CHAPTER 150. MILK MARKETING FEES

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Authority

The provisions of this Chapter 150 issued under the Milk Marketing Fee Act (31 P.S. §§ 700k-1—700k-10), unless otherwise noted.

Source

The provisions of this Chapter 150 adopted June 23, 1989, effective June 24, 1989, 19 Pa.B. 2638, unless otherwise noted.

GENERAL PROVISIONS

§ 150.1. Definitions.

When used in this chapter, terms defined in section 103 of the act (31 P.S. § 700j-103) have the meanings given to them in that section, unless the context clearly indicates otherwise.

Source


§ 150.2. [Reserved].

Source

The provisions of this § 150.2 adopted June 23, 1989, effective June 24, 1989, 19 Pa.B. 2638; amended April 24, 1992, effective upon publication and apply to license applications and renewal applications filed for the Fiscal 1992-93 licensing year. Immediately preceding text appears at serial page (137972).

§ 150.2a. License year; certification year.

(a) The license year for milk dealers, subdealers and milk haulers is the period beginning on July 1 of a given year and ending on June 30 of the succeeding year.

(b) The certification year for milk testers and milk weighers and samplers is a calendar year.

Source


§ 150.3. Classification of licenses—statement of policy.

It is the policy of the Board to establish a license classification system that reflects the changes occurring in the market conditions and business characteristics of the dairy industry. The Board anticipates implementation of changes in the
license classification system that will go into effect during the license year 2001—2002. The Board’s proposed changes will eliminate the license classifications of importing retailer, importing distributor, broker, receiving station and subdealer store. In order to reduce the administrative burden of calculating and refunding license fees during the license year to those entities that will not be required to be licensed under the new license classification system, it is the Board’s intent to notify those entities currently licensed as an importing retailer, importing distributor, broker, receiving station or subdealer store that they are not required to complete and file a license application for the license year 2001—2002 and any succeeding license years.

Source

LICENSE FEES OF MILK DEALERS

§ 150.11. Fixed fees.
(a) A new applicant for a milk dealer’s license shall pay a fixed fee of $100 for a license issued on or after July 1 but before October 1 of the same year or a proportionate fixed fee as follows:
   (1) $75 for a license issued on or after October 1 but before January 1 of the succeeding year.
   (2) $50 for a license issued on or after January 1 but before April 1 of the same year.
   (3) $25 for a license issued on or after April 1 but before July 1 of the same year.
(b) An applicant for annual renewal of a milk dealer’s license shall pay a fixed fee of $50.

Source

Cross References
This section cited in 7 Pa. Code § 150.12 (relating to hundredweight fees); and 7 Pa. Code § 150.13 (relating to time for payment of fees).

§ 150.12. Hundredweight fees.
(a) In addition to the fixed fee imposed under § 150.11 (relating to fixed fees), a milk dealer that was licensed for the entire calendar year preceding license renewal shall pay an annual hundredweight fee as set forth in paragraphs (1) and (2).

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(1) For milk for which the Board has fixed a minimum wholesale or retail price, received, produced or brought into this Commonwealth during the calendar year preceding the period for which the license is issued, the fee is $.045 per hundredweight.

(2) For milk for which the Board has not fixed a minimum wholesale or retail price, received, produced or brought into this Commonwealth during the calendar year preceding the period for which the license is issued, the fee is $.0057 per hundredweight.

(b) In addition to the fixed fee imposed under § 150.11, a milk dealer that was not licensed for the entire calendar year preceding license application or renewal shall pay a monthly hundredweight fee as set forth in paragraphs (1) and (2). Monthly payments shall continue until the milk dealer has been licensed for an entire calendar year and for each month thereafter until the next license year begins. Annual payments shall then commence under subsection (a).

(1) For milk for which the Board has fixed a minimum wholesale or retail price, received, produced or brought into this Commonwealth during the preceding month, the fee is $.045 per hundredweight.

(2) For milk for which the Board has not fixed a minimum wholesale or retail price, received, produced or brought into this Commonwealth during the preceding month, the fee is $.0057 per hundredweight.

