



## GEORGIA DEPARTMENT OF AGRICULTURE

Gary W. Black, Commissioner

[www.agr.georgia.gov](http://www.agr.georgia.gov)

**DATE:** June 28, 2018

**ACTION:** Notice of Intent to Consider Amendments to Subject 40-13-6 entitled “Auction Markets” and Rule 40-13-7-.01 entitled “Licensing and Bonding Requirements”

### **To all interested persons and parties:**

Pursuant to the Official Code of Georgia Annotated, O.C.G.A. §§ 4-6-7, 4-6-41, and 50-13-4, notice is hereby given that the Georgia Department of Agriculture will be accepting written comments regarding the adoption of amendments to Subject 40-13-6 entitled “Auction Markets” and Rule 40-13-7-.01 entitled “Licensing and Bonding Requirements”. The Department will be accepting written comments from June 28, 2018, to close of business (4:30 p.m. EST) on July 31, 2018.

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### **Synopsis, Main Features, and Differences:**

#### *Proposed Amendments to Rule 40-13-6-.01 entitled “General”*

The following provides an overview of the proposed amendments to current Rule 40-13-6-.01 entitled “General.”

1. The Department proposes to include a new section in the rule that defines relevant terms in an effort to add clarity. The addition of this section will require the reorganization and renumbering of current rule language. As part of this endeavor, the Department proposes to create a “Livestock Auction Market Operation and Facility Requirements” section and remove any captions that appear in the current rule.
2. The Department proposes to generally refer to *auction markets*, *livestock markets*, and *sales establishments* as *livestock auction markets* in order to reduce confusion.
3. The Department proposes to make grammatical changes in an effort to clarify the rule’s requirements. These changes are intended to increase readability and reduce terms that can lead to confusion outside the legal community. The Department also proposes to make organizational changes intended to produce a clearer and more accessible rule.
4. The Department proposes to require all species offered for sale through Georgia livestock auction markets be healthy. The Department proposes that the Department Livestock Inspector must be notified if animals have entered a market and are showing signs of an illness classified as a reportable animal disease under Department regulations. The Livestock Inspector will determine the disposition of the affected animal and all animals

penned or closely associated with the diseased animal in a manner consistent with Department policy. Such animals may be held separate and may be released for slaughter as permitted by the State Veterinarian.

5. The Department proposes to include biosecurity maintenance as a basis for isolation pens, adequate pens, and chutes.
6. The Department proposes to require all livestock auction markets establish a biosecurity plan covering all applicable species.
7. The Department proposes to simplify language regarding laboratory tests performed at livestock auction market facilities.
8. The Department proposes to require livestock auction markets maintain adequate records of all transactions including, the complete name and address of the seller, purchaser, and livestock dealer that buy or sell at the establishment. The Department is proposing to require these records be made available within 48-72 hours of request to authorized personnel of the Department. The Department is proposing to require all records be retained for five years except the records of swine transactions, which must be retained for two years. This will replace the current record requirements.
9. The Department proposes to require all electronic sales of livestock meet the same requirements as approved livestock auction markets.
10. The Department proposes to clarify that buying stations are treated as livestock auction markets under the chapter.
11. The Department proposes to remove the requirement that livestock markets have a written and approved method and place for disposal of dead animals and all accessory waste material involved in handling dead animals which die on or within the premises. Language regarding the issuance of a certificate of compliance will also be removed.
12. The Department proposes to include an additional citation to a relevant section of the Official Code of Georgia Annotated as authoritative power.

*Proposed Amendments to Rule 40-13-6-.02 entitled "Special Livestock Sales"*

The following provides an overview of the proposed amendments to current Rule 40-13-6-.02 entitled "Special Livestock Sales."

1. The Department proposes to remove the definition of a special sale, which is defined in Georgia law. This change is intended to simplify the rule.
2. The Department proposes to make grammatical changes in an effort to clarify the rule's requirements. These changes are intended to increase readability and reduce terms that can lead to confusion outside the legal community. The Department also proposes to make organizational changes intended to produce a clearer and more accessible rule.

