

SEC. 5-310. SHIPPING NURSERY STOCK INTO THE STATE.

(A) LABELING REQUIREMENTS.

IF ANY NURSERY STOCK IS SHIPPED INTO THE STATE FROM ANY OTHER STATE TO ANY NURSEYMAN, BROKER, DEALER, AGENT, OR OTHER PERSON IN THE STATE, EVERY CARLOAD, BALE, BOX OR PACKAGE SHALL BE PLAINLY LABELED ON THE OUTSIDE WITH (1) THE NAME OF THE CONSIGNOR, (2) THE NAME OF THE CONSIGNEE, AND (3) A CERTIFICATE SHOWING THAT THE CONTENTS HAVE BEEN INSPECTED BY A QUALIFIED STATE OR GOVERNMENT OFFICER, AND THAT THE NURSERY STOCK IS APPARENTLY FREE FROM ANY DANGEROUSLY INJURIOUS INSECT, OTHER ANIMAL PEST, OR PLANT DISEASE.

(B) DUTIES OF RECIPIENT.

IF ANY NURSERY STOCK IS SHIPPED INTO THE STATE FROM ANY OTHER STATE WITHOUT A CERTIFICATE PLAINLY FIXED ON THE OUTSIDE OF EACH CARLOAD, BOX, BALE, OR PACKAGE, THE AGENT OF THE PERSON RECEIVING IT MAY NOT DELIVER THE NURSERY STOCK TO THE CONSIGNEE OR AGENT REPRESENTING THE CONSIGNOR. THE AGENT OF THE RECIPIENT SHALL NOTIFY THE SECRETARY.

(C) SEIZURE AND CONDEMNATION.

THE SECRETARY IMMEDIATELY SHALL REQUEST ANY DISTRICT COURT TO ISSUE A SUMMONS ORDERING THE CONSIGNEE, CONSIGNOR, OR THEIR AGENTS TO APPEAR BEFORE IT ON A CERTAIN DAY NAMED IN THE SUMMONS TO SHOW WHY THE NURSERY STOCK SHOULD NOT BE SEIZED FOR VIOLATING THE PROVISIONS OF THIS SUBTITLE. IF THE COURT IS SATISFIED THAT THE PROVISIONS OF THIS SUBTITLE HAVE BEEN VIOLATED, IT SHALL ORDER THE CONSIGNEE OR HIS AGENT TO RETURN THE CARLOAD, BOX, BALE, OR PACKAGE OF NURSERY STOCK IMMEDIATELY TO THE CONSIGNOR, UNLESS THE CONSIGNEE OR AGENT OF THE CONSIGNOR AT HIS EXPENSE HAS THE NURSERY STOCK EXAMINED AND CERTIFIED BY THE SECRETARY. IF THE AGENT OR CONSIGNEE FAILS TO HAVE THE NURSERY STOCK EXAMINED BY THE SECRETARY OR FAILS TO RETURN THE CARLOAD, BOX, BALE OR PACKAGE, THEN THE COURT SHALL ORDER THE CONSTABLE, SHERIFF, OR ANY LAW ENFORCEMENT OFFICER TO BURN AND DESTROY ANY NURSERY STOCK SHIPPED INTO THE STATE IN VIOLATION OF THIS SUBTITLE.

REVISOR'S NOTE: This section presently appears as Art. 48, §82 of the Code. In subsection (a), the present reference to "territory or the District of Columbia" is proposed for