CHAPTER 231

WAREHOUSES

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231.01 DEFINITIONS.

Subdivision 1. **Scope.** The definitions in this section apply to this chapter.

Subd. 2. **Commissioner.** "Commissioner" means the commissioner of agriculture.

Subd. 3. **Compensation.** "Compensation" means any remuneration, recompense, indemnification, requital, or satisfaction assessed, collected, or received for the storage or warehousing of goods, wares, or merchandise of another by a warehouse operator.

Subd. 4. **Corporation.** "Corporation" includes any corporation, company, association, joint stock company, or association.

Subd. 5. **Department.** "Department" means the Department of Agriculture.

Subd. 6. **Household goods.** "Household goods" means:

(1) personal effects and property used or to be used in a dwelling if it is part of the equipment or supply of the dwelling;

(2) furniture, fixtures, equipment, and the property of business places and institutions, public or private, when a part of the stock, equipment, supplies, or property of such establishments. It does not mean the storage of property of a business concern in the usual course of its business activities;

(3) articles which, because of their unusual nature or value, require specialized handling and equipment customarily employed in moving household goods.

Subd. 7. **Household goods warehouse operator.** "Household goods warehouse operator" means an individual, corporation, partnership, or any other business association or their trustees, assignees, or receivers appointed by a court who control, operate, or manage, directly or indirectly, a building or structure or any part of a building or structure in this state used for the storage or warehousing of household goods for

compensation. "Household goods warehouse operator" does not include persons, corporations, or other parties operating storage facilities for storage on a seasonal basis of boats, boating accessories, recreational vehicles, or recreational equipment, or facilities in which the party storing goods rents and occupies space as a tenant and the entire risk of loss is with the tenant pursuant to written contract between the landlord and tenant.

Subd. 8. **Rate.** "Rate" includes every individual or joint rate, charge, or other compensation of a household goods warehouse operator, either for storage or for any other service furnished in connection with storage; any schedule or tariff of rates, charges, or compensation of a household goods warehouse operator; and any rule, regulation, charge, practice, or contract relating to the rates, charges, or compensation.

Subd. 9. **Service.** "Service" is used in its broadest sense and includes not only the use and occupancy of space for storage purposes, but also any labor expended, and the use of any equipment, apparatus, and appliances or any drayage or other facilities employed, furnished, or used in connection with the storage of goods, wares, and merchandise subject to this chapter.

Subd. 10. **Warehouse operator.** "Warehouse operator" means a corporation, company, association, joint stock company or association, firm, partnership, or individual and their trustees, assignees, or receivers appointed by any court, that directly or indirectly controls, operates, or manages within this state one or more buildings or structures, any part thereof of a building or structure, or any other property which is used for the storage or warehousing of goods, wares, business or other records, or merchandise for compensation, or who holds itself out as being in the storage or warehouse business or as offering storage or warehouse facilities, or who advertises for, solicits, or accepts goods, wares, business or other records, or merchandise for storage for compensation. "Warehouse operator" does not include household goods warehouse operators or persons, corporations, or other parties operating storage facilities containing minerals, ores, or rock products such as, but not limited to, aggregates, clays, railroad ballast, iron ore, steel, aluminum, copper ore, nickel ore, limestone, coal, and salt or operating grain warehouses, or storing on a seasonal basis boats, boating accessories, recreational vehicles, or recreational equipment or facilities in which the party storing goods rents and occupies space as a tenant and the entire risk of loss is with the tenant pursuant to written contract between the landlord and tenant or provided by a railroad or common carrier.

