

**INSTRUCTIONS FOR
HANDLING AND MARKETING OF PERISHABLE COMMODITIES APPLICATION
FORM NO. RPC-400**

In order to obtain a Handling and Marketing of Perishable Commodities (HMPC) License, you must submit a complete signed application along with appropriate fees. The license will be issued to the name appearing in **Section B** of this application. This license is for a business or individual who handles, sells or deals in Texas grown fruit and vegetables. The license will expire one year from the date of issuance unless canceled or suspended.

SECTION A

1. LICENSE TYPE

Please select the type of license for which you wish to apply.

General License

Required of all persons who buy for resale, sell, offer for sale, process, broker, or ship for the purpose of selling perishable commodities grown in Texas; purchase same on credit; take possession for consignment or handling on behalf of the producer or owner; or take possession for consignment or handling in a manner or under a contract that does not require or result in full payment to the producer, seller, or consignor in United States currency at the time of delivery or taking possession.

Violation of Texas law regulating the Handling and Marketing of Perishable Commodities may subject the offender to penalties and enforcement actions by the Texas Department of Agriculture or other appropriate authorities.

SECTION B

1. TYPE OF APPLICATION

Check the box that identifies the application type. A new business application is an application for a business that has not held a TDA license. A change of ownership application is an application where a business has been acquired from a previous owner or is an established business changing its business structure or ownership (see "Business Type" below). If known, please indicate the most recent license account number in the space provided.

2. BUSINESS TYPE

Check the box that identifies your type of business. Once submitted, this information cannot be changed. If you have a change in business type, a new application will be required.

SECTION B cont.

3. CLIENT INFORMATION

This information will be used to generate your license. Enter the full legal name of your business as it is registered with the Texas Secretary of State. If applicable, also enter the assumed name of your business. With the exception of sole proprietors, a Comptroller Taxpayer ID is required for all Texas businesses. A Federal Tax ID is required for out of state businesses, with the exception of sole proprietors.

For sole proprietors, a social security number is mandatory and required by Texas Family Code § 231.302. Social security numbers are required to assist in child support enforcement. In the event applicant does not have a social security number, attach form OGC-001, affidavit of no social security number, and provide a driver license number or state-issued ID number. Form OGC-001 is available on our website at www.TexasAgriculture.gov, or by request through mail. Failure to provide a social security number or an affidavit of no social security number will result in rejection of your application and a license will not be issued to you.

SECTION C

1. RESPONSIBLE PERSON INSTRUCTIONS (see application)

2. RESPONSIBLE OFFICER, PARTNER, MANAGER, MEMBER, OR OWNER

Indicate name of person responsible for the business. Enter contact information.

3. RESPONSIBLE PERSON MAILING ADDRESS

Enter the mailing address for the indicated responsible person. Please provide an internet address for your business if it is available.

NOTE: The Person to Contact identified in subsection D.1 is the preferred signatory for this application. This application may be signed by the Responsible Person identified in subsection C.1.

SECTION D

1. PERSON TO CONTACT FOR LICENSE-RELATED MATTERS

Enter the name of a designated person, along with that person's contact information, who can discuss and answer questions about license-related issues.

All correspondence, licenses, and other documents will be sent to the Person to Contact at the email address listed in the application. Approximately 30 to 45 days in advance of the expiration date of the license or certificate, the Person to Contact will receive a renewal invoice via email that will include a login ID and password to access TDA's internet website. The Person to Contact will then be able to conduct business online, including making changes to business information and renewing the license. A business can appoint a contact person to manage all of the company's online license accounts with TDA.

2. MAILING ADDRESS

Enter a mailing address for the Person to Contact.

SECTION D cont.

SECTION E

1. FACILITY INFORMATION

Enter facility name. If no facility name is available, provide applicant name.

2. PHYSICAL ADDRESS AND LOCATION OF LICENSEE, LICENSED ACTIVITIES or LICENSED EQUIPMENT

Enter the actual physical street address for the licensee, licensed activities, or licensed equipment, including directions to this location. Please do not enter a P.O. Box. This information will be used to facilitate inspections.

SECTION F

1. OUT-OF-STATE APPLICANTS ONLY An out of state business is required to provide the name and address for of a registered agent for service of process and receiving official notices or correspondence from TDA or other Texas governmental authorities. Check the box for the Texas Secretary of State or check the "Other" box and enter your registered agent's contact information. Please do not provide the contact information for your registered agent if you check the Texas Secretary of State box

SECTION G

1. APPLICANT HISTORY

- Please indicate how long you have been engaged in the produce business in Texas.
 - Please indicate if you have been previously licensed to handle perishable commodities in Texas or by the U.S. Department of Agriculture (USDA).
 - If answered "Yes," indicate if any license issued to you has ever been suspended or revoked.
 - If a license issued to you has been suspended or revoked, you must attach your most recent audited financial statement with this application and a summary stating when, where and why your license was suspended or revoked.
 - Indicate whether applicant or any principal has ever had a claim made against it under the Texas Produce Recovery Fund. For purposes of this question, you are a principal of a business or entity if you served as an: (1) officer, (2) director, (3) manager, (4) partner, (5) member or (6) shareholder or equity owner holding more than 25% ownership interest in said business or entity.
 - If a claim for compensation under the Texas Produce Recovery Fund has been made against you individually or against a business or entity in which you participated as a principal, please state the name and address of the complainant who filed the claim.
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SECTION H

NOTE: Texas Department of Agriculture accepts only checks, cashier's checks, or money orders.

General License Fee - \$ 400.00 (\$150.00 LICENSE FEE AND \$250 PRODUCE RECOVERY FUND FEE).

A general license holder may apply for the following agent cards:

Buying agent - allows the agent to purchase perishable commodities for the license holder.

Buying Agent Card Fee

\$30.00 per card

Transporting agent - allows a transporting agent to act for the license holder in the transporting of perishable commodities.

Transporting Agent Card Fee

\$30.00 per card

To apply for buying or transporting agent cards, please complete Schedule B.

SECTION I

1. SIGNATURE

After reading the summary, print, sign, and date the application. Your signature acknowledges that you have read the summary and that you are aware of your responsibilities regarding your license.

SECTION J

Please note that an incomplete application may result in denial or delay in processing.

1. CHECKLIST

Check all boxes to verify you have completed the application process and attached or enclosed items requested in the application such as payment, reports, schedules, labels, financial statement, etc.