(c) In computing hundredweight fees under subsections (a) and (b), the Board will ascertain and fix the fluid milk equivalent of milk other than fluid milk by dividing the pounds of butterfat in cream by 3.5 and the pounds of nonfat solids in condensed and concentrated milk by 8.8. For farm-separated sour cream used exclusively in making butter to be marketed or ultimately sold as such, the Board will compute the total quantity of milk based on pounds of butterfat or sour cream rather than on the fluid milk equivalent.

(d) Milk that was purchased by a milk dealer located in or outside this Commonwealth from an out-of-State producer, and was diverted to an out-of-State milk dealer, is not subject to a hundredweight fee. As used in this subsection, “diverted” means that the purchasing milk dealer took possession of producer milk at the farm, from which location it was delivered to another milk dealer without entering the purchasing milk dealer’s plant.

Source


Cross References

This section cited in 7 Pa. Code § 150.13 (relating to time for payment of fees).
§ 150.13. Time for payment of fees.
(a) A new applicant for a milk dealer’s license shall pay the fixed fee imposed under § 150.11(a) (relating to fixed fees) when the applicant submits the milk dealer/subdealer license application (available from the Board Office or website), and shall submit the monthly hundredweight fee imposed under § 150.12(b) (relating to hundredweight fees) with the monthly report milk dealers must file under § 147.10 (relating to monthly reports).
(b) An applicant for renewal of a milk dealer’s license that was licensed for the entire calendar year preceding license renewal shall pay the fixed fees imposed under § 150.11(b) and the annual hundredweight fee imposed under § 150.12(a) when the applicant submits the milk dealer/subdealer license renewal application (available from the Board Office or website). Fees exceeding $2,000 may be paid in four equal installments, the first to be submitted with the milk dealer/subdealer license renewal application and the remaining three to be received in the Board office on or before September 15, December 15 and March 15, respectively, or the next business day if the 15th falls on a day when Commonwealth offices are closed.
(c) An applicant for renewal of a milk dealer’s license that was not licensed for the entire calendar year preceding license renewal shall pay the fixed fee imposed under § 150.11(b) when the applicant submits the milk dealer/subdealer license renewal application, and shall submit the monthly hundredweight fee imposed under § 150.12(b) with the monthly report milk dealers shall file under § 147.10.

Source

LICENSE FEES OF MILK SUBDEALERS

§ 150.21. Fixed fees.
(a) A new applicant for a subdealer’s license shall pay a fixed fee of $50 for a license issued on or after July 1 but before October 1 of the same year or a proportionate fixed fee as follows:
   (1) $37.50 for a license issued on or after October 1 but before January 1 of the succeeding year.
   (2) $25 for a license issued on or after January 1 but before April 1 of the same year.
   (3) $12.50 for a license issued on or after April 1 but before July 1 of the same year.
(b) An applicant for annual renewal of a subdealer’s license shall pay a fixed fee of $25.
§ 150.22. Quart-equivalent fee.

(a) In addition to the fixed fee imposed under § 150.21(b) (relating to fixed fees), an applicant for annual renewal of a subdealer’s license shall pay an annual quart-equivalent fee calculated by dividing the total quarts of milk purchased during the previous calendar year by the number of months in which the subdealer engaged in business. The Board will assess the fee in accordance with the following schedule:

<table>
<thead>
<tr>
<th>Ave. Qts. Purchased Per Month</th>
<th>Annual Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>1—29,999</td>
<td>$50</td>
</tr>
<tr>
<td>30,000—59,999</td>
<td>100</td>
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<td>60,000—119,999</td>
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<tr>
<td>120,000—149,999</td>
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<td>400,000—599,999</td>
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</tr>
<tr>
<td>600,000—799,999</td>
<td>800</td>
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<tr>
<td>800,000—999,999</td>
<td>1200</td>
</tr>
<tr>
<td>1,000,000 and over</td>
<td>1400</td>
</tr>
</tbody>
</table>

(b) As used in subsection (a), “quarts” means the total volume of milk for which the Board sets a wholesale price expressed in quart equivalents.

Source

Cross References
This section cited in 7 Pa. Code § 150.22 (relating to per hundredweight fee); and 7 Pa. Code § 150.23 (relating to time for payment of fees).

