

CHAPTER 229

PUBLIC HAY TRACKS

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NOTE: For penalties for violation of the provisions of this chapter, see Section 235.13.

229.01 DEFINITIONS. Subdivision 1. **Terminal points.** Terminal points shall mean the cities of St. Paul, Minneapolis, Duluth, and South St. Paul.

Subd. 2. **Public hay tracks.** The department of public service shall designate at convenient places on the several lines of railway entering terminal points in this state, tracks to be known as public hay tracks. The different railway companies either separately or jointly are hereby required to provide suitable tracks to meet the requirements of this chapter. Such public hay tracks may be established on each individual line of railway, or they may be so established as to serve for two or more railways.

Subd. 3. **Rules; hay; straw.** The department shall adopt all necessary rules and regulations for the weighing and inspecting of hay and straw at such terminal points.

[1905 c 196 s 1, 2, 7; 1971 c 25 s 67] (5210, 5211, 5216)

229.02 DUTIES OF DEPARTMENT; HAY; STRAW; GRADES. Subdivision 1. **Supervision.** It shall be the duty of the department to assume and exercise a constant supervision over the hay and straw interests of this state; to supervise the handling, weighing, inspecting and storage of hay and straw; to establish all necessary rules and regulations for the weighing, grading, inspecting and reinspecting of hay and straw, and for the management of all public hay tracks at terminal points in this state as far as such rules and regulations may be necessary to enforce the provisions of any law in this state in regard to the same; to investigate all complaints of fraud or oppression in the hay and straw trade, and to correct the same as far as may be in their power.

Subd. 2. **Grades established.** The department shall, before the first day of July in each year, establish a grade for all kinds of hay and straw bought, handled or delivered at any public hay yard at terminal points in this state, which grade so established shall be known as "Minnesota grades" of hay and straw, and the grades so established shall be published in some daily newspaper at each of the terminal points each day for the space of one week.

[1905 c 196 s 20, 21; 1971 c 25 s 67] (5229, 5230)

229.03 SALE BY SAMPLE. Nothing in this chapter shall be so construed as to prevent any person from selling hay or straw by sample, regardless of grade.

[1905 c 196 s 22] (5231)

229.04 HAY AND STRAW; DELIVERY AT TRACKS. All hay and straw shipped to terminal points, unless otherwise directed by the consignor, shall, by the common carrier transporting the same, be brought to and delivered at one or another of such public hay tracks, for the purpose of being weighed and inspected as in this chapter provided.

[1905 c 196 s 3] (5212)

229.05 WEIGHING AND INSPECTION; DUTIES OF CARRIER AS TO CERTAIN CARS; PENALTY. All hay and straw so received shall be weighed and inspected by duly appointed weighers and inspectors of hay and straw under such rules and regulations as the department shall establish.

All carriers shall return, free of switching charge for weighing empty, all cars not reconsigned that have been weighed loaded with hay or straw, to the scale on

which the same was weighed, or some other scale under the charge of the state, used for weighing hay and straw. Weight on reconsigned cars may be had by the use of the weight of the loaded car and the marked stenciled weight on the car.

[1905 c 196 s 4; 1911 c 186 s 1; 1971 c 25 s 67] (5213)

229.06 CARRIER TO MAINTAIN TRACK SCALES; INSPECTING SCALES.

It shall be the duty of all common carriers transporting hay to such terminal points to construct and maintain at such public hay tracks as may be established by the department, suitable track scales of such size and capacity as the department shall direct. If in its judgment it is necessary, the department may order that such track scales be housed in such a manner as to insure accuracy. All scales at such hay tracks shall be under the control of the department of public service and subject to inspection by it, exempt from the jurisdiction of sealers of weights and measures. They shall be inspected at the request of any person interested in any hay or straw to be weighed thereon. If found incorrect the cost of inspection shall be paid by the owner thereof; otherwise by the person requesting inspection. No scales found incorrect shall be used until reexamined and found correct. Nothing in this chapter shall be so construed as to prevent the use of such scales by the owner for the purpose of weighing any other commodities in carload lots.