History: *(5173) 1915 c 210 s 2; 1941 c 139 s 2; 1947 c 497 s 1,2; 1971 c 25 s 67; 1973 c 123 art 5 s 7; 1975 c 313 s 20; 1979 c 178 s 1; 1979 c 332 art 1 s 70,71; 1980 c 442 s 4; 1986 c 444; 1993 c 212 s 1; 1996 c 377 s 8; 1997 c 131 s 4; 1999 c 110 s 1*

231.02 MS 1998 [Repealed, 1999 c 110 s 22]

231.03 MS 1998 [Repealed, 1999 c 110 s 22]

231.035 INSPECTION AUTHORITY.

The commissioner or the commissioner's designee may, upon presentation of appropriate credentials and during regular working hours or at other reasonable times, inspect premises including equipment and stored goods subject to and for reasons relating to the commissioner's enforcement and licensing authority; request information from persons with information relevant to an inspection; and inspect relevant papers and records relating to the storage of goods.

History: *1999 c 110 s 2*

231.04 DEPARTMENT TO ENFORCE WAREHOUSE LAW.

The department shall see that the provisions of the constitution and the statutes of this state affecting warehouse operators or household goods warehouse operators, the enforcement of which is not specifically vested in some other officer or tribunal, are enforced and obeyed, that violations thereof are promptly prosecuted, and that penalties due the state therefor are recovered and collected; and, to this end, it may sue in the name of the state.

History: *(5176) 1915 c 210 s 5; 1971 c 25 s 67; 1986 c 444; 1999 c 110 s 3*

231.05 MS 1998 [Repealed, 1999 c 110 s 22]

231.06 MS 1998 [Repealed, 1999 c 110 s 22]

231.07 MS 1998 [Repealed, 1999 c 110 s 22]

231.08 WAREHOUSE OPERATOR AND HOUSEHOLD GOODS WAREHOUSE OPERATOR REQUIREMENTS.

Subdivision 1. **To furnish information.** Every warehouse operator and household goods warehouse operator shall furnish all information required by the department to administer this chapter and make specific answers to all questions submitted by the department, under oath. A warehouse operator or household goods warehouse operator which is a corporation shall answer under the oath of one of its duly authorized officers.

A warehouse operator or household goods warehouse operator shall obey and comply with every order, decision, direction, or rule made or prescribed by the department in the matters specified in this chapter; and do everything necessary or proper to secure the compliance with and the observance of the same, by all its officers, agents, and employees.

Subd. 2. **Rights not limited.** Nothing in this chapter shall be construed as limiting the rights of any warehouse operator or household goods warehouse operator to lease or let for any storage purpose any portion of a building.

Subd. 3. **Tender for storage.** At the time of or prior to tender of goods for storage by a depositor, a storage order must be signed in writing by the depositor or the depositor's duly authorized representative and must show the name and address of the warehouse operator in whose custody the goods are to be deposited.

Subd. 4. **Identification of goods.** A warehouse operator who receives a lot of goods must identify each article or lot by tag or lot number, as recorded on the operator's books and on the warehouse receipt or contract.

Subd. 5. **Fire protection.** All warehouses must be protected against fire in accordance with the State Fire Code.

Subd. 6. **Floor load.** A warehouse floor or part of a floor must not at any time be loaded or stored with a greater weight of goods or materials per square foot than the floor will sustain with safety. If the department directs a warehouse operator to ascertain from a competent registered architect or engineer or from the proper municipal authorities what may be the safe load capacity in pounds per square foot of each floor of the operator's warehouse or warehouses, the operator must do so without unnecessary delay and must post signs in several conspicuous places on each floor stating the safe live load that floor will sustain.

Subd. 7. **Storage conditions.** (a) On each floor where there is open storage of goods, wares, or merchandise, there must be aisles wide enough to permit the free and unimpeded passage of goods, wares, or merchandise. All aisles must be kept free from obstructions, dust, and litter.

(b) Pieces of overstuffed furniture, mattresses, rugs, carpets, and other goods not stored in containers must be protected by wrapping before being placed in permanent storage.

History: *(5174) 1915 c 210 s 3; 1971 c 25 s 67; 1985 c 248 s 70; 1986 c 444; 1999 c 110 s 4; 2005 c 92 s 1-5; 2005 c 136 art 9 s 2*

231.09 UNIFORM RECEIPT ISSUANCE.

Subdivision 1. **Receipts.** A warehouse operator receiving goods in store shall issue for the goods a receipt embodying the terms of such receipts as authorized by article 7 of the Uniform Commercial Code. Receipts or records of storage in electronic form are acceptable.