3. The Department proposes to remove all language and requirements regarding bonds and replace the removed content with language and requirements regarding sureties. These changes are intended to harmonize the rule with current Georgia law.
4. The Department proposes to require an individual seeking to hold a special sale submit proof satisfactory to the Commissioner that the applicant has sufficient surety in an amount established in a memorandum of understanding with the Department.
5. The Department proposes to clarify directors of an association holding a sale of animals consigned by its members must accept full responsibility for financial obligations of the sale and release the Commissioner of Agriculture from any financial responsibility in order to avoid the surety requirement. The Department proposes a resolution supplied by the Department must be completed by the directors of the association and received by the Department prior to the special sale permit being issued.
6. The Department proposes to clarify that a farmer holding a sale of his or her livestock for direct payment to the seller is not considered a special sale, even when the sale is organized and advertised to the public or an auctioneer is utilized. Although no surety is needed, these sales will require a Notice of Sale Permit be obtained at least 21 days prior to such sale.
7. The Department proposes to clarify that a private sale of livestock between two individuals does not require a permit or surety.
8. The Department proposes to clarify that Georgia 4-H clubs and Georgia FFA chapters will not be required to procure surety.
9. The Department proposes to include an additional citation to a relevant section of the Official Code of Georgia Annotated as authoritative power.

*Proposed Amendments to Rule 40-13-6-.03 entitled "Livestock Identification Requirements"*

The following provides an overview of the proposed amendments to current Rule 40-13-6-.03 entitled "Livestock Identification Requirements."

1. The Department proposes to retitle the rule as "General Identification Requirements for Animals Moving Through Georgia Livestock Auction Markets."
2. The Department proposes to generally refer to *auction markets*, *livestock markets*, and *sales establishments* as *livestock auction markets* in order to reduce confusion.
3. The Department proposes to make grammatical changes in an effort to clarify the rule's requirements. These changes are intended to increase readability and reduce terms that can lead to confusion outside the legal community. The Department also proposes to make organizational changes intended to produce a clearer and more accessible rule.
4. The Department proposes to remove all language and requirements regarding cattle, sheep, goats, swine, and equines. In doing this, the Department seeks to broaden the scope of this rule. Requirements applying to a specific animal will appear in the applicable rule. Any

requirement removed from this rule will be readdressed in the appropriate section of this notice and synopsis if the Department proposes to keep the requirement.

5. The Department proposes to require all back tags and other forms of official identification be applied in accordance with instructions issued by the Department.
6. The Department proposes to allow discretion in obtaining blood samples from animals received directly at slaughter establishments.
7. The Department proposes to alter citations to the Official Code of Georgia Annotated.

*Proposed Amendments to Rule 40-13-6-.04 entitled “Out-of-State Cattle”*

The following provides an overview of the proposed amendments to current Rule 40-13-6-.04 entitled “Out-of-State Cattle.”

1. The Department proposes to retitle the rule as “Cattle Movements Through Livestock Auction Markets.”
2. The Department proposes to make grammatical changes in an effort to clarify the rule’s requirements. These changes are intended to increase readability and reduce terms that can lead to confusion outside the legal community.
3. The Department proposes to generally refer to *livestock markets* as *livestock auction markets* in an effort to reduce confusion.
4. The Department proposes to adjust formatting and renumber current rule language to account for changes to the rule.
5. The Department proposes to require all cattle offered for sale at livestock auction markets be healthy and originate from herds apparently free of any contagious, infectious, or communicable disease.
6. The Department proposes to require cattle showing visible symptoms of disease be isolated from apparently healthy cattle and consigned to slaughter, euthanized with proper disposal, or returned to the farm of origin under quarantine. Such cattle must be accompanied by a Georgia 29 permit or VS Form 1-27.
7. The Department proposes to require all cattle moving through livestock auction markets be individually identified with official USDA back tags furnished by the Georgia Department of Agriculture or the United States Department of Agriculture or other identification method approved by the State Veterinarian. This language was moved with slight changes from current Rule 40-13-6-.03.
8. The Department proposes to require beef cattle 18 months of age or older be officially identified using a NUES ear tag or official USDA 840 RFID ear tag or other identification method approved by the State Veterinarian.

