

DID YOU KNOW?

YOU MAY BE SUBJECT TO LICENSING AS A
DEALER IN FARM PRODUCTS IF...

You are selling, processing or handling Agricultural Farm Product(s)
produced or grown in Hawaii.

AND

The product was purchased or obtained directly from a Hawaii
Producer, Farmer, Nurseryman or Grower.

THE LICENSE IS ISSUED BY THE
HAWAII DEPARTMENT OF AGRICULTURE

If you are subject to this license, please complete the enclosed application (DL-2)
and mail it back with the proper fee. (License fees are shown on the application.)

**Operating your business without the proper license is a violation and may
result in a penalty.**

If you are already licensed or are not subject to licensing under the provisions of
Chapter 145, Hawaii Revised Statutes, and Chapter 4-48, Hawaii Administrative
Rules, please disregard this reminder.

IF YOU HAVE ANY QUESTIONS PLEASE CALL THE COMMODITIES BRANCH ON YOUR ISLAND

Honolulu
832-0700

Hilo
974-6514

Kona
323-7589

Maui
873-3554

Kauai
241-7133

Chapter 4-48 Rules Regulating Dealers in Farm Products are available online at: <http://hdoa.hawaii.gov/admin-rules/>

INFORMATION AND INSTRUCTIONS

APPLICATION FOR LICENSE DEALERS IN FARM PRODUCE

GENERAL LICENSE REQUIREMENT

A license from the HAWAII DEPARTMENT OF AGRICULTURE is required if you handle or sell any HAWAII GROWN Agricultural Product, such as...

PLANTS
FLOWERS
ISLAND EGGS or POULTRY
FRESH FRUITS or VEGETABLES
ISLAND LIVESTOCK or LIVESTOCK PRODUCTS

and the product was OBTAINED OR PURCHASED BY YOU DIRECTLY FROM A HAWAII FARMER OR GROWER.

CLASS OF BUSINESS - DEFINITIONS (Item 3 of application)

COMMISSION MERCHANT means any person who receives on consignment or solicits from the producer thereof any farm product for sale on commission on behalf of such producer, or who accepts any farm product in trust from the producer thereof for the purpose of resale, or who sells or offers for sale on commission any farm product, or who in any way handles for the account of or as an agent of the producer thereof any farm product.

DEALER means any person, other than a commission merchant, who solicits or obtains possession or control of any farm product at a specified unit price from a producer thereof for resale in its natural state to other than the consumer thereof.

BROKER means any person, other than a commission merchant or dealer, who negotiates the purchase or sale of any farm product. A broker may not obtain possession of any farm product involved.

AGENT means any person who, on behalf of any commission merchant, dealer, broker, processor or retail merchant receives, contracts for or solicits any farm products from a producer thereof, or who negotiates the consignment or purchase of any farm product on behalf of any commission merchant, dealer, broker, processor or retail merchant.

PROCESSOR means any person who contracts for or obtains possession of any farm product from the producer thereof for resale in a processed form, but shall not include hotels, restaurants, or other persons furnishing meals, nor shall it include any person who processes any farm produce solely for sale directly to a consumer.

RETAIL MERCHANT means any person who solicits or obtains from a producer thereof title, possessions or control of any farm product at a specified unit price for sale at retail to a consumer. For the purpose of this definition, sales to the United States Armed Forces, restaurants, hotels, hospitals or institutions are not retail sales.

BRANCH STORE LICENSE (Section B, Item 14 of application)

BRANCH STORE means any additional store owned and operated by a person subject to licensing which conducts the same class of business.

A license is required for each Branch Store and may be obtained by the main store or parent company.

A separate license is not required for the executive or corporate office, if listed in Item 1 of the application. **The main store or parent store shall be the first store listed in Item 14 and shall pay the proper license fee required for its class of business.** All other stores listed in Item 14 shall be classified as branch stores providing they are under the same corporate charter, partnership or ownership as the main store.

(over)

LICENSE FEES

If your business falls under only one class of business, pay only that specified fee. If it falls under more than one class of business, the general rule is that no additional license fee is required if the license fee for a class of business having a higher fee is paid. Following are examples:

- a. A COMMISSION MERCHANT shall pay a \$40 license fee.
- b. A DEALER, PROCESSOR, BROKER or AGENT shall pay \$40 for each classification. They may also operate as a Retail Merchant with no additional fee.
- c. A RETAIL MERCHANT shall pay a \$10 license fee and can operate only as a retail merchant.
- d. Each BRANCH STORE must pay a \$5 fee and can conduct the classes of business for which the main store is licensed.



PENALTY: If the date in Item 7 of the application is more than thirty days from the date of filing the application, a penalty will be in effect. Please contact Commodities Branch personnel prior to calculating your license fee.

ADDITIONAL REQUIREMENTS

COMMISSION MERCHANT OR BROKER CLASSIFICATION

Form DL-3 must be completed and submitted with the application. Commission Merchants and Brokers are also required to execute and deliver to the Director, a surety bond in the sum of \$3,000.00. A printed bond form DL-10 is available on request.

AGENT CLASSIFICATION

Form DL-3 must be completed and submitted with the application. An agent's license expires with that of his principal.

SIGNATURE

DON'T FORGET TO SIGN AND DATE YOUR APPLICATION, Mail with your payment to:

COMMODITIES BRANCH
1851 Auiki Street
Honolulu, HI 96819-3100

IF YOU HAVE ANY QUESTIONS, PLEASE TELEPHONE THE COMMODITIES BRANCH OFFICE:

HONOLULU
832-0709

KONA
323-7589

MAUI
873-3554

KAUAI
274-3073

SECTION B. TO BE COMPLETED BY APPLICANT WITH BRANCH STORE(S) See instruction sheet

14. NAME, ADDRESS AND PHONE NUMBER OF EACH BRANCH STORE. A separate application must be completed for each Branch Store established subsequent to the filing of this application.

DO NOT WRITE IN LIC. NO. BLOCK, for office use only.

MAIN OR PARENT STORE PHONE: _____ LIC. NO. _____		5. PHONE: _____ LIC. NO. _____	
1. BRANCH STORES PHONE: _____ LIC. NO. _____		6. PHONE: _____ LIC. NO. _____	
2. PHONE: _____ LIC. NO. _____		7. PHONE: _____ LIC. NO. _____	
3. PHONE: _____ LIC. NO. _____		8. PHONE: _____ LIC. NO. _____	
4. PHONE: _____ LIC. NO. _____		9. PHONE: _____ LIC. NO. _____	

(Note: Attach separate sheet if additional space is needed)

SECTION C. TO BE COMPLETED BY ALL APPLICANTS

15. BANKING REFERENCE: Name and Branch of Bank

16. NAME OF PERSON AUTHORIZED TO RECEIVE AND ACCEPT SUMMONS AND LEGAL NOTICES.

AGENT OR COMMISSION MERCHANT APPLICANTS SEE ATTACHED INSTRUCTIONS FOR ADDITIONAL REQUIREMENTS.
 COMMISSION MERCHANT or BROKERS ATTACH SURETY BOND for \$3,000.00.

LICENSE FEE (See attached sheet for instructions.)

- Commission Merchant, Agent,
- Broker, Dealer or Processor (each).....\$40.00
- Retail Merchant.....\$10.00
- Branch Store.....\$5.00
- Penalty: See instruction sheet

Signature of Applicant

Title

Date

Make check payable to: **HAWAII DEPT. OF AGRICULTURE**
 and mail to: **COMMODITIES BRANCH**
 1851 Auiki Street
 Honolulu, HI 96819-3100

REMINDER: DID YOU SIGN THIS APPLICATION?