

WAREHOUSING AND DEPOSITS

CHAPTER 583

HOUSE BILL NO. 1241
(Ganser, Giffey)

TRACK BUYERS' AND WAREHOUSEMEN'S BONDS

AN ACT to create and enact subsection 7 of section 60-02-09 of the North Dakota Century Code relating to track buyers and public warehousemen's bonds.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE STATE OF NORTH DAKOTA:

SECTION 1.) Subsection 7 of section 60-02-09 of the North Dakota Century Code is hereby created and enacted to read as follows:

7. Said bond shall not accrue to the benefit of any person entering into deferred payments contracts or other credit arrangements with a track buyer or public warehouseman.

Approved March 4, 1971

CHAPTER 584

SENATE BILL NO. 2339
(Goldberg, Thoreson)

CONTENTS OF SCALE TICKETS

AN ACT to amend and reenact section 60-02-11 of the North Dakota Century Code, relating to contents of scale tickets.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT.) Section 60-02-11 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

60-02-11. SCALE TICKET - CONTENTS.) Every public warehouseman of this state, upon receiving grain into his warehouse, shall issue a uniform scale ticket for each load of grain so received. Such tickets shall be bound in books of convenient size, shall be numbered consecutively, and provision shall be made in said books for at least one carbon copy of each ticket. One carbon copy of each ticket shall be retained in said book and shall remain as a permanent record. The original ticket shall be delivered to the person from whom the grain is received, upon receipt of each load of grain. All such tickets shall be signed by the warehouseman, his agent, or manager. All scale tickets shall be converted into cash or storage tickets within a period of twenty days after first load of grain is delivered to the elevator and no longer than five days after final load is delivered to the elevator. A reasonable amount of grain may remain on open storage at the end of each month in any licensed and bonded warehouse. The office copy of each scale ticket shall show the number of the cash ticket or storage ticket issued in lieu thereof.

Approved March 18, 1971

CHAPTER 585

SENATE BILL NO. 2491
(Thane, Page, Morgan, Ringsak)

ROVING GRAIN OR HAY BUYERS

AN ACT to amend and reenact sections 60-03-01 and 60-03-04 of the North Dakota Century Code, relating to the definition of roving grain or hay buyers and the amount of the bond required thereof.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE
STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT.) Section 60-03-01 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

60-03-01. ROVING GRAIN OR HAY BUYER - DEFINITION.) The term "roving grain or hay buyer", when used in this chapter, unless the context thereof otherwise requires, shall mean any person, copartnership, association, agent, or corporation, other than licensed warehousemen and track buyers, who shall buy grain or hay from the owner for resale and delivery within or without the state or for resale in the local markets. Nothing contained in this chapter shall apply to public warehouses or public warehousemen and track buyers as defined in chapter 60-02.

SECTION 2. AMENDMENT.) Section 60-03-04 of the 1969 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

60-03-04. BOND FILING BY ROVING GRAIN OR HAY BUYER - COMPLAINT PROCEDURE - ORDERS.) Before any license is issued to any roving grain or hay buyer, the applicant shall file with the commission a bond in such sum as the commission shall prescribe, but not less than fifteen thousand dollars for each license. Such bond shall:

1. Cover the period of the license;
2. Run to the state of North Dakota for the use and benefit of all persons selling grain or hay to the licensee;
3. Be conditioned for the faithful performance of the duties of the licensee as a roving grain or hay buyer, and be for the specific purpose of protecting persons dealing with the licensee or

his or their agent or agents within the state of North Dakota from loss or damage by reason of any violation of this chapter;

4. Not cover transactions wherein it appears to the commission that the sale was made upon any other terms except than for cash; and
5. Be governed by all of the provisions of law applicable to the business of a roving grain or hay buyer and the rules and regulations of the commission relating thereto.

Any person claiming to be injured or damaged by a breach of the conditions of the bond given by a licensee under the provisions of this chapter may file a complaint with the commission within six months from the date of the breach of the conditions of the bond. After a hearing, held upon notice to the respondent and to the bonding company, the commission shall be empowered to order the respondent or the bonding company, or both, to pay to the complainant any loss or damage suffered by reason of the breach of the conditions of the bond. If more than one person has been damaged, and the bond is insufficient to pay the entire liability, the penalty of the bond as against the surety shall be ordered to be apportioned among the damaged persons.

Approved March 27, 1971

CHAPTER 586

SENATE BILL NO. 2345
(Thane, Barth)

LICENSING GRAIN OR HAY BUYERS

AN ACT to amend and reenact section 60-03-02 of the North Dakota Century Code, providing for a fee for a grain or hay buyer.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT.) Section 60-03-02 of the 1969 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

60-03-02. LICENSE - HOW OBTAINED - FEE.) Each roving grain or hay buyer operating within this state must obtain a license through the commission to expire at midnight on July thirty-first of each year. Each license so issued shall designate the business address of the licensee, and each licensee shall have and maintain an agent for process within this state. The license fee which must accompany the application for license shall be thirty dollars. The commission may require a separate license for each truck or tractor-trailer unit used in such grain or hay buying.

Approved March 26, 1971