Subd. 2. **Copy to department.** A copy of the form of receipt used by the warehouse operator must be furnished to the department with the application for license.

Subd. 3. **Insurance.** Receipts must show in conspicuous type whether or not the property for which the receipt has been issued is insured for the benefit of the depositor against fire or any other casualty.

Subd. 4. **Lot number.** The property of each depositor must be specifically designated under a lot number, which must appear on the receipt for the purpose of identification.

Subd. 5. **Correctness of receipt.** Unless notice is given by the depositor to the warehouse operator in writing within 30 days after the date of mailing or delivery to the depositor of the warehouse receipt stating that there are errors or omissions in the list of goods and specifying them, the operator is entitled to assume that the list of goods on the warehouse receipt is a complete and correct list of goods tendered to the operator for storage under the terms and conditions of the contract and that the depositor has accepted all terms and conditions of the contract.

Subd. 6. **Storing additional goods.** If the depositor, subsequent to the original storing, places other goods with the warehouse operator for storage, the additional goods may come in under the same terms and conditions as if they were part of the original lot.

Subd. 7. **Notices to depositor.** Notices by the warehouse operator to the depositor pertaining to the goods, wares, or merchandise must be sent to the depositor at the address given at the time of depositing the goods, wares, or merchandise with the operator, unless written notice of a change of address is received by the operator from the depositor. Notices mailed by the operator to the last address given by the depositor constitute effective notice for all purposes.

Subd. 8. **Liability limitations; other than household goods.** Unless otherwise specified by the depositor in writing, it is agreed and is prima facie proof that no piece, package, or complete article with its contents enumerated in the list of goods in the warehouse receipt of contract exceeds the sum of $50 in value. If the depositor declares in writing a higher valuation, the warehouse operator may charge a higher rate for storing the pieces, packages, or complete articles. Each operator must, upon the day of storage, clearly inform the depositor, in writing, that the depositor may declare a higher valuation.

Subd. 9. **Liability limitations; household goods.** (a) From and after the date of storage, the warehouse operator storing household goods must, on behalf of the depositor, cause the stored goods of the depositor to be insured at least in the amount of $1.25 per pound per article against loss from any peril covered by

standard fire and extended coverage policies. The depositor must pay to the operator the cost of the insurance in addition to other warehousing charges; provided, however, that the depositor may declare in writing that the value of the stored goods does not exceed 60 cents per pound per article, in which case the depositor is limited to that amount in the recovery of any damages against the warehouse operator.

(b) Warehouse operators whose charges for storage are not based upon actual weight, and who may not have available an actual weight figure, may use a weight figure obtained by application of the constructive weight rule in effect in the operator's tariff.

(c) Each warehouse operator must, on the day of storage, clearly inform the depositor in writing of the substance of paragraph (a). If the depositor's goods are delivered to the operator for storage by another person, the operator must inform that person of the depositor's rights and obligations under paragraph (a).

(d) Nothing in this section imposes liability upon a warehouse operator for damages where the liability would not otherwise be imposed under the provisions of the Uniform Commercial Code, chapter 336, and specifically section 336.7-204.

History: *(5182) 1915 c 210 s 11; 1965 c 812 s 6; 1986 c 444; 1999 c 110 s 5; 2005 c 92 s 6*

231.10 MS 1998 [Repealed, 1999 c 110 s 22]

231.11 SCHEDULE OF RATES; STORING HOUSEHOLD GOODS.

Subdivision 1. **Filing; inspection.** A household goods warehouse operator must file with the department and keep open for public inspection a printed schedule of rates and charges complying with subdivision 2. All tariffs of rates and charges must contain terms and conditions under which the rates and charges are assessed.

