

WAREHOUSING AND DEPOSITS

CHAPTER 344

H. B. No. 762
(Scott and Snortland)

GRAIN ELEVATOR WEIGHMASTERS

AN ACT

Authorizing the public service commission to appoint grain elevator weighmasters; prescribing qualifications, authorizing the public service commission to prescribe fees; providing for remuneration of weighmasters, revocation of license and providing a penalty, and declaring an emergency.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. Weighmaster's License; By Whom Issued; Application: Qualifications; Bond; Renewal.) The public service commission of the state of North Dakota shall issue a grain elevator weighmaster license to any person of good moral character who is a paid employee of a municipality, chamber of commerce or other similar organization and who is not an interested party, either as an owner or employee of any grain elevator and who shall in no manner be interested in the handling, storing, shipping, purchasing or selling of grain or any of its products, nor in the employment of any person or corporation engaged therein, nor shall he be a member of any board of trade or organization of like character: who shall

1. Make written application therefor;
2. Pay a license fee of five dollars; and
3. File in the office of the public service commission a bond issued by a corporate surety company authorized to do business in this state. Such bond shall run to the state of North Dakota. It shall be in the penal sum of five thousand dollars, conditioned upon the faithful performance of his duties as such weighmaster. The term of such license and bond shall be for two years and the license shall be renewable upon the same terms as are specified for an original license. The cost of the bond shall be borne by the applicant for a license. Upon default of a weighmaster in any of the provisions of his bond, any person injured thereby may bring an action thereon in the name of the state of North Dakota.

§ 2. Weighmaster's Records And Certificates.) All weighmasters licensed under this chapter shall keep such records as may be prescribed by the public service commission, and shall furnish to any person for whom weighing is done a

certificate under his hand, in the name of the state of North Dakota on a form to be prescribed by the public service commission showing the amount of each weight, the number and initial letter or other distinctive mark of each car or truck weighed, the place and date of weighing, and the contents of the car or truck. Such certificate shall be prima facie evidence of the facts therein certified.

§ 3. Fees To Be Prescribed By The Public Service Commission.) The public service commission shall prescribe a schedule of fees to be charged for official weighing of grain at grain elevators. Said fees so prescribed may be modified or changed, either on the commission's own motion or upon request of any interested party after a hearing thereon. Said hearing shall be held only after the giving of twenty days' notice to the person or persons claiming an interest in said schedule of fees.

§ 4. Revocation Of Grain Elevator Weighmaster's License; Notice And Hearing.) Any person may make a written complaint to the public service commission against any licensed weighmaster. If the complaint on its face appears to be meritorious, the public service commission shall give the complainant and the weighmaster complained against at least twenty days' notice of the time and place where hearing will be had on such complaint. Such notice may be given to the complainant by mail but shall be served upon the weighmaster personally or by registered mail. The notice served upon the weighmaster shall contain or be accompanied by a clear and concise statement of the charges made against him and shall notify him that unless an answer to such charges is served upon the commission at least three days prior to the date specified for the hearing the charges will be deemed admitted and the license canceled. At such hearing the presiding commissioner or examiner designated by the commission may administer oaths and shall hear such evidence as may be submitted on behalf of the complainant and of the weighmaster and upon such evidence the commission shall make its order dismissing the complaint or canceling the license, whichever is warranted in its judgment by the evidence.

§ 5. Penalty For Wrongful Weighing Or Issuing Of A False Scale Ticket.) The wrongful weighing or the issuing of a false ticket by a weighmaster shall be a misdemeanor punishable by imprisonment in the county jail for not more than thirty days or by a fine of not more than one hundred dollars or by both such fine and imprisonment.

§ 6. Emergency.) This Act is hereby declared to be an emergency measure and shall be in full force and effect from and after its passage and approval.

Approved March 10, 1955.