

**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**

The provisions of this § 150.1 adopted June 23, 1989, effective June 24, 1989, 19 Pa.B. 2638; amended April 24, 1992, effective April 25, 1992, and apply to license applications and renewal applications filed for the Fiscal 1992-93 licensing year, 22 Pa.B. 2232; amended December 26, 2003, effective January 26, 2004, 33 Pa.B. 6415. Immediately preceding text appears at serial page (279386).

**§ 150.2. [Reserved].****Source**

The provisions of this § 150.2 adopted June 23, 1989, effective June 24, 1989, 19 Pa.B. 2638; reserved April 24, 1992, effective April 25, 1992, 22 Pa.B. 2232. 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**

The provisions of this § 150.2a adopted December 26, 2003, effective January 26, 2004, 33 Pa.B. 6415.

**§ 150.3. [Reserved].****Authority**

The provisions of this § 150.3 reserved under the Milk Marketing Fee Act (31 P.S. §§ 700k-1—700k-10.1).

**Source**

The provisions of this § 150.3 adopted May 4, 2001, effective May 5, 2001, 31 Pa.B. 2384; reserved March 27, 2020, effective March 28, 2020, 50 Pa.B. 1836. Immediately preceding text appears at serial pages (398082) to (398083).

**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 applications submitted before January 1 of the license year for which the application is submitted, and \$50 for applications submitted on or after January 1.

(b) An applicant for annual renewal of a milk dealer's license shall pay a fixed fee of \$100.

**Authority**

The provisions of this § 150.11 amended under the Milk Marketing Fee Act (31 P.S. §§ 700k-1—700k-10.1).

**Source**

The provisions of this § 150.11 adopted June 23, 1989, effective June 24, 1989, 19 Pa.B. 2638; amended April 24, 1992, effective April 25, 1992, and apply to license applications and renewal applications filed for the Fiscal 1992-93 licensing year, 22 Pa.B. 2232; amended December 26, 2003, effective January 26, 2004, 33 Pa.B. 6415; amended March 27, 2020, effective March 28, 2020, 50 Pa.B. 1836. Immediately preceding text appears at serial page (398083).

**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).

(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 \$.060 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 \$.0064 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 \$.060 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 \$.0064 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.

#### Authority

The provisions of this § 150.12 amended under the Milk Marketing Fee Act (31 P.S. §§ 700k-1—700k-10.1).

#### Source

The provisions of this § 150.12 adopted June 23, 1989, effective June 24, 1989, 19 Pa.B. 2638; amended April 24, 1992, effective April 25, 1992, and apply to license applications and renewal applications filed for the Fiscal 1992-93 licensing year, 22 Pa.B. 2232; amended December 26, 2003, effective January 26, 2004, 33 Pa.B. 6415; amended March 27, 2020, effective March 28, 2020, 50 Pa.B. 1836. Immediately preceding text appears at serial pages (398083) to (398084).

#### 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**

The provisions of this § 150.13 adopted June 23, 1989, effective June 24, 1989, 19 Pa.B. 2638; amended April 24, 1992, effective April 25, 1992, and apply to license applications filed for the Fiscal 1992-93 licensing year, 22 Pa.B. 2232; amended December 26, 2003, effective January 26, 2004, 33 Pa.B. 6415. Immediately preceding text appears at serial pages (279388) to (297389).

**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.

(b) An applicant for annual renewal of a subdealer's license shall pay a fixed fee of \$50.

**Authority**

The provisions of this § 150.21 amended under the Milk Marketing Fee Act (31 P.S. §§ 700k-1—700k-10.1).

**Source**

The provisions of this § 150.21 adopted June 23, 1989, effective June 24, 1989, 19 Pa.B. 2638; amended December 26, 2003, effective January 24, 2004, 33 Pa.B. 6415; amended March 27, 2020, effective March 28, 2020, 50 Pa.B. 1836. Immediately preceding text appears at serial pages (398085) to (398086).

**Cross References**

This section cited in 7 Pa. Code § 150.22 (relating to quart-equivalent fee); and 7 Pa. Code § 150.23 (relating to time for payment of fees).

**§ 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 sold 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:

<i>Ave. Qts. Sold Per Month</i>	<i>Annual Fee</i>
1—29,999	\$ 62.50
30,000—59,999	125.00
60,000—119,999	187.50
120,000—149,999	200.00
150,000—199,999	312.50
200,000—299,999	375.00
300,000—399,999	500.00
400,000—599,999	625.00
600,000—799,999	1000.00
800,000—999,999	1500.00
1,000,000 and over	1750.00

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

**Authority**

The provisions of this § 150.22 amended under the Milk Marketing Fee Act (31 P.S. §§ 700k-1—700k-10.1).

**Source**

The provisions of this § 150.22 adopted June 23, 1989, effective June 24, 1989, 19 Pa.B. 2638; amended December 26, 2003, effective January 24, 2004, 33 Pa.B. 6415; amended March 27, 2020, effective March 28, 2020, 50 Pa.B. 1836. Immediately preceding text appears at serial page (398086).

**Cross References**

This section cited in 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**

The provisions of this § 150.23 adopted June 23, 1989, effective June 24, 1989, 19 Pa.B. 2638; amended December 27, 2003, effective January 26, 2004, 33 Pa.B. 6415. Immediately preceding text appears at serial page (279390).