Subd. 2. **Rate-making procedure.** In order to ensure nondiscriminatory rates and charges for all depositors of household goods, the commissioner shall establish a collective rate-making procedure which will ensure the publication and maintenance of just and reasonable rates and charges under uniform, reasonably related rate structures. These procedures must provide for the joint consideration, initiation, and establishment of rates and charges and ensure that the respective revenues and expenses of household goods warehouse operators are ascertained. Any participating household goods warehouse operator party to a collectively mandated rate or charge has the right to petition the commissioner for the establishment of a rate or charge which deviates from the collectively set rate. Upon receiving the commissioner's approval, that household goods warehouse operator may proceed to establish the requested rate or charge. All household goods warehouse operators subject to rate regulation under this chapter must comply with the commissioner's rate-making procedures. No household goods warehouse operator shall undertake to perform any service or store any household goods until a schedule of rates has been filed and published in accordance with this chapter. In case of emergency, however, a service or storage not specifically covered by the schedules filed, may be performed or furnished at a reasonable rate, which must then be promptly filed, and which is subject to review in accordance with this chapter.

History: *(5184) 1915 c 210 s 13; 1971 c 25 s 67; 1983 c 300 s 24; 1986 c 444; 1993 c 212 s 2; 1999 c 110 s 6; 2005 c 92 s 7*

231.12 CHANGE OF RATES; STORING HOUSEHOLD GOODS.

Unless the department otherwise orders, no household goods warehouse operator may change any rate except after ten days' notice to the department and to the public pursuant to this section. Notice must be given by filing with the department and keeping open for public inspection new schedules or supplements

stating plainly the changes to be made in the schedules then in force and the time when the changes will go into effect. The department for good cause shown, may, after hearing, allow changes without requiring the ten days' notice by an order specifying the changes to be made, the time when they shall take effect, and the manner in which they shall be filed and published.

History: *(5185) 1915 c 210 s 14; 1971 c 25 s 67; 1983 c 300 s 25; 1986 c 444; 1993 c 212 s 3; 1999 c 110 s 7*

231.13 CHARGING MORE OR LESS THAN THE PUBLISHED RATE; STORING HOUSEHOLD GOODS.

Except as specified in sections 231.11 and 231.12, no household goods warehouse operator shall have, demand, collect, or receive, a different compensation for any service rendered or for storing any household goods than the rates applicable to that service or storage, as specified in the schedules of rates on file with the commissioner and in effect at the time.

If a household goods warehouse operator has had household goods in store so long that the storage charges accumulated on them are more than the household goods would bring at a forced sale, the department, upon written application and proof thereof, may authorize the household goods warehouse operator to compromise the charges for a sum not less than the amount which the household goods would bring at a forced sale.

History: *(5186) 1915 c 210 s 15; 1971 c 25 s 67; 1986 c 444; 1993 c 212 s 4; 1999 c 110 s 8*

231.14 DISCRIMINATION IN RATES; STORING HOUSEHOLD GOODS.

Except as herein otherwise specified, no household goods warehouse operator, or any officer, agent, or employee thereof, shall, directly or indirectly, by remittance, rebate, or any device, inducement, or other means, permit any corporation or person to obtain any service or the storage of any household goods at less than the rates then established and in force as shown by the schedule of rates filed and in effect at the time. No person or corporation shall, directly or indirectly, by any device, inducement, or means, either with or without the consent or connivance of a household goods warehouse operator, or any of the officers, agents, or employees thereof, obtain, or seek to obtain, any service, or the storage of any household goods at less than the rates then established and in force therefor. Any household goods warehouse operator, or the officers, agents, or employees thereof, or any person acting for or employed by it or transacting business with it, or any other person, who violates this section, is guilty of a gross misdemeanor and is, upon conviction, subject to imprisonment not exceeding 364 days or to a fine not exceeding $3,000, or both.

