

By: Representative Hudson

To: Agriculture

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 1623

1 AN ACT TO REQUIRE PERSONS TRANSFERRING OWNERSHIP OF BERMUDA
2 GRASS TO BECOME CERTIFIED BY THE COMMISSIONER OF AGRICULTURE AND
3 COMMERCE; TO PROVIDE THAT NAMES OF GRASSES SHALL NOT INFRINGE ON A
4 NAME ALREADY ON THE MARKET; TO PROVIDE THAT THE COMMISSIONER OF
5 AGRICULTURE SHALL PROMULGATE RULES AND REGULATIONS TO IMPLEMENT
6 THE PROVISIONS OF THIS ACT; TO PROVIDE PENALTIES FOR VIOLATIONS OF
7 THIS ACT; AND FOR RELATED PURPOSES.

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

9 **SECTION 1.** (1) Every person, firm, association or
10 corporation that shall transfer ownership of Bermuda grass, or
11 that shall issue, use or circulate any certificate, advertisement,
12 tag, seal, poster, letterhead, marking circular, written or
13 printed representation or description of or pertaining to Bermuda
14 grass intended for sprigging or sale shall conform to the
15 certification standards or requirements as made by the
16 Commissioner of Agriculture and Commerce. Such persons, firms,
17 associations and corporations, before transferring ownership of
18 Bermuda grass, on or before the first day of July of each year,
19 shall secure an annual certificate from the Commissioner of
20 Agriculture to engage in such business or practice. The
21 certificate fee shall not exceed Twenty-five Dollars (\$25.00) for
22 each such person or place of business every year.

23 (2) If a person, firm, association or corporation discovers
24 a new type or variety of grass, such entity shall not name the
25 grass in such a manner as to infringe on a name already on the
26 market.

27 (3) The Commissioner of Agriculture and Commerce shall
28 promulgate rules and regulations to implement the provisions of
29 this act.



30 (4) Upon compliance by the applicant with the requirements
31 of the Commissioner of Agriculture and Commerce, the commissioner
32 shall issue a certificate of grass registration to the applicant.
33 Any certificate of grass registration issued by the commissioner
34 under the provisions hereof, or a copy duly certified by the
35 commissioner, shall be admissible in evidence as competent and
36 sufficient proof of the registration of such grass in any actions
37 or judicial proceedings in any court of this state.

38 (5) Any owner of a certificate of grass registration under
39 this act may proceed by suit to enjoin the manufacture, use,
40 transfer of ownership, display or sale of any counterfeits or
41 imitations thereof, and any court of competent jurisdiction may
42 grant injunctions to restrain such manufacture, use, transfer of
43 ownership, display or sale and may require the defendants to pay
44 to such owner all profits derived from or all damages suffered by
45 reason of such wrongful manufacture, use, transfer of ownership,
46 display or sale.

47 (6) Any person who knowingly, or as a result either of gross
48 negligence or of a failure to make a reasonable effort to inform
49 himself of the pertinent facts, violates any provision of this act
50 or the rules and regulations made and promulgated thereunder shall
51 be guilty of a misdemeanor and, upon conviction, is subject to pay
52 a fine of not less than One Hundred Dollars (\$100.00) and not more
53 than Five Hundred Dollars (\$500.00) for the first violation and
54 not less than Five Hundred Dollars (\$500.00) and not more than One
55 Thousand Dollars (\$1,000.00) for each violation thereafter.

56 **SECTION 2.** This act shall take effect and be in force from
57 and after its passage.

