

CHAPTER 235

GRAIN, GENERAL PROVISIONS

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

235.01 SUPERVISION OVER GRAIN. The department of public service shall exercise general supervision over the grain interests of the state and of buying, selling, handling, inspection, weighing, and storage of grain, and of the management of public warehouses and public grain markets, including chambers of commerce, boards of trade, and grain exchanges; investigate, on complaint or upon its own motion, all cases of fraud and injustice in the grain trade, unfair practices, or unfair discrimination in the buying or selling of grain; have the power to compel the discontinuance of such unfair practices or unfair discrimination; and make all proper rules and regulations for carrying out and enforcing the provisions of all laws of the state relating to such subjects.

[R L s 2100; 1919 c 254 s 8; 1921 c 314 s 1; 1925 c 266; 1969 c 9 s 60; 1971 c 25 s 67] (5084)

235.02 GRAIN INCLUDES FLAX SEED AND SOY BEANS. The term "grain" wherever used in chapters 216 to 235 includes flax seed and soy beans.

[R L s 2104; 1939 c 133] (5088)

235.03 SHIPPER TO AFFIX TAGS. Every shipper of grain shall fasten upon the inside of each car shipped by him a card giving the number and initials or other distinctive mark of such car, the date of shipment, and the exact weight of the grain in such car, as claimed by the shipper. If he fails so to do, the official weight shall be prima facie evidence of the quantity of grain shipped in such car.

[R L s 2101] (5085)

235.04 OVERLOADING GRAIN CARS. Every railway company shall place painted lines inside of each of its cars used for the carriage of grain, indicating the height to which the various kinds of grain may be loaded therein, and no car shall be loaded with any kind of grain above its appropriate line. The person loading such car shall state in the bill of lading, prior to its being signed by the agent of the railway company, that the car is loaded to or below the line, and such agent, before signing the bill, shall verify the statement. The bill of lading, so signed, shall be prima facie evidence of the loading, and no charges for loading in excess of the quantity so limited shall lie against such car. No railway company that fails to equip any car as aforesaid shall collect any charges for the transportation of grain in the car above the regular tariff rates for carload lots. Every person who shall load any car above the appropriate line and every agent of any railway company who shall refuse to sign any such bill of lading shall be guilty of a misdemeanor and punished by a fine of not less than \$10 nor more than \$25.

[R L s 2099] (5083)

235.05 CARRIERS' RECEIPTS; PENALTY FOR FAILURE TO GIVE. Every common carrier transporting grain shall give the shipper on request a receipt for the number of pounds of grain received from him and deliver such quantity to the consignee or proper connecting carrier, less loss from transportation, not to exceed 60 pounds to each car.

Such carrier shall forfeit to the state for each refusal to give such receipt not less than \$10 nor more than \$50 and for each failure to deliver the proper quantity of grain not less than \$50 nor more than \$100.

[R L s 2093, 2094] (5079, 5080)

235.06 ELEVATOR CHARGES, WHEN FORBIDDEN. No railroad company shall charge or collect elevator or other charges for handling grain or for the use of any elevator when such grain is loaded by the shipper and not passed through an elevator, or make any distinction in charges of any kind against a person shipping grain otherwise than through an elevator.

[R L s 2095] (5081)

235.07 DELIVERY FOR STORAGE A BAILMENT. The delivery of grain to any warehouseman for storage, although it be mingled with that of others, or shipped or removed from the original place of storage, shall be deemed a bailment, and not a sale.

[R L s 2092] (5078)

235.08 WAREHOUSE RECEIPTS; NUMBERING. All warehouse receipts for grain issued by the same warehouse shall be consecutively numbered, and no two receipts bearing the same number shall be issued from the same warehouse during any one year, except in case of a lost or destroyed receipt, in which case the new receipt shall bear the same date and number as the original, and shall be plainly marked on its face "Duplicate."

[R L s 2105] (5092)

235.09 UNLICENSED WAREHOUSES. Any person or corporation operating such warehouse without license shall forfeit to the state for each day's operation \$50 and such operation may be enjoined upon complaint of the department.