[1905 c 196 s 5; 1971 c 25 s 67; 1971 c 73 s 2] (5214)

229.07 WEIGHERS AND INSPECTORS; APPEALS; REINSPECTION AND FINAL REVIEW. The department of public service shall appoint a suitable number of persons to perform such weighing and inspecting of hay and straw. Such weighers and inspectors shall be under the immediate supervision of the department. In case of dissatisfaction of any interested person with the official acts of any inspector, reinspection may be had upon application to the department. A final appeal from the decision of the department may be made to the board of final review, to be provided for by the department under the rules it shall establish. The decision of such board of review shall be final, provided the department may provide suitable rules for the cancellation of any certificate of inspection issued upon original inspection, reinspection or upon final review when it appears that owing to the manner in which cars of hay or straw were loaded it was impossible for the inspector to obtain a fair sample.

[1905 c 196 s 6; 1971 c 73 s 3] (5215)

229.08 WEIGHERS AND INSPECTORS; OBSTRUCTING PERFORMANCE; PENALTY; OATH; BOND. In case any person or railway corporation or any of their agents or employees shall refuse or prevent the weighers and inspectors of hay and straw from having free access to their scales and tracks in the regular performance of their duties as such weighers or inspectors of hay and straw, they shall forfeit to the state of Minnesota the sum of \$100 for each offense, such penalty or forfeiture to be paid to the state treasurer for the benefit of the hay inspection fund in this chapter created, and shall also be required to pay all costs of prosecution. Each weigher and inspector of hay and straw shall take an oath of office approved by the department, and shall give a bond to the state of Minnesota in the penal sum of \$5,000 with good and sufficient sureties to be approved by the department. The bonds given by such weighers and inspectors of hay and straw shall be filed in the office of the secretary of state and suit may be brought upon any bond in any court having jurisdiction thereof for the use of the person so injured.

[1905 c 196 s 8; 1971 c 73 s 4] (5217)

229.09 [Repealed, 1971 c 73 s 22]

229.10 CHARGES; COMPENSATION. The weighers and inspectors of hay and straw shall be governed in the performance of their duties by such rules and regulations as may be provided by the department; the department shall have power to fix the rate of charges for the weighing and inspecting of hay and straw and the manner in which the same shall be collected, which charges shall be regulated in such manner as will in the judgment of the department produce sufficient revenue to meet the necessary expenses of the weighing and inspecting service, and no more; the department shall fix the amount of compensation to be paid to the weighers and inspectors of hay and straw and prescribe the time and manner of payment thereof, which compensation shall be paid out of the hay inspection fund on the order of the department.

[1905 c 196 s 10; 1971 c 25 s 67] (5219)

229.11 DISQUALIFICATIONS. No weigher or inspector of hay or straw or any of the sureties on his bond, shall, during his term of service, be in any way interested in the handling, storing, shipping, purchasing or selling of hay or straw, or any of their products, nor in the employment of any person or corporation engaged therein, nor shall they be members of any board of trade or organization of like character.

[1905 c 196 s 11] (5220)

229.12 WEIGHER; REMOVAL; GROUNDS FOR. Upon complaint in writing of any person to the department, supported by reasonable and satisfactory proof, that any weigher or inspector of hay and straw has violated any of the rules prescribed for his government, or has been guilty of any improper official act, or has been found inefficient or incompetent for the duties of his position, such person shall be by the department immediately removed from office.

[1905 c 196 s 12; 1971 c 25 s 67] (5221)

229.13 PUBLIC HAY SCALES; DISPOSITION OF FUNDS. The charges for the weighing and inspecting of hay and straw shall be and constitute a lien on the hay and straw so weighed or inspected, and when such hay or straw is in transit these charges shall be considered as advance charges, to be paid by the common carrier in whose possession the same is at the time of weighing or inspecting. All money so collected, and all fines and penalties for violation of any of the provisions of this chapter, shall be paid into the state treasury.

