

WAREHOUSING AND DEPOSITS

CHAPTER 472

H. B. No. 785
(Jones, Olienyk)

ROVING GRAIN AND HAY BUYER

AN ACT

To amend and reenact sections 60-03-02 and 60-03-04 of the North Dakota Century Code, relating to the agent for process, the licensing of roving grain and hay buyers, limiting the liability on the bond therefor and requiring the public service commission to make orders upon defalcations on the bond.

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

§ 1. **Amendment.)** Section 60-03-02 of 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 ten dollars. The commission may require a separate license for each truck or tractor-trailer unit used in such grain or hay buying.

§ 2. **Amendment.)** Section 60-03-04 of 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 ten 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 covering 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 6, 1967.