History: *(5187) 1915 c 210 s 16; 1965 c 412 s 1; 1984 c 628 art 3 s 11; 1986 c 444; 1993 c 212 s 5; 1999 c 110 s 9; 2023 c 52 art 6 s 16*

231.15 RATES FOR STORAGE OF HOUSEHOLD GOODS.

If the department after a hearing upon its own motion, or upon complaint finds that the rates demanded, observed, charged, or collected by a household goods warehouse operator for or in connection with any service or storage of goods, wares, or merchandise are unjust, unreasonable, discriminatory, preferential, or otherwise illegal, the department shall determine the just and reasonable rates to be thereafter effective and in force for that household goods warehouse operator and fix the rates by an order, which shall determine

when the rates go into effect. Before an order is issued under this section, the household goods warehouse operator shall have an opportunity to be heard upon reasonable notice to be determined by the department.

History: *(5188) 1915 c 210 s 17; 1971 c 25 s 67; 1985 c 248 s 70; 1986 c 444; 1999 c 110 s 10,22; 2000 c 260 s 84,85*

231.16 WAREHOUSE OPERATOR OR HOUSEHOLD GOODS WAREHOUSE OPERATOR LICENSE.

A warehouse operator or household goods warehouse operator must be licensed annually by the department. The department shall prescribe the form of the written application. If the department approves the license application and the applicant files with the department the necessary bond, in the case of household goods warehouse operators, or proof of warehouse operators legal liability insurance coverage in an amount of $50,000 or more, as provided for in this chapter, the department shall issue the license upon payment of the license fee required in this section. A warehouse operator or household goods warehouse operator to whom a license is issued shall pay a fee as follows:

Building square footage used for public storage	
(1) 5,000 or less	$110
(2) 5,001 to 10,000	$220
(3) 10,001 to 20,000	$330
(4) 20,001 to 100,000	$440
(5) 100,001 to 200,000	$550
(6) over 200,000	$660

A penalty amount not to exceed ten percent of the fees due may be imposed by the commissioner for each month for which the fees are delinquent.

Fees collected under this chapter must be paid into the grain buyers and storage account established in section 232.22.

The license must be renewed annually on or before July 1, and always upon payment of the full license fee required in this section. No license shall be issued for any portion of a year for less than the full amount of the license fee required in this section. Each license obtained under this chapter must be publicly displayed in the main office of the place of business of the warehouse operator or household goods warehouse operator to whom it is issued. The license authorizes the warehouse operator or household goods warehouse operator to carry on the business of warehousing only in the one city or town named in the application and in the buildings therein described. The department, without requiring an additional bond and license, may issue permits from time to time to any warehouse operator already duly licensed under the provisions of this chapter to operate an additional warehouse in the same city or town for which the original license was issued during the term thereof, upon the filing an application for a permit in the form prescribed by the department.

A license may be refused for good cause shown and revoked by the department for violation of law or of any rule adopted by the department, upon notice and after hearing.

History: *(5189) 1915 c 210 s 18; 1939 c 159; 1943 c 495 s 1; 1947 c 497 s 3; 1969 c 1148 s 37; 1971 c 25 s 67; 1973 c 123 art 5 s 7; 1975 c 313 s 22; 1977 c 364 s 7; 1981 c 356 s 331; 1982 c 508 s 7; 1983 c*

300 s 26; 1985 c 248 s 70; 1986 c 444; 1999 c 110 s 11; 1999 c 231 s 170; 1Sp2001 c 2 s 143; 1Sp2005 c 1 art 1 s 86

231.17 BONDS OF WAREHOUSE OPERATORS; LEGAL LIABILITY INSURANCE.

Every warehouse operator applying for and receiving a license from the department under this chapter shall file with the department, acceptable to the department, a surety bond to the state of Minnesota. Bonds must be in the amount of $10,000.

The bond must be conditioned for the faithful discharge of all duties as a household goods warehouse operator operating under this chapter and full compliance with the laws of the state and rules and orders of the department. Failure to maintain the bond as required shall void the license.

The bond must be continuous until canceled. To cancel a bond, the surety must provide 90 days' written notice of the bond's termination date to the licensee and the department.

