LIMING MATERIAL

Act 162 of 1955

AN ACT to provide for the licensing and inspection of agricultural liming material and to regulate the sale thereof; and to prescribe penalties for the violations of the provisions of this act.

History: 1955, Act 162, Imd. Eff. June 7, 1955

The People of the State of Michigan enact:

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290.531 Liming material; definition; container label, contents; exception.

Sec. 1.

The term "liming material" means all or any form of limestone, lime rock, marl, slag, by-product lime, industrial or factory refuse lime, water softener lime, and any other material manufactured, prepared, sold or distributed primarily for correcting soil acidity. Every lot, package or parcel of liming material sold, offered or exposed for sale or distributed within this state shall have on each bag, package or container, in a conspicuous place on the outside, or in the case of bulk lime the vendor shall present to the purchaser a legible and plainly written statement in the English language clearly and truly certifying:

(a) The net weight of the contents of the package, lot, bag, sack, carton or container; or bulk lot;

Each vehicle transporting agricultural liming material not sold on a scale weight basis must have plainly marked thereon the ton weight capacity when level full, assuming a ton of agricultural liming material occupies 20 cubic feet. Such sale on other than a scale weight basis must have prior approval of the department of agriculture.

(b) The exact, complete name of the product;

(c) The name and principal address of the manufacturer or person responsible for placing the commodity on the market;

(d) The minimum neutralizing value in terms of calcium carbonate;

(e) The degree of fineness expressed as:

(1) minimum percentage passing through 8-mesh screen;

(2) minimum percentage passing through 60-mesh screen;

(3) minimum percentage passing through 100-mesh screen; except that in the case of marl, beet sugar factory refuse lime, paper mill refuse lime, carbide plant refuse lime, water softener refuse lime, wood ashes and other forms of waste or refuse lime the neutralizing value shall be expressed as pounds of "calcium carbonate equivalent" per cubic yard of material as delivered, and further that no guarantee need be made relative to fineness or to the net weight.

This act shall not apply to any stocks that may be in the hands of dealers in the state at the time this act goes into effect.

History: 1955, Act 162, Imd. Eff. June 7, 1955 ;-- Am. 1965, Act 94, Eff. Mar. 31, 1966

290.532 Liming material; filing certificate of analysis; representative sample; affidavit; beneficial use by-product.

Sec. 2.

(1) Before any liming material is sold or offered for sale, the manufacturer, importer or party who causes it to be sold or offered for sale within this state shall file with the director of the department of agriculture and rural development a certified copy of the analysis and certificate referred to in section 1. The certified copy of analysis shall be accompanied, if the director so requests, by a sealed package containing not less than 2 pounds of the liming material, with an affidavit that it is a representative sample of the liming material to be sold or offered for sale.

(2) If the liming material is a beneficial use by-product intended for beneficial use 3 under part 115 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.11501 to 324.11554, the filing under subsection (1) shall also include the information identified in section 11551(7) of the natural resources and environmental protection act, 1994 PA 451, MCL 324.11551.

History: 1955, Act 162, Imd. Eff. June 7, 1955 ;-- Am. 1965, Act 94, Eff. Mar. 31, 1966 ;-- Am. 2014, Act 180, Eff. Sept. 16, 2014

290.533 Liming material; license fee; records.

Sec. 3.

The manufacturer, importer or agent of any liming material shall pay annually to the director of agriculture on or before December 31 a license fee of $20.00 for each liming material he offers for sale in this state. Whenever the manufacturer or importer shall have paid this license fee his agents shall not be required to do so. All vendors of liming materials shall keep on file subject to inspection by any authorized agent of the director of agriculture for a period of 1 year all invoices, freight bills, truckers' receipts, way bills and similar shipping data pertaining to liming materials that would establish date and origin of the shipment.

History: 1955, Act 162, Imd. Eff. June 7, 1955 ;-- Am. 1965, Act 94, Eff. Mar. 31, 1966

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290.534 Liming material; annual analysis.

Sec. 4.

All such analyses of liming materials required by this act shall be made under the director of agriculture and paid for out of the funds arising from the license fees provided for in section 3. At least 1 analysis of each liming material shall be made annually.

History: 1955, Act 162, Imd. Eff. June 7, 1955

290.535 Surplus from license fees.

Sec. 5.

Any surplus from license fees collected under section 3 remaining at the close of the fiscal year must be deposited in the general fund.

History: 1955, Act 162, Imd. Eff. June 7, 1955 ;-- Am. 2018, Act 294, Eff. Sept. 27, 2018

290.536 Violation; penalty, damages for misrepresentation.

Sec. 6.

Any person or persons who shall sell or offer for sale any liming material in this state without first complying with the provisions of sections 1, 2 and 3 of this act, or who shall attach or cause to be attached to any such package of liming material an analysis stating that it contains a larger percentage of any 1 or more of the

constituents or ingredients named in section 1 of this act than it really does contain shall, upon conviction thereof, be fined not less than $100.00 for the first offense, and not less than $300.00 for every subsequent offense and the offender shall also be liable for all damages sustained by the purchaser of such liming material on account of such misrepresentation.

History: 1955, Act 162, Imd. Eff. June 7, 1955

290.537 Selection of material for analysis; inspection; seizure.

Sec. 7.

The director of agriculture by any duly authorized agent is hereby authorized to select from any package of liming material exposed for sale in this state a quantity not exceeding 2 pounds, for a sample, such sample to be used for the purpose of an official analysis and for comparison with the certificate filed with the director of agriculture and with the certificate affixed to the package on sale. The director of agriculture, his deputy or any authorized agent of the director, shall have free access during reasonable business hours to all premises where liming materials are manufactured, sold or stored, and is authorized at all times to seize or stop-sale any and all liming materials, that are unlicensed, misbranded, fail to meet guarantee or otherwise fail to comply with the provisions of this act.

History: 1955, Act 162, Imd. Eff. June 7, 1955 ;-- Am. 1965, Act 94, Eff. Mar. 31, 1966

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290.538 Director; enforcement of act.

Sec. 8.

The director of agriculture shall enforce this act.

History: 1955, Act 162, Imd. Eff. June 7, 1955 ;-- Am. 2000, Act 140, Imd. Eff. June 1, 2000