9. The Department proposes to require all dairy cattle be officially identified using a NUES ear tag or official USDA 840 RFID ear tag or other identification method approved by the State Veterinarian.
10. The Department proposes to allow cattle moving directly to slaughter be moved on a back tag alone.
11. The Department proposes to require cattle identified with an out-of-state USDA back tag have the out-of-state back tag removed and replaced with a Georgia back tag. Both tag numbers must be recorded on the consignor's ticket. This replaces language requiring the tag numbers be recorded on the seller's lot ticket.
12. The Department proposes to require out-of-state cattle meet interstate movement health requirements with noted exceptions. This will replace the requirement that out-of-state cattle meet the same requirements as Georgia cattle.
13. The Department proposes to remove the language requiring that out-of-state cattle not covered by reciprocal agreement meet additional requirements. The Department is proposing to remove the requirement that these cattle one year of age and older be accompanied by an official CVI with a negative brucellosis test, if required, and originate from herds not known to be infected with brucellosis or tuberculosis.
14. The Department proposes to require cattle from a Designated Disease Surveillance Area or any area of high risk as determined by the State Veterinarian be subject to special import requirements. This replaces language regarding brucellosis high risk states. The Department proposes anyone seeking more information contact the Georgia State Veterinarian's Office.

*Proposed Amendments to Rule 40-13-6-.05 entitled "Swine Movements Through Livestock Auction Markets"*

The following provides an overview of the proposed amendments to current Rule 40-13-6-.05 entitled "Swine Movements Through Livestock Auction Markets."

1. The Department proposes to make grammatical changes in an effort to clarify the rule's requirements. These changes are intended to increase readability and reduce terms that can lead to confusion outside the legal community.
2. The Department proposes to require all swine offered for sale at livestock auction markets be healthy and originate from herds apparently free of any contagious, infectious, or communicable disease.
3. The Department proposes to require all swine be individually, officially identified using a method approved by the State Veterinarian.
4. The Department proposes to prohibit feral swine from entering licensed livestock auction markets without special permission of the State Veterinarian.

5. The Department proposes to require breed registration documentation for non-traditional domestic swine breeds before they are allowed to enter livestock auction markets.
6. The Department proposes to renumber current rule language to account for new requirements.
7. The Department proposes to designate Form VS 1-27 as acceptable for moving light sows and boars and odd lot swine under 300 pounds sold through markets.
8. The Department proposes to require all slaughter swine be officially identified using an official USDA NUES ear tag or an official USDA 840 RFID ear tag, and USDA official back tag or a method approved by the State Veterinarian. The livestock auction market must furnish the Department the complete name and address of the persons selling such animals.
9. The Department proposes to require all swine offered for sale at feeder/breeder sale markets be separate from slaughter swine.
10. The Department proposes to remove language requiring swine offered for sale at feeder/breeder sale markets showing any signs of illness be returned to the farm of origin under quarantine. The Department proposes to remove the requirement that swine offered for sale have been on the farm of origin of the seller for a minimum of 30 days.
11. The Department proposes to require all breeder swine six months of age or older be officially tested negative for brucellosis and pseudorabies to move from the sale to the buyer's farm. This will replace the current four-month age requirement.
12. The Department proposes to require swine purchased at feeder/breeder sales be automatically quarantined to the premises of destination until official negative test results are obtained, and the swine are released by the State Veterinarian. This will replace the thirty-day quarantine period.
13. The Department proposes to require all breeder and feeder swine be identified by a USDA back tag and an official USDA NUES ear tag or an official USDA 840 RFID ear tag.
14. The Department proposes to Designate Form VS 1-27 as acceptable for accompanying swine showing visible symptoms of disease, which are isolated from apparently health swine and consigned to slaughter, euthanized with proper disposal, or returned to the farm of origin under quarantine.

*Proposed Amendments to current Rule 40-13-6-.06 entitled "Goats, Sheep, and Non-Traditional Livestock Movement Through Auction Markets"*

The following provides an overview of the proposed amendments to current Rule 40-13-6-.06 entitled "Goats, Sheep, and Non-Traditional Livestock Movement Through Auction Markets."

