

**RULES
OF
TENNESSEE DEPARTMENT OF AGRICULTURE
ANIMAL HEALTH**

**CHAPTER 0080-02-09
LIVESTOCK MARKETS**

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0080-02-09-.01 SCOPE.

- (1) This chapter applies to any person who on a commercial basis assembles, or causes to be assembled, livestock that is sold at public auction during regularly scheduled or special sales for compensation of the livestock's owner or the operator of the auction.
- (2) Persons licensed under this chapter shall be responsible for permitted operations until the applicable license expires or the department receives written notification from the licensee desiring to terminate the license. The department shall not refund fees for early termination of any license under this chapter.
- (3) Licenses issued under this chapter are not transferable from person to person.

Authority: T.C.A. §§ 4-3-203 and 44-11-112. **Administrative History:** New rules 0080-02-09-.01 through .05 filed January 31, 2012; to have been effective June 30, 2012. The Department of Agriculture withdrew the proposed rules on May 2, 2012. New rules filed March 30, 2017; effective June 28, 2017.

0080-02-09-.02 DEFINITIONS.

- (1) Terms in this chapter share those meanings of terms set forth in T.C.A. § 44-11-101.
- (2) When used in this chapter, unless the context requires otherwise:
 - (a) Act means T.C.A. § 44-11-101, et seq.;
 - (b) Public auction means the presentation of livestock, open to the public, where offers are solicited and competitive bidding is undertaken for sale of the livestock, with or without reservation;
 - (c) Property and fire insurance means insurance in an amount reasonably necessary to compensate persons for physical injuries to themselves or losses to their livestock while participating at any public auction;
 - (d) Regularly scheduled sales mean three or more public auctions held at the same location within the same calendar year;
 - (e) Sold at public auction means the conclusion of competitive bidding for any animal presented at public auction, typically signified by the fall of an auction hammer;
 - (f) Special sales mean any public auction where thirty or more head of livestock are presented.

Authority: T.C.A. §§ 4-3-203 and 44-11-112. **Administrative History:** New rules 0080-02-09-.01 through .05 filed January 31, 2012; to have been effective June 30, 2012. The Department of Agriculture withdrew the proposed rules on May 2, 2012. New rules filed March 30, 2017; effective June 28, 2017.

0080-02-09-.03 LICENSE APPLICATION AND FEES.

- (1) All persons to whom these rules apply shall obtain a license in accordance with this chapter.
- (2) Application for a livestock market license shall be made on forms provided by the department, completed in accordance with the Act, and shall include:
 - (a) Name of the applicant;
 - (b) Date of birth for any applicant who is an individual or a partner in a general partnership;
 - (c) Proof of one of the following for any applicant that is not an individual or a partner in a general partnership:
 1. Applicant's registration in its state of incorporation;
 2. Applicant's registration with the Tennessee Department of Revenue; or,
 3. Applicant's business license issued by a local governmental authority;
 - (d) Contact information for applicant, to include name of person legally responsible for applicant's operations, telephone number, email address, and address of the principal place of business;
 - (e) Name and address of applicant's registered agent for service of process, if any.
- (3) Licensees shall notify the department of any changes to the information or contents of an application within 30 days after the change takes place.
- (4) Prior to approval of any application under this chapter, an applicant must undergo departmental inspection and demonstrate capacity to practice proper sanitation measures for the control of animal disease and to provide adequate yarding, housing, holding, and feeding of livestock.
- (5) The fee for a livestock market license is a Tier 5 annual fee under T.C.A. § 43-1-703(f).
- (6) An applicant for licensure under this chapter shall remit its application and annual license fee to the department on or before July 1 of each year. All licenses issued under this chapter shall expire on June 30 following their issuance. If an applicant for renewal fails to remit payment of the license fee on or before July 16 of the licensure year for which renewal is sought, the applicant shall also be required to pay a late charge assessed under T.C.A. § 43-1-703 prior to renewal of the applicant's license.
- (7) The department may deny any application for licensure that is not completed in accordance with this rule.

Authority: T.C.A. §§ 4-3-203, 43-1-703, 44-11-102, 44-11-104, and 44-11-112. **Administrative History:** New rules 0080-02-09-.01 through .05 filed January 31, 2012; to have been effective June 30, 2012. The Department of Agriculture withdrew the proposed rules on May 2, 2012. New rules filed March 30, 2017; effective June 28, 2017.