

PART 44
PROMPT PAYMENT FOR MILK TO MILK DEALERS

(Statutory authority: Agriculture and Markets Law, §§ 255, 258-b par. 2[b])

Sec.

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Historical Note

Part (§§ 44.1-44.5) filed April 15, 1977 eff. June 1, 1977.

§ 44.1 General application.

The terms and provisions of this Part shall apply to sales or deliveries of milk by a milk dealer to another milk dealer.

Historical Note

Sec. filed April 15, 1977 eff. June 1, 1977.

§ 44.2 Definitions.

- (a) *Commissioner* means the Commissioner of Agriculture and Markets of the State of New York.
- (b) *Person* means any individual, firm, partnership, corporation or association.
- (c) *Milk dealer* means any person licensed to receive, purchase, handle or sell milk pursuant to article 21 of the Agriculture and Markets Law and the applicable rules and regulations promulgated thereunder by the commissioner.
- (d) *Milk* means all milk and milk products, as defined pursuant to subdivision seven of Section 253 of the Agriculture and Markets Law, whether in bulk or packaged form.
- (e) *Payment* means cash payment in full received on or before the due date established pursuant to this Part. Payment by check shall be treated as conditional payment but shall be defeated upon dishonor of the check.

Historical Note

Sec. filed April 15, 1977 eff. June 1, 1977.

§ 44.3 Final date for payment.

Each milk dealer shall pay for all milk purchased or received from another milk dealer on or before the 20th day of the month following the month in which the milk was purchased or received. If the commissioner fixes an earlier final date for payment by a milk dealer to a cooperative association of producers which is also a milk dealer with respect to milk subject to regulation under a marketing order promulgated pursuant to the provisions of section 258-m or 258-n of the Agriculture and Markets Law, such earlier date of payment shall be effective under this Part for milk purchased from such cooperative.

Historical Note

Sec. filed April 15, 1977 eff. June 1, 1977.

§ 44.4 Prohibition.

No milk dealer shall sell or deliver milk, except on a cash-on-delivery basis, to a milk dealer who has failed to make full payment on or before the final date prescribed under section 44.3 of this Part for milk purchased or received from any milk dealer.

Historical Note

Sec. filed April 15, 1977 eff. June 1, 1977.

§ 44.5 Notice of late payment.

Each milk dealer shall notify the commissioner in writing of any milk dealer who has failed to pay him for milk on or before the final date prescribed by this Part and whose current purchases of milk are required to be made on a cash-on-delivery basis.

Historical Note

Sec. filed April 15, 1977 eff. June 1, 1977.