1. The Department proposes to retitle the rule as "Goats and Sheep Movement Through Auction Markets."

2. The Department proposes to remove all references to non-traditional livestock, which will be addressed in a proposed Rule 40-13-6-.09 entitled “Non-traditional Livestock Movement Through Auction Markets.”
3. The Department proposes to generally refer to *auction markets* as *livestock auction markets* in an effort to reduce confusion.
4. The Department proposes to require any goats or sheep offered for sale at livestock auction markets showing visible symptoms of disease be isolated from apparently healthy goats or sheep and consigned to slaughter, euthanized with proper disposal, or returned to the farm of origin under quarantine. Such goats or sheep must be accompanied by Georgia 29 permit or VS Form 1-27. This proposed requirement combines and replaces two previous requirements regarding animals showing signs of illness.
5. The Department proposes to require all goats and sheep be individually identified with tags or approved methods in compliance with the Official USDA Scrapie Program. Under the proposed rule, one official back tag must be applied to the head of the goats or sheep within three inches on either side of the poll. Sheep and goats younger than 12 months may have the back tag placed on the shoulder instead of the head. This replaces language regarding approved tags.

*Proposed Amendments to current Rule 40-13-6-.07 entitled “Poultry Moving Through Auction Markets”*

The following provides an overview of the proposed amendments to current Rule 40-13-6-.07 entitled “Poultry Moving Through Auction Markets.”

1. The Department proposes to retitle the rule as “Poultry Movement Through Auction Markets.”
2. The Department proposes to make grammatical changes in an effort to clarify the rule’s requirements. These changes are intended to increase readability by altering terms that can lead to confusion outside the legal community.
3. The Department proposes to require each poultry sales market maintain a written biosecurity plan alongside a poultry disposal method or facility approved by the Department. This replaces current language regarding disposal facilities and methods of disposal.
4. The Department proposes to include an additional citation to a relevant section of the Official Code of Georgia Annotated as authoritative power. The Department also proposes to remove one of the current citations.

*Proposed Amendments to current Rule 40-13-6-.08 entitled “Equine Movement Through Auction Markets”*

The following provides an overview of the proposed amendments to current Rule 40-13-6-.08 entitled “Equine Movement Through Auction Markets.”

1. The Department proposes to make grammatical changes in an effort to clarify the rule's requirements. These changes are intended to increase readability, remove redundancy, and reduce terms that lead to confusion outside the legal community.
2. The Department proposes to remove language permitting the movement of equine untested for EIA to approved sales for sampling. The Department also proposes to remove the requirement that a seller is liable for the cost of the test and must reimburse the buyer if the test is positive.
3. The Department proposes to permit discretion in the impoundment of abused or starving equine offered for sale at Georgia auction markets in accordance with the Georgia Human Care for Equines Act. Impoundment will require approval of the State Veterinarian.
4. The Department proposes to require all equines be individually identified with a USDA or Georgia Department of Agriculture approved tag, painted identification, ISO compliant microchip, or other identification method approved by the State Veterinarian.

*Proposed Rule 40-13-6-.09 entitled "Non-traditional Livestock Movement Through Auction Markets"*

The following provides an overview of the proposed Rule 40-13-6-.09 entitled "Non-traditional Livestock Movement Through Auction Markets." The Department proposes to insert this rule within currently existing rules, an action which requires a renumbering of all following rules.

1. The Department proposes to require all non-traditional livestock offered for sale at livestock auction markets be healthy and originate from herds apparently free of any contagious, infection, or communicable disease. Under the proposed rule, any of these animals offered for sale at auction markets showing signs of illness will not be allowed entry to the sale and may be quarantined to the farm of origin. Quarantine will remain in effect until released by the State Veterinarian.
2. The Department proposes to require out-of-state non-traditional livestock moving through approved livestock facilities in Georgia meet all interstate requirements except where a reciprocal agreement exists with other states.
3. The Department proposes to require all non-traditional livestock be individually identified by an approved official USDA back tag ad a USDA NUES ear tag, official USDA 840 RFID ear tag, ISO compliant microchip, or method approved by the State Veterinarian.
4. The Department proposes to include citations to relevant sections of the Official Code of Georgia Annotated as authoritative power.

*Proposed Amendments to current Rule 40-13-6-.09 entitled "Veterinary Services"*

The following provides an overview of the proposed amendments to current Rule 40-13-6-.09 entitled "Veterinary Services."

1. The Department proposes to renumber the rule as 40-13-6-.10, a change which is

necessitated by the creation of proposed Rule 40-13-6-.09 entitled “Non-traditional Livestock Movement Through Auction Markets.”