In lieu of the bond required by this section, the applicant may deposit with the commissioner of management and budget cash; a certified check; a cashier's check; a postal, bank, or express money order; assignable bonds or notes of the United States; or an assignment of bank savings account or investment certificate or an irrevocable bank letter of credit as defined in section 336.5-103, in the same amount as would be required for a bond.

In lieu of the bond required by this section, a warehouse operator that does not provide for the storage of household goods may provide proof of legal liability insurance coverage in the amount of $50,000 or more. A warehouse operator must notify the department with written notice of the cancellation of the policy. If the policy is terminated without notification to the department, the warehouse operator is subject to penalties under section 231.39.

History: *(5190) 1915 c 210 s 19; 1927 c 360 s 1; 1971 c 25 s 67; 1971 c 75 s 1; 1985 c 248 s 70; 1986 c 444; 1993 c 212 s 6; 1999 c 110 s 12; 2003 c 112 art 2 s 50; 2009 c 101 art 2 s 109*

231.18 CLAIMS AGAINST A BOND.

Subdivision 1. **Filing a claim.** A depositor claiming to be damaged by the breach of an agreement to store household goods must file a claim with the department within 180 days of the date of breach.

Subd. 2. **Form of claim.** All claims must be in writing, must state the facts upon which the claim is based, must include any supporting evidence, and must be signed by the claimant. The supporting evidence may consist of, but is not limited to, a bill of lading, a warehouse receipt, a contract form, correspondence, or photographs.

Subd. 3. **Where to file.** All claims must be filed with the Minnesota Department of Agriculture, Grain Licensing and Auditing Section.

Subd. 4. **Bond limitations.** The bonds are not cumulative from one year to the next. A claim against the bond may only be made against the bond in effect at the time the agreement is breached. A bond is not liable for claims filed after 180 days from the date of the breach of the bond.

Subd. 5. **Public notice of a claim.** Upon determining that a depositor has filed a valid claim, the department shall publish notice of the claim in the official county newspaper of the county in which the licensee's primary place of business is located.

The notice must state that a claim against the bond of a licensee has been filed with the department, the name and address of the licensee, that any additional claims should be filed with the department, the date by which claims must be filed, and where the claims should be filed.

The public notice of the claim must appear for three consecutive days in newspapers with a daily circulation and for two consecutive publications in newspapers published less than daily.

Subd. 6. **Bond disbursement.** (a) Upon expiration of the claim filing period, the department shall promptly determine the validity of all claims filed and notify the claimants of the determination. An aggrieved party may appeal the department's determination by requesting, within 15 days, that the department initiate a contested case proceeding. In the absence of such a request, or following the issuance of a final order in a contested case, the surety company shall issue payment promptly to those claimants entitled to payment.

(b) If a household goods warehouse operator has become liable to more than one depositor by reason of breaches of the conditions of the bond and the amount of the bond is insufficient to pay the entire liability to all depositors entitled to the protection of the bond, the proceeds of the bond shall be apportioned among the bona fide claimants.

History: *(5192) 1915 c 210 s 21; 1971 c 25 s 67; 1986 c 444; 1993 c 212 s 7; 1999 c 110 s 13,14; 2005 c 92 s 8,9*

231.19 MS 1992 [Repealed, 1993 c 212 s 8]

231.20 MS 1992 [Repealed, 1993 c 212 s 8]

231.21 MS 1992 [Repealed, 1993 c 212 s 8]

231.22 MS 1992 [Repealed, 1993 c 212 s 8]

231.23 MS 1992 [Repealed, 1993 c 212 s 8]

231.24 COMPLAINT THAT RATE IS UNREASONABLE; DUTY OF DEPARTMENT.

Upon verified complaint of any person or of any corporation that any rates of a household goods warehouse operator are unjust, unreasonable, discriminatory, preferential, or in any way in violation of law, the department shall proceed to investigate the matters alleged in such complaint; and, for the purposes of such investigation, they may require the attendance of witnesses and the production of books, papers, and documents. If, upon the hearing, such rates are found to be unjust, unreasonable, discriminatory, preferential, or in any way in violation of law, the department shall make an order, stating wherein the same are so unjust, unreasonable, discriminatory, preferential, or in any way in violation of law, and make rates which shall be substituted for those as to which complaint is made. Rates so made by the department shall be deemed prima facie reasonable in all courts, and shall be in full force during the pendency of any appeal or other proceedings to review the action of the department in establishing the same.