[R L s 2096; 1971 c 25 s 67] (5082)

235.10 UNLAWFUL DISCRIMINATION IN SALE OR PURCHASE OF GRAIN. Any person, firm, copartnership, or corporation engaged in the business of buying grain, either for himself or others, who shall, with the intention of creating a monopoly or destroying the business of a competitor, discriminate between different sections, localities, communities, or cities of this state, by purchasing such grain at a higher price or rate in one locality than is paid for grain of same grade and condition by the purchaser in another locality after making due allowance for the difference, if any, in actual cost of transportation from the locality of purchase, to the locality of manufacture, use, or distribution, shall be deemed guilty of unfair discrimination; and upon conviction thereof punished by a fine not exceeding \$500 or by imprisonment in the county jail not to exceed six months.

[1917 c 377 s 1] (5096)

235.11 BREAKING OF SEALS; WHO MAY. No person shall knowingly break the seal on any car of grain subject to state inspection prior to the delivery thereof, except the employees of the department, and the owner of the grain, or his authorized agent, under rules prescribed by the department.

[1919 c 398 s 2; 1971 c 25 s 67] (5090)

235.12 BREAKING SEALS; MISDEMEANOR. Any person who, without legal authority, shall break or remove any seal upon any car loaded with grain, or otherwise break or enter such car, shall be guilty of a misdemeanor.

[R L s 2102] (5086)

235.13 VIOLATIONS; PENALTIES. Any person who shall violate any of the provisions of chapters 216 to 235, where no specific penalty is prescribed shall be guilty of a gross misdemeanor; and upon conviction punished by a fine of not less than \$50 nor more than \$500. Any corporation which shall violate any such provision shall forfeit to the state for each violation not less than \$50 nor more than \$500.

[R L s 2103] (5087)

235.14 CERTIFICATES; INSPECTION; WEIGHING. Every elevator company, corporation, copartnership, association, or individual operating any elevator, building, or place in this state for the purchase, storage, or deposit of any grain or other farm commodity shall be entitled to receive from, and shall demand of, the officer whose duty it is to issue the same the official certificate of inspection in duplicate, together with the weighing certificate in duplicate, for any grain or other farm commodity shipped from any such elevator, building, or place and inspected and weighed as provided by the laws of this state.

[1909 c 344 s 1; 1971 c 73 s 21] (5093)

235.15 DUPLICATE TO BE DELIVERED TO BUYER. Within ten days from the delivery of any certificate, as provided in section 235.14, the company, corporation, copartnership, association, or individual receiving the same shall deliver to

the local buyer at the place where such grain or other farm commodity is purchased, stored, or deposited, one of the duplicate certificates and the same shall be retained by such local buyer in his office or place of business for 30 days thereafter and be subject to examination by any person desiring to inspect same.

[1909 c 344 s 2] (5094)

235.16 FAILURE TO DELIVER; PENALTY. Any company, corporation, copartnership, association, or individual mentioned in section 235.14 who shall fail to deliver any certificate mentioned in section 235.14 within the time and as provided in section 235.15 shall be guilty of a misdemeanor; and the weight and grade of the grain or other farm commodity, as shown by the records of the local buyer, shall be taken as a basis of settlement between the local buyer of any such grain or farm commodity and the company, corporation, copartnership, association, or individual failing to deliver the certificate.

[1909 c 344 s 3] (5095)

235.17 SAMPLES TO BE FURNISHED; FEES. The department is hereby authorized to furnish to persons entitled thereto, when requested by them, samples of grain from any car from which samples are taken for inspection and grading.

The fees for the furnishing of such samples shall be fixed by the department.

[1919 c 398 s 1, 3; 1971 c 25 s 67] (5089, 5091)

235.18 ENFORCEMENT. The department shall enforce the provisions of section 235.10 and, in so doing, shall have and exercise all the powers heretofore conferred upon it by law.

[1917 c 377 s 2; 1971 c 25 s 67] (5097)

235.19 FUMIGATING GRAIN TO CHANGE COLOR; PENALTY. Any person who shall sell or offer for sale or for shipment and sale any barley or other grain, which shall have been subjected to fumigation, or other treatment by sulphur or other material, or to any other chemical process, affecting the color thereof, shall be punished by a fine of not more than \$500 or by imprisonment in the state prison for not more than one year or by both such fine and imprisonment and liable to any person injured in treble damages. Barley and oats may be purified by fumigation, or treatment with sulphur, under such restrictions, rules, and regulations as the department shall prescribe for such purpose and when so purified may be sold and marketed as "purified barley" or as "purified oats," and not otherwise.

[R L s 5189; 1907 c 213 s 1; 1969 c 5 s 3; 1971 c 25 s 67] (10527)