2. The Department proposes to make grammatical changes in an effort to clarify the rule’s requirements. These changes are intended to increase readability and reduce terms that lead to confusion outside the legal community.
3. The Department proposes to clarify that a veterinarian selected by an auction market to provide the required veterinary services must be licensed in Georgia and USDA Category II accredited in the state of Georgia. The Department also proposes to clarify that veterinary services will be at the market’s expense.
4. The Department proposes to include an additional citation to a relevant section of the Official Code of Georgia Annotated as authoritative power.

*Proposed Amendments to current Rule 40-13-6-.10 entitled “Livestock Inspector”*

The following provides an overview of the proposed amendments to current Rule 40-13-6-.10 entitled “Livestock Inspector.”

1. The Department proposes to renumber the rule as 40-13-6-.11, a change which is necessitated by the creation of proposed Rule 40-13-6-.09 entitled “Non-traditional Livestock Movement Through Auction Markets.”
2. The Department proposes to make grammatical changes in an effort to clarify the rule’s requirements. These changes are intended to increase readability and reduce terms that lead to confusion outside the legal community.
3. The Department proposes to clarify that the livestock inspector is provided by the Department to each sale. The Department also proposes to clarify the duties of this livestock inspector.
4. The Department proposes to clarify that the market veterinarian will examine abnormal animals and determine whether they will be returned to the farm of origin or sent to slaughter.
5. The Department is proposing to remove the requirement that notice and hearing be provided to an individual who has his or her license or permit revoked, cancelled, or suspended by the Commissioner of Agriculture for an assault or threatened assault against any livestock inspector or other Department employee. This requirement is unnecessary, as laws and other regulations adequately address the issue.
6. The Department proposes to include additional citations to relevant sections of the Official Code of Georgia Annotated as authoritative power.

*Proposed Amendments to current Rule 40-13-6-.11 entitled “Handling of Livestock”*

The following provides an overview of the proposed amendments to current Rule 40-13-6-.11

entitled “Handling of Livestock.”

1. The Department proposes to renumber the rule as 40-13-6-.12, a change which is necessitated by the creation of proposed Rule 40-13-6-.09 entitled “Non-traditional Livestock Movement Through Auction Markets.”
2. The Department proposes to make grammatical changes in an effort to clarify the rule’s requirements. These changes are intended to increase readability and alter terms that can lead to confusion outside the legal community.
3. The Department proposes to simplify the rule by removing the requirement regarding instruments capable of injuring or bruising livestock. This requirement is unnecessary, as the remainder of current Rule 40-13-6-.11, alongside laws and other regulations, sufficiently addresses the issue. The Department also proposes to renumber current rule language to account for this removal.
4. The Department proposes to clarify any livestock that die on sale premises must be disposed of in accordance to the rules of Georgia’s Dead Animal Disposal Act.
5. The Department proposes to include additional citations to relevant sections of the Official Code of Georgia Annotated as authoritative power.

*Proposed Amendments to current Rule 40-13-6-.12 entitled “Enforcement”*

The following provides an overview of the proposed amendments to current Rule 40-13-6-.12 entitled “Enforcement.”

1. The Department proposes to renumber the rule as 40-13-6-.13, a change which is necessitated by the creation of proposed Rule 40-13-6-.09 entitled “Non-traditional Livestock Movement Through Auction Markets.”
2. The Department proposes to make a grammatical change in an effort to clarify the rule’s requirements. This change is intended to increase readability and alter a term that can lead to confusion outside the legal community.
3. The Department proposes to include additional citations to relevant sections of the Official Code of Georgia Annotated as authoritative power.

*Proposed Amendments to Rule 40-13-7-.01 entitled “Licensing and Bonding Requirements”*

The following provides an overview of the proposed amendments to current Rule 40-13-7-.01 entitled “Licensing and Bonding Requirements.”

1. The Department proposes to retitle the rule as “Licensing and Surety Requirements.”
2. The Department proposes to include a new section in the rule that defines relevant terms in an effort to add clarity. The addition of this section will require the reorganization and renumbering of current rule language.

