-5; 2000 c 477 s 24