

**ARTICLE 7-18
GRAIN WAREHOUSE AND GRAIN BUYERS**

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**CHAPTER 7-18-01
GENERAL PROVISIONS**

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7-18-01-01. Outstanding storage at license termination.

A warehouse licensee having outstanding storage at the termination of the license period, shall procure a license in the usual manner, even though the warehouse is closed, or will be closed.

History: Effective January 1, 2022.

General Authority: NDCC 60-02-03

Law Implemented: NDCC 60-02-41

7-18-01-02. Storage in another warehouse.

All nontransit grain owned or held by a warehouse licensee under North Dakota Century Code chapter 60-02 must be held in a licensed and bonded warehouse, either within or outside the state. If grain is held in space that is not licensed capacity by the licensee under North Dakota Century Code chapter 60-02, a warehouse document issued for that grain must identify the originating warehouse as the receipt holder. If grain held subject to a warehouse receipt is stored in a warehouse that is not licensed under North Dakota Century Code chapter 60-02, the originating warehouse shall increase its bond to provide protection for that grain as well as its own licensed warehouse space.

Daily position records must include inventories held under nonnegotiable warehouse receipts issued by another licensed warehouse.

History: Effective January 1, 2022.

General Authority: NDCC 60-02-03

Law Implemented: NDCC 60-02-07.1

7-18-01-03. Change in capacity.

A warehouse licensee may not change its physical capacity without prior commissioner approval. A request to change capacity must be on a form provided by the commissioner with capacity being added or deleted. Deleted capacity must be physically disconnected from other licensed capacity. Added capacity must be properly bonded. Additions not previously licensed must be accompanied by a diagram showing the location and capacity of the space involved.

History: Effective January 1, 2022.

General Authority: NDCC 60-02-03

Law Implemented: NDCC 60-02-09

7-18-01-04. Assumption of liability for transfer of grain.

A warehouse licensee that intends to acquire a facility operated by another licensee and to assume responsibility for grain obligations of the former licensee shall notify the commissioner of the assumption of the liability. The notice must be submitted on a form provided by the commissioner.

History: Effective January 1, 2022.

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

Law Implemented: NDDC 60-02-40, 60-02.1-36

7-18-01-05. Delivery policy.

A licensed warehouse during July of each year, shall publish and post in a conspicuous place in each warehouse, the warehouse's policy for delivery of grain to a warehouse receipt holder. The policy must remain in effect at least through the following June and must outline how the warehouseman will charge or compensate the receipt holder for differences in quantity, kind, quality, and grade which exist between the grain described in the scale ticket and the grain that is actually delivered back to the receipt holder. A copy of the warehouse's policy for delivery must be provided to the commissioner as part of its annual warehouse license application. A copy of the policy also must be attached to each warehouse receipt issued to an owner of grain.

History: Effective January 1, 2022.

General Authority: NDCC 60-02-03

Law Implemented: NDCC 60-02-17, 60-02-22