3. The Department proposes to remove all language and requirements regarding bonds and replace the removed content with language and requirements regarding sureties. These changes are intended to harmonize the rule with current Georgia law.
4. The Department proposes to make grammatical changes in an effort to clarify the rule's requirements. These changes are intended to increase readability and reduce terms that can lead to confusion outside the legal community. The Department also proposes to make organizational changes intended to produce a clearer and more accessible rule.
5. The Department proposes to require every livestock auction market maintain surety which sufficiently secures the performance of the holder's obligations. The amount of this surety must be established in a memorandum of understanding with the Department. The Department proposes this requirement as a replacement for language regarding bonds.
6. The Department proposes discretion in licensing livestock auction markets. All licensing will continue to be in accordance with state law.
7. The Department proposes to limit livestock auction market licenses to a period of three years unless suspended, revoked, or cancelled by the Commissioner. All licenses will expire on December 31 on the third year of licensure.
8. The Department proposes that an auction market license will be immediately revoked by operation of law without notice and hearing where the surety is cancelled for any reason.
9. The Department proposes to maintain authority to notify the public if a license is revoked for any reason.
10. The Department proposes that neither the surety nor the license is transferable. Any change in ownership renders a previous license null and void.
11. The Department proposes to retitle current rule section "Livestock Dealers, including Brokers, Packer Buyers, and Buying Stations" as "Livestock Dealers."
12. The Department proposes to require every dealer buying or selling livestock through a sales establishment, dealer, or directly through farmers in Georgia maintain surety which sufficiently secures the performance of the holder's obligations. The amount of this surety must be established in a memorandum of understanding with the Department. The Department proposes this requirement as a replacement for language regarding bonds.
13. The Department proposes discretion in licensing dealers. All licensing will continue to be in accordance with state law.
14. The Department proposes to limit livestock dealer licenses to a period of three years unless suspended, revoked, or cancelled by the Commissioner. All licenses will expire on December 31 on the third year of licensure.
15. The Department proposes that a dealer license will be immediately revoked by operation of law without notice and hearing where the surety is cancelled for any reason.

16. The Department proposes to maintain authority to notify the public if a license is revoked for any reason.
  17. The Department proposes that neither the surety nor the license is transferable. Any change in ownership renders a previous license null and void.
  18. The Department proposes to require a statement for “cash only” purchases, which must be completed and signed prior to purchase. This statement will be provided by the Department. “Cash only” purchases do not require surety. A livestock auction market operator cannot permit a dealer, broker, or packer buyer to purchase livestock other than for cash; if the dealer, broker, or packer buyer lacks a proper license or sufficient surety. These changes reflect the transition from bonds to sureties under Georgia law.
  19. The Department proposes to exempt farmers purchasing livestock solely for the purpose of grazing and feeding as part of their farm operation from licensing and surety requirements. The Department is proposing to remove the current requirement that farmers keep livestock for 90 days before the exemption applies.
  20. The Department proposes to require buying stations and livestock concentration points maintain sufficient surety and licensure, meet the same sanitation standards as livestock auction markets, utilize proper identification methods, and comply with federal and state laws.
  21. The Department proposes to remove all current language regarding the furnishing of reports detailing sales from the preceding calendar year by auction markets. The Department is proposing to replace this language with a requirement for applicants and licensees to furnish current financial statements. This replacement is intended to simplify the rule. Licensees will be required to submit these financial statements on an annual basis.
  22. The Department proposes to require records contain identification of cattle by official ID, tattoo, breed, sex and weight. The Department is proposing “official ID” as a replacement for “ear tag.”
  23. The Department proposes to require records be maintained for a period of five years and be made available to authorized personnel of the Department. The Department also proposes any livestock auction market which has undergone a management change should follow this requirement. This record retention requirement will replace the current rule’s two-year requirement.
  24. The Department proposes to include additional citations to relevant sections of the Official Code of Georgia Annotated as authoritative power.
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**Comment Period and Additional Information:**

The Department will be accepting written comments from June 28, 2018, to close of business (4:30 p.m. EST) on July 31, 2018. Comments will be considered on August 1, 2018. Please submit written comments to:

Rich Lewis  
Division Director, Warehouse and Bonding Division  
Georgia Department of Agriculture  
19 Martin Luther King, Jr. Drive, S.W.  
Atlanta, Georgia 30334  
Telephone Number: 404-656-3605  
Fax Number: 404-656-9648

Interested persons may call or submit a written request to obtain a copy of the proposed rules. A copy of the synopsis and the proposed rules may be downloaded from the Georgia Department of agriculture website at [www.agr.georgia.gov](http://www.agr.georgia.gov).

This notice is given in compliance with the Georgia Administrative Procedure Act, O.C.G.A. § 50-13-4.