

## **CHAPTER 69-07-03 RECORDS AND RECEIPTS**

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### **69-07-03-01. Form of scale tickets.**

Scale tickets must be consecutively numbered and issued in consecutive order and must contain the name of the licensee, receiving location, name of the depositor, type of grain, per centum of dockage, test weight, gross weight, tare weight, and net weight.

**History:** Amended effective May 1, 1984; August 1, 1999.

**General Authority:** NDCC 60-02-03, 60-02.1-03

**Law Implemented:** NDCC 60-02-03, 60-02-11, 60-02.1-03, 60-02.1-12

### **69-07-03-02. Cross-referencing of receipts.**

Every account and record relating to grain storage and purchase, including every scale ticket, warehouse receipt, check, and credit-sale contract, must be properly cross-referenced to allow audit identification from delivery to purchase and final payment or redelivery of all grain.

**History:** Amended effective May 1, 1984; August 1, 1999.

**General Authority:** NDCC 60-02-03, 60-02.1-03

**Law Implemented:** NDCC 60-02-03, 60-02.1-03

### **69-07-03-03. Storage receipt - Form prescribed.**

Repealed effective May 1, 1984.

### **69-07-03-04. Records - Filing.**

The licensee shall keep in a safe place all records of grain purchased and stored and all receipts and contracts issued and canceled. Such records must be kept current and open for inspection by commission personnel and must be retained for a period of three years. All receipts and contracts must be issued and filed in numerical sequence. The licensee shall provide the necessary assistance required for any examination of the licensee's books and records.

**History:** Amended effective May 1, 1984; August 1, 1999.

**General Authority:** NDCC 60-02-03, 60-02.1-03

**Law Implemented:** NDCC 60-02-03, 60-02.1-03

### **69-07-03-05. Certificate of weight and grade - Account sales.**

The certificate of weights and grades and all account sales of grain shipped must be kept available at all times for local inspection by the public service commission, if necessary.

**History:** Amended effective August 1, 1999.  
**General Authority:** NDCC 60-02-03, 60-02.1-03  
**Law Implemented:** NDCC 60-02-03, 60-02.1-03

**69-07-03-06. Credit-sale contracts.**

Unless the licensee has secured independent bond coverage for credit-sale contracts, the following statement or a similar statement approved by the commission must be printed on the contract in a clear and prominent manner directly above the place for the seller to sign:

THIS CONTRACT IS NOT PROTECTED BY BOND COVERAGE IN THE EVENT OF THE BUYER'S INSOLVENCY.

If the licensee has obtained bond coverage in addition to that required by state law and rule and such coverage extends to the benefit of credit-sale contracts, the following statement or a similar statement approved by the commission must be printed on the contract in a clear and prominent manner directly above the place for the seller to sign:

THIS CONTRACT IS NOT PROTECTED BY NORTH DAKOTA STATUTORY BOND COVERAGE IN THE EVENT OF THE BUYER'S INSOLVENCY. HOWEVER, THE BUYER HAS SECURED INDEPENDENT BOND COVERAGE IN THE AMOUNT OF (state amount) FOR THE PROTECTION OF SELLERS UNDER CREDIT-SALE CONTRACTS IN THE EVENT OF THE BUYER'S INSOLVENCY.

A licensee securing independent bond coverage for the protection of sellers under credit-sale contract shall file a copy of such bond with the commission.

**History:** Effective May 1, 1984; amended effective August 1, 1999.  
**General Authority:** NDCC 60-02-03, 60-02.1-03, 60-03-01.1  
**Law Implemented:** NDCC 60-02, 60-02-19.1, 60-02.1-14, 60-03-04.1

**69-07-03-07. Non-facility-based grain buyers or hay buyers.**

A roving grain buyer or a hay buyer shall issue receipts, certificates, and contracts and maintain records as described in this chapter but is exempt from the rules that apply to physical grain-handling facilities.

**History:** Effective February 1, 1991; amended effective August 1, 1999.  
**General Authority:** NDCC 60-02.1-03, 60-03-01.1  
**Law Implemented:** NDCC 60-02.1-03, 60-03-03

**69-07-03-08. Bean scale tickets - Contents.**

Scale tickets for dry edible beans must contain the following information:

1. The date and place where the beans were received.
2. The name and address of the owner of the beans.
3. A description of the beans including the kind of beans, foreign material, splits, check seed coats, total pick, moisture, and the gross weight, total dockage, and net weight of the load.
4. The statement: "All storage contracts on dry edible beans terminate on April thirtieth of each year".
5. The statement: "This warehouse is not responsible for returning an identical percentage of check seed coats back to receiptholder in the event of redelivery".

6. A space for comments and other information.

**History:** Effective February 1, 1991; amended effective August 1, 1999.

**General Authority:** NDCC 28-32-02, 60-02-03, 60-02.1-03

**Law Implemented:** NDCC 60-02-11, 60-02.1-12

**69-07-03-09. Collateral warehouse receipts.**

A warehouseman may not issue a warehouse receipt to secure financing or for other security interests unless the grain represented by that receipt is owned by the warehouse.

**History:** Effective February 1, 1994.

**General Authority:** NDCC 60-02-03

**Law Implemented:** NDCC 60-02-03

**69-07-03-10. Grain on hand.**

A warehouseman must maintain a grain inventory sufficient to cover outstanding scale tickets and warehouse receipts.

**History:** Effective February 1, 1994; amended effective August 1, 1999.

**General Authority:** NDCC 60-02-03, 60-02.1-03

**Law Implemented:** NDCC 60-02-03, 60-02.1-03