February 7, 2013

MEMO TO: Out-of-State Seed Dealers selling or shipping seed into Georgia

FROM: Alan Lowman
Agricultural Inputs Program Director

SUBJECT: Registration for Seed Dealer’s License in Georgia

According to the Official Code of Georgia Annotated § 2-11-26 and Georgia Department of Agriculture Rules Chapter 40-12-8, all seed dealers must apply for a Seed Dealers License, including out-of-state seed dealers selling or shipping seed into Georgia. Rules Chapter 40-12-8, entitled Seed Dealer License Fee, outlines requirements of license registration, expiration and renewal as follows:

40-12-8-.01 Seed Dealer License Fees. Pursuant to Code § 2-11-26, during August 1997, each retail and wholesale dealer shall apply for a separate license for each point of sale from which seed are sold, offered for sale, or exposed for sale. Out-of-state wholesale and retail seed dealers who sell or ship seed into this state shall obtain a single license for their headquarters’ location in the same manner. Application for license is made on forms supplied through the Seed Division of the Georgia Department of Agriculture. License applicants shall be assessed a fee of $100 for each three (3) year period or any portion thereof. All licenses shall expire on July 31, 2000, and every third year thereafter. Authority O.C.G.A. 2-11-26

First time out-of-state Georgia Seed Dealer License applicants must submit:

1) a completed Seed Dealer’s License application form,

2) the $100.00 license fee made payable to the Georgia Department of Agriculture and

3) one of the additional enclosed forms needed by out-of-state companies selling or shipping into Georgia to comply with Georgia Department of Agriculture Registration, License and Permit Act to accept service of legal process.

For your information, listed below are three (3) ways an out-of-state company may comply with the requirement to accept legal process.

1. By letter designating a place in Georgia where the applicant may be personally served with legal process.
2. By letter designating appointment of an agent in Georgia for acceptance of service of legal process, together with the Georgia address.

3. Designation of the Georgia Secretary of State for acceptance of service of legal process. Forms are enclosed to designate the Georgia Secretary of State. Please select the form that applies to your business.

Your Georgia Seed Dealer’s License will be issued as soon as your application file is complete.

To renew an expired Seed Dealer License please fill out a new application form and mail it in with the required $100.00 fee. Renewal advisement letters are sent out in June of the expiration year. Current licenses will expire on July 31, 2015.

Please contact me if you have any questions about your application for a Georgia out-of-state Seed Dealer’s License or if I may assist in any other manner relating to shipping or selling seed in Georgia.

Alan Lowman  
Georgia Department of Agriculture  
19 MLK, Jr. Drive, Room 410  
Atlanta, GA 30334  
Tel: 404-656-4958  
Fax: 404-463-6094  
Alan.Lowman@agr.georgia.gov

Enclosures
STATE OF GEORGIA
SECRETARY OF STATE

CONSENT TO SERVICE OF PROCESS
UNDER DEPARTMENT OF AGRICULTURE
REGISTRATION, LICENSE AND PERMIT ACT

KNOW ALL MEN BY THESE PRESENTS:
That_________________________________________________________________________________

_____________________, a corporation organized and existing under and by virtue of the laws of the
State of ___________________________, for the purpose of complying with Section 3 of the Department
of Agriculture Registration, License and Permit Act of 1966, approved March 10, 1966 (Georgia Laws,
1966, pgs. 307-310), does hereby appoint the Secretary of State of the State of Georgia, or his successor
in office, as its true and lawful attorney in fact upon whom may be served any summons or process in any
action or proceeding against it in any court or administrative tribunal of competent jurisdiction of the
State of Georgia or before the Commissioner of Agriculture of the State of Georgia and does hereby
consent and agree that the service of said summons or process on the Secretary of State shall be of the
same legal force and validity as if due service had been made upon it within the State of Georgia; and the
said corporation does hereby direct that the Secretary of State forward the said summons or process to it at
the following address:

_____________________________________________________________________________________

IN WITNESS WHEREOF, said corporation, in accordance with authority granted by a resolution of its
Board of Directors, has caused this instrument to be executed by its president and secretary and its
corporate seal to be affixed this ________ day of ________________________, 20__________.

(CORPORATE SEAL) __________________________________

By: ______________________________President

By: ______________________________Secretary
STATE OF GEORGIA

SECRETARY OF STATE

CONSENT TO SERVICE OF PROCESS
UNDER DEPARTMENT OF AGRICULTURE
REGISTRATION, LICENSE AND PERMIT ACT

KNOW ALL MEN BY THESE PRESENTS:

That ____________________________________________
________________, a partner in the partnership named
______________________________________________, with its principal office at
__________________________________________________, composed solely of himself and the
following partner or partners: ________________________________________________, for the purpose of complying with Section 3 of the Department of Agriculture Registration, License and Permit Act of 1966, approved March 10, 1966 (Georgia Laws, 1966, pps. 307-310), does hereby appoint the Secretary of State of the State of Georgia, or his successor in office, as their true and lawful attorney in fact upon whom may be served any summons or process in any action or proceeding against him or said partnership in any court or administrative tribunal of competent jurisdiction of the State of Georgia or before the Commissioner of Agriculture of the State of Georgia and hereby does consent and agree that the service of said summons or process on the Secretary of State shall be of the same legal force and validity as if due service had been made upon him within the State of Georgia; and the said partner does hereby direct that the Secretary of State forward the said summons or process to him at the following address:

____________________________________________________________________________

IN WITNESS WHEREOF, the partner first above mentioned for and in behalf of himself and the partnership

has caused this instrument to be duly executed under seal this ____________ day of
________________________________________, 20________.