§ 150.23. Time for payment of fees.

(a) A new applicant for a subdealer’s license shall pay the fixed fee imposed under § 150.21(a) (relating to fixed fees) when the applicant submits the milk dealer/subdealer license application.
(b) An applicant for renewal of a subdealer’s license shall pay the fixed fees imposed under § 150.21(b) and the quart-equivalent fee imposed under § 150.22 (relating to quart-equivalent fee) when the applicant submits the milk dealer/subdealer license renewal application.

Source

§ 150.31. [Reserved].

Source
The provisions of this § 150.31 adopted June 23, 1989, effective June 24, 1989, 19 Pa.B. 2638; reserved April 24, 1992, effective upon publication and apply to license applications filed for the Fiscal 1992-93 licensing year. Immediately preceding text appears at serial pages (137974) to (137975).

§ 150.32. [Reserved].

Source

§ 150.41. [Reserved].

Source

§ 150.42. [Reserved].

Source

LICENSE FEES OF MILK HAULERS

§ 150.51. Fixed fees.
A new applicant for a milk hauler’s license and an applicant for annual renewal of a milk hauler’s license shall pay a fixed fee of $30.

Source
§ 150.52. Hundredweight fee.

In addition to the fixed fee imposed under § 150.51 (relating to fixed fees), a milk hauler shall pay a fee of $.005 per hundredweight for milk hauled during the license year. The fee shall apply to:

1. Milk picked up at a producer’s farm located in this Commonwealth and delivered to a milk dealer located in this Commonwealth.
2. Milk picked up at a producer’s farm located outside this Commonwealth and delivered to a milk dealer located in this Commonwealth.
3. Milk picked up at a producer’s farm located in this Commonwealth and delivered to a milk dealer located outside this Commonwealth.

§ 150.53. Time for and manner of payment of fees.

(a) A new applicant for a milk hauler’s license and an applicant for renewal of a milk hauler’s license shall pay the fixed fee imposed under § 150.51 (relating to fixed fees) when the applicant files the license application, Form PMMB-77B or Form PMMB-77 (available from the Board Office or website).

(b) Payment of the hundredweight fee shall be remitted by a licensed milk hauler in full to be received in the office of the Board by the 30th day of the month immediately succeeding the month in which the milk was hauled or the nearest business day thereafter (March 1 for January reports). The payment shall accompany the Milk Hauler’s Monthly Report, Form PMMB-79 (available from the Board Office or website), which is also due on that date.

License Fees of Milk Testers

§ 150.61. Examination fee.

The fee to take the Board-approved examination for a certificate of proficiency in milk testing is $25, payable when the examination is taken. The examination fee is not refundable and may not be applied toward payment of the fixed fees in § 150.62 (relating to fixed fees for new and renewed certificates).
§ 150.62. Fixed fees for new and renewed certificates.

A new applicant for a milk tester’s certificate and an applicant for renewal of a milk tester’s certificate shall pay a fee of $20, which shall accompany the milk tester certificate application (available from the Board Office or website).

Source

CERTIFICATION FEES OF MILK WEIGHERS AND SAMPLERS

§ 150.71. Examination fee.

The fee to take the Board-approved examination for a certificate of proficiency in milk weighing and sampling is $25, payable when the examination is taken. The examination fee is not refundable and may not be applied toward payment of the fixed fees in § 150.72 (relating to fixed fees for new and renewed certificates).

Source

§ 150.72. Fixed fees for new and renewed certificates.

A new applicant for a milk weigher and sampler’s certificate and an applicant for renewal of a milk weigher and sampler’s certificate shall pay a fee of $20, which shall accompany the milk weigher/sampler certificate application (available from the Board Office or website).

Source

Cross References
This section cited in 7 Pa. Code § 150.71 (relating to examination fee).

OTHER FEES

§ 150.81. Transfer fee.

The fee to transfer a license under section 407 of the act (31 P. S. § 700j-407) is $50.
§ 150.82. Fees for copying and certifying Board documents.

Fees for providing copies of, or for certification of, Board documents will be in an amount that will fully offset the costs incurred by the Board in providing the documents or certification.

Source