History: *(5198) 1915 c 210 s 27; 1971 c 25 s 67; 1999 c 110 s 15*

231.25 MS 1992 [Repealed, 1993 c 212 s 8]

231.26 MS 1992 [Repealed, 1993 c 212 s 8]

231.27 MS 1992 [Repealed, 1993 c 212 s 8]

231.28 FAILURE TO OBEY ORDER OR LAW.

If a warehouse operator or household goods warehouse operator fails to obey any law of this state or any order of the department, the department may, upon verified petition alleging such failure, apply to the district court of the county in which the operator's principal place of business is located for the enforcement of such law or order or other appropriate relief. The court, upon such notice as it may direct, shall hear such matter as in case of an appeal from an order. On the hearing, the findings of fact upon which the order is based shall be prima facie evidence of the merits therein stated, and the court may grant any provisional or other relief, ordinary or extraordinary, legal or equitable, which the nature of the case may require, and may impose a fine of not more than $50 for each day's failure to obey any writ, process, or order of the court, in addition to all other penalties or forfeitures provided by law. A temporary mandatory or restraining order may be made in such proceedings, notwithstanding any undetermined issue of fact, upon such terms as to security as the court may direct.

History: *(5202) 1915 c 210 s 31; 1971 c 25 s 67; 1986 c 444; 1999 c 110 s 16*

231.29 MS 1992 [Repealed, 1993 c 212 s 8]

231.30 MS 1992 [Repealed, 1993 c 212 s 8]

231.31 MS 1992 [Repealed, 1993 c 212 s 8]

231.32 PROCEEDINGS IN THE NAME OF THE STATE.

All acts or proceedings instituted by the department under this chapter shall be brought in the name of the state and be prosecuted by the attorney general.

History: *(5205) 1915 c 210 s 34; 1971 c 25 s 67*

231.33 MS 1992 [Repealed, 1993 c 212 s 8]

231.34 ACTION ON BOND IN THE NAME OF THE STATE.

If a licensed household goods warehouse operator fails to perform a duty or violates this chapter, any person or corporation injured by such failure or violation may, with the consent of the department and the attorney general, bring an action in the name of the state, but to the person's or corporation's own use, in any court of competent jurisdiction on the bond of the household goods warehouse operator. In such action the person or corporation in whose behalf the action is brought shall file with the court a satisfactory bond for costs, and the state shall not be liable for any costs.

History: *(5206) 1915 c 210 s 35; 1971 c 25 s 67; 1986 c 444; 1999 c 110 s 17*

231.35 MS 1998 [Repealed, 1999 c 110 s 22]

231.36 FALSIFICATION OR DESTRUCTION OF ACCOUNTS.

Any person who shall willfully make any false entry in the account or in any record or memorandum kept by a warehouse operator or household goods warehouse operator, or who shall willfully destroy, mutilate, alter, or by any other means or device, falsify a record of any such account, record, or memorandum, or who shall willfully neglect or fail to make full, true, and correct entries in such accounts, records, or memoranda, of all facts and transactions appertaining to the business of the warehouse operator or household goods warehouse operator, or shall keep any accounts or records with the intent to evade the provisions of this

chapter, is guilty of a gross misdemeanor and, upon conviction, is subject to imprisonment not exceeding 364 days or to a fine not exceeding $3,000, or both.