Name of Partnership __________________________________ (SEAL)

Name of Partner _____________________________________ (SEAL)

By: __________________________________ (SEAL)

Signature of Partner in behalf of himself and Partnership
(STATE OF ___________________)

(COUNTY OF __ ____________)

On this _______________ day of ____________________, 20__________ before me, a notary public in and for the said county and state, personally appeared

______________________________________________, to me known to be the person first above mentioned in and who executed the foregoing instrument and who, being by me first duly sworn, did depose and say that he is a partner in the partnership described in the foregoing instrument, that he and the other partner or partners mentioned in the said instrument constitute all of the partners in the said partnership, that the said instrument was executed in behalf of himself and the said partnership with the knowledge and consent of the other partner or partners, and that the averments contained therein are true and correct.

(NOTARIAL SEAL)

_____________________________ Notary Public

My Commission Expires: ________________

EACH PARTNER MUST EXECUTE A SEPARATE CONSENT TO SERVICE OF PROCESS.
STATE OF GEORGIA
SECRETARY OF STATE

CONSENT TO SERVICE OF PROCESS
UNDER DEPARTMENT OF AGRICULTURE
REGISTRATION, LICENSE AND PERMIT ACT

KNOW ALL MEN BY THESE PRESENTS: That _______________________________, a sole proprietor, d/b/a ______________________________, with his principal office at ______________________________, for the purpose of complying with Section 3 of the Department of Agriculture Registration, License and Permit Act of 1966, approved March 10, 1966, (Georgia Law, 1966, pp. 307-310), does hereby appoint the Secretary of State of the State of Georgia, or his successor in office, as his true and lawful attorney in fact upon whom may be served any summons or process in any action or proceeding against him in any court or administrative tribunal of competent jurisdiction of the State of Georgia or before the Commissioner of Agriculture of the State of Georgia and does hereby consent and agree that service of said summons or process on the Secretary of State shall be of the same legal force and validity as if due service had been made upon him within the State of Georgia; and the said sole proprietor does hereby direct that the Secretary of State forward the said summons or process to him at the following address:

______________________________________________________________

IN WITNESS WHEREOF, said sole proprietor has hereunto set his hand affixed his seal this ______ day of ______________________, 20_______.

Sole Proprietor signature: ___________________________ (SEAL)

STATE OF ____________________________) COUNTY OF ____________________________)

On this ______ day of ______________________, 20_______ before me, a notary public in and for the said county and state, personally appeared _______________________________, to me known to be the person described in and who executed the foregoing instrument and who, being by me first duly sworn, did depose and say that he is the sole proprietor of the business described in the foregoing instrument and that the averments contained therein are true and correct.

______________________________, Notary Public

(NOTARIAL SEAL)

My Commission Expires: ___________________________
STATE OF GEORGIA
SECRETARY OF STATE
CONSENT TO SERVICE OF PROCESS
DEPARTMENT OF AGRICULTURE REGISTRATION, LICENSE AND PERMIT ACT
KNOW ALL MEN BY THESE PRESENTS:

That ______________________________________, a limited liability corporation (LLC) organized and existing under and by virtue of the laws of the State of ______________________________________, does hereby appoint the Secretary of State of the State of Georgia as its attorney-in-fact, as follows:

RESOLUTION:
For the purpose of complying with Section 2-5-3 of the Department of Agriculture Registration, License and Permit Act, __________________________________________, does hereby appoint the Secretary of State of the State of Georgia, or his successor in office, as its true and lawful attorney in fact upon whom may be served any summons or process in any jurisdiction of the State of Georgia or before the Commissioner of Agriculture of the State of Georgia and does hereby consent and agree that the service of said summons or process on the Secretary of State shall be of the same legal force and validity as if due service had been made upon it within the State of Georgia; and the said corporation does hereby direct that the Secretary of State forward the said summons or process to it at the following address: __________________________________________________________

*STREET ADDRESS ONLY.  NO P.O. BOX NUMBER

IN WITNESS WHEREOF, said corporation, in accordance with authority granted by the foregoing resolution of its Board of Directors, has caused this instrument to be executed by its president and secretary and its corporate seal to be affixed this ______ day of __________________, 20_____.

• (CORPORATE SEAL) (optional)

By: ______________________________________________
   President

By: ______________________________________________
   Secretary

___________________________________________
(State of ____________________________)
(____________________) SS.
(County of ____________________________)

On this _____ day of __________________, 20____, before me a notary public in and for said county and state, personally appeared __________________________ and __________________________ to me known to the (President) (Secretary) persons described in and who executed the foregoing instrument and who, being by me first sworn, did say that they are the president and secretary, respectively, of the Corporation described in the foregoing instrument, that the seal affixed to said instrument in the corporate seal of the said Corporation by authority of its Board of Directors, and that the averments contained therein are true and correct.

* (NOTARIAL SEAL) ________________________________ Notary Public

My Commission Expires: ____________________________

(Please fill in every blank) (*Affix seal or write none)
Georgia Seed Dealer’s License Application

Application is hereby made for license to sell seed in accordance with the Georgia Seed Law section 2-11-26, and Georgia Department of Agriculture Rule 40-12-8-.01: Seed Dealer License Fees.

COMPANY NAME

P.O. BOX NO.

ADDRESS

CITY STATE ZIP CODE

TELEPHONE FAX

COUNTY E-MAIL

APPLICATION MADE BY

PRINT NAME TITLE

SIGNATURE DATE

** Please remit the $100.00 fee (check or money order only), payable to the Georgia Department of Agriculture, with the completed application to: Georgia Department of Agriculture, Room 410, 19 M. L. King Jr. Drive, SW, Atlanta, GA 30334.