[1905 c 196 s 15; 1921 c 11 s 1; 1969 c 9 s 56] (5224)

229.14 DUTY OF INSPECTORS; CERTIFICATE. The inspectors shall inspect all hay and straw shipped to any public hay tracks and give a certificate of the inspection to the person entitled thereto. Their decisions shall be conclusive as to the grade of such hay or straw, and the certificate shall be evidence thereof, unless changed upon reinspection on appeal, in which case the final certificate shall be conclusive.

[1905 c 196 s 16] (5225)

229.15 REINSPECTION; APPEAL. In case any owner, consignee or shipper of hay or straw shall be aggrieved by the decision of such inspectors of hay and straw, the owner, consignee or shipper may ask for a reinspection of the hay and straw from the department; provided that a final appeal from the decision of the department may be had to the board of final review provided for in section 229.07, and a decision by a majority of the final board of review shall be final, and the department is hereby authorized to make all necessary rules governing such reinspection or appeal. The party asking for such reinspection shall pay to the department a sum not to exceed \$5 per case before such is entertained, which sum shall be refunded in the event such case is sustained.

[1905 c 196 s 17; 1971 c 73 s 5] (5226)

229.16 DUTY OF WEIGHERS; RECORD. All weighers of hay and straw provided for by this chapter shall be required to make true weights under the penalties hereinbefore provided, and in addition thereto shall keep a correct record of all weighing done by them at the hay tracks where they are stationed, in which record shall be entered an accurate account of all hay, straw, or other property weighed, or the weighing of which was supervised by them or their assistants, giving the amount of each weight, the number of car or cars weighed, if any, the initial letter of the car or cars weighed, where weighed, date of weighing, and contents of car.

[1905 c 196 s 18] (5227)

229.17 CERTIFICATES OF WEIGHERS AND INSPECTORS AS EVIDENCE. The weighers and inspectors of hay and straw shall give, upon request of any person interested, certificates under their hand and seal showing the amount of each weight; or, if inspected, the grade, number of car or cars weighed or inspected, if any, the initial of the car or cars, hay yard where weighed or inspected, date of weighing or inspecting, and contents of car; such certificate of weights shall be admitted in all actions either at law or in equity as prima facie evidence of the facts therein contained, and as prima facie evidence that any contract of sale and purchase of such hay was made upon such weights and grades, but the effect of such evidence may be rebutted by other competent testimony.

[1905 c 196 s 19; 1925 c 328] (5228)

229.18 PENALTY; CARRIER VIOLATING. Any carrier failing to comply

with any of the provisions of this chapter shall be subjected to a penalty of \$25 to be recovered by the aggrieved shipper.

[1905 c 196 s 4; 1911 c 186 s 1] (5213)

229.19 IMPERSONATING WEAHER OR INSPECTOR; PENALTY. Any person not duly appointed and qualified who shall assume to act as a weager or inspector of hay and straw shall be guilty of a misdemeanor and punished by a fine of not less than \$50 nor more than \$100.

[1905 c 196 s 13] (5222)

229.20 NEGLECT OF DUTY; PENALTY. Any duly authorized weager or inspector of hay and straw who shall be guilty of any neglect of duty or who shall knowingly or carelessly weigh or inspect any hay or straw improperly, or who shall accept any money or other consideration, directly or indirectly, for any neglect of duty or any improper performance of duty as such weager or inspector of hay and straw, or any person who shall improperly influence or attempt to influence any weager or inspector of hay and straw in the performance of his duties as such weager or inspector, as the case may be, shall be deemed guilty of a misdemeanor; and on conviction thereof fined not less than \$100 nor more than \$1,000 or imprisoned in the county jail not less than 30 days nor more than one year or both in the discretion of the court.

[1905 c 196 s 14] (5223)