**§ 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 April 25, 1992, 22 Pa.B. 2232. Immediately preceding text appears at serial pages (137974) to (137975).

**§ 150.32. [Reserved].****Source**

The provisions of this § 150.32 adopted June 23, 1989, effective June 24, 1989, 19 Pa.B. 2638; reserved April 24, 1992, effective April 25, 1992, 22 Pa.B. 2232. Immediately preceding text appears at serial page (137975).

**§ 150.41. [Reserved].****Source**

The provisions of this § 150.41 adopted June 23, 1989, effective June 24, 1989, 19 Pa.B. 2638; reserved December 27, 2003, effective January 26, 2004, 33 Pa.B. 6415. Immediately preceding text appears at serial pages (279390) to (279391).

**§ 150.42. [Reserved].****Source**

The provisions of this § 150.42 adopted June 23, 1989, effective June 24, 1989, 19 Pa.B. 2638; amended April 24, 1992, effective April 25, 1992, and apply to license applications and renewal applications filed for the Fiscal 1992-93 licensing year, 22 Pa.B. 2232; reserved December 27, 2003, effective January 26, 2004, 33 Pa.B. 6415. Immediately preceding text appears at serial page (279391).

**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 \$35.

**Authority**

The provisions of this § 150.51 amended under the Milk Marketing Fee Act (31 P.S. §§ 700k-1—700k-10.1).

**Source**

The provisions of this § 150.51 adopted June 23, 1989, effective June 24, 1989, 19 Pa.B. 2638; amended December 27, 2003, effective January 26, 2004, 33 Pa.B. 6415; amended March 27, 2020, effective March 28, 2020, 50 Pa.B. 1836. Immediately preceding text appears at serial pages (398087) to (398088).

**Cross References**

This section cited in 7 Pa. Code § 150.52 (relating to hundredweight fee); and 7 Pa. Code § 150.53 (relating to time for and manner of payment of fees).

**§ 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.

**Source**

The provisions of this § 150.52 adopted June 23, 1989, effective June 24, 1989, 19 Pa.B. 2638; amended December 27, 2003, effective January 26, 2004, 33 Pa.B. 6415. Immediately preceding text appears at serial pages (279391) to (279392).

**§ 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.

**Source**

The provisions of this § 150.53 adopted June 23, 1989, effective June 24, 1989, 19 Pa.B. 2638; amended December 27, 2003, effective January 26, 2004, 33 Pa.B. 6415. Immediately preceding text appears at serial page (279392).

**CERTIFICATION 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 \$30, 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).

**Authority**

The provisions of this § 150.61 amended under the Milk Marketing Fee Act (31 P.S. §§ 700k-1—700k-10.1).

**Source**

The provisions of this § 150.61 adopted June 23, 1989, effective June 24, 1989, 19 Pa.B. 2638; amended December 27, 2003, effective January 26, 2004, 33 Pa.B. 6415; amended March 27, 2020, effective March 28, 2020, 50 Pa.B. 1836. Immediately preceding text appears at serial pages (398088) to (398089).

**§ 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 \$25, which shall accompany the milk tester certificate application (available from the Board Office or website).

**Authority**

The provisions of this § 150.62 amended under the Milk Marketing Fee Act (31 P.S. §§ 700k-1—700k-10.1).

**Source**

The provisions of this § 150.62 adopted June 23, 1989, effective June 24, 1989, 19 Pa.B. 2638; amended December 27, 2003, effective January 26, 2004, 33 Pa.B. 6415; amended March 27, 2020, effective March 28, 2020, 50 Pa.B. 1836. Immediately preceding text appears at serial page (398089).

**Cross References**

This section cited in 7 Pa. Code § 150.61 (relating to examination fee).

**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 \$30, 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).

**Authority**

The provisions of this § 150.71 amended under the Milk Marketing Fee Act (31 P.S. §§ 700k-1—700k-10.1).

**Source**

The provisions of this § 150.71 adopted June 23, 1989, effective June 24, 1989, 19 Pa.B. 2638; amended December 26, 2003, effective January 26, 2004, 33 Pa.B. 6415; amended March 27, 2020, effective March 28, 2020, 50 Pa.B. 1836. Immediately preceding text appears at serial page (398089).

**§ 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 \$25, which shall accompany the milk weigher/sampler certificate application (available from the Board Office or website).

**Authority**

The provisions of this § 150.72 amended under the Milk Marketing Fee Act (31 P.S. §§ 700k-1—700k-10.1).

**Source**

The provisions of this § 150.72 adopted June 23, 1989, effective June 24, 1989, 19 Pa.B. 2638; amended December 26, 2003, effective January 26, 2004, 33 Pa.B. 6415; amended March 27, 2020, effective March 28, 2020, 50 Pa.B. 1836. Immediately preceding text appears at serial page (398089).

**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.

**Source**

The provisions of this § 150.81 adopted June 23, 1989, effective June 24, 1989, 19 Pa.B. 2638; amended December 26, 2003, effective January 26, 2004, 33 Pa.B. 6415. Immediately preceding text appears at serial page (279393).

**§ 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**

The provisions of this § 150.82 adopted June 23, 1989, effective June 24, 1989, 19 Pa.B. 2638; amended December 26, 2003, effective January 26, 2004, 33 Pa.B. 6415. Immediately preceding text appears at serial page (279393).

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