History: *(5180) 1915 c 210 s 9; 1965 c 412 s 2; 1984 c 628 art 3 s 11; 1986 c 444; 1999 c 110 s 18; 2023 c 52 art 6 s 16*

231.37 PENALTY FOR DIVULGING INFORMATION.

Any officer or employee of the department who divulges to any person, other than a member of the department, any fact or information coming to the knowledge of the officer or employee during the course of an inspection, examination, or investigation of any accounts, records, memoranda, books, or papers of a warehouse operator or household goods warehouse operator, except insofar as may be authorized by the department, or by a court of competent jurisdiction, or a judge thereof, is guilty of a gross misdemeanor and, upon conviction, is subject to imprisonment not exceeding 364 days or to a fine not exceeding $3,000, or to both.

History: *(5181) 1915 c 210 s 10; 1965 c 412 s 3; 1971 c 25 s 67; 1984 c 628 art 3 s 11; 1986 c 444; 1999 c 110 s 19; 2023 c 52 art 6 s 16*

231.375 OPENING OR ABANDONING WAREHOUSE BUILDING.

No building or structure may be used as a warehouse or branch warehouse until it has been inspected and approved for warehousing purposes by the department.

On ceasing to use a building or other structure, a warehouse operator must promptly notify the department.

History: *2005 c 92 s 10*

231.38 PENALTY FOR TRANSACTING BUSINESS WITHOUT A LICENSE.

Any person who shall transact the business of a warehouse operator or household goods warehouse operator, except for the purpose of winding up the same under the supervision of the department, without first procuring a license and giving a bond or providing proof of insurance as provided for in this chapter and any licensed warehouse operator or household goods warehouse operator who shall operate any warehouse without obtaining the permit herein provided for or who shall continue to transact such business after such license has expired or the required insurance has lapsed or such bond may have become void or found insufficient security for the penal sum in which it is executed by the department approving the same is guilty of a gross misdemeanor and, upon conviction, shall be fined in a sum not less than $100 nor more than $3,000 for each and every day the business is carried on before the license or permit, as the case may be, is issued or after the expiration of such license or permit or after receiving notice from the department that the insurance has lapsed or bond has become void or has been found insufficient security; and the operation of such warehouse operator or household goods warehouse operator may be enjoined upon complaint of the department before a court of competent jurisdiction.

A warehouse operator or household goods warehouse operator has 30 days after a license or permit has expired or insurance has lapsed or bond become void or been found insufficient before the penalty in this section applies.

History: *(5191) 1915 c 210 s 20; 1965 c 412 s 4; 1971 c 25 s 67; 1984 c 628 art 3 s 11; 1986 c 444; 1999 c 110 s 20*

231.39 PERSONS VIOLATING ACT OR ORDER; PENALTY.

Any warehouse operator or household goods warehouse operator and each person who, either individually or acting as an officer, agent, or employee of a warehouse operator or household goods warehouse operator, violates or fails to comply with any provisions of this chapter, or fails to observe, obey, or comply with any order, decision, rule, direction, or requirement or any part or portion thereof of the department made or issued under authority of this chapter or who procures, aids, or abets any warehouse operator or household goods warehouse operator in the violation of this chapter or in the failure to observe, obey, or comply with this chapter or any such order, decision, rule, direction, or requirement or any part or portion thereof in a case in which a penalty is not otherwise provided for in this chapter is guilty of a gross misdemeanor and, upon conviction, shall be punished by a fine not exceeding $3,000 or by imprisonment not exceeding 364 days or both.

Each violation of this chapter, or of any order, decision, rule, direction, or requirement of the department, or any part or portion thereof, by any warehouse operator or household goods warehouse operator is a separate and distinct offense.

In construing and enforcing the provisions of this chapter relating to penalties, the act, omission, or failure of any officer, agent, or employee of any warehouse operator or household goods warehouse operator, acting within the scope of official duties or employment, shall in each case be and be deemed to be the act, omission, or failure of such warehouse operator or household goods warehouse operator.

History: *(5207) 1915 c 210 s 36; 1965 c 412 s 5; 1971 c 25 s 67; 1984 c 628 art 3 s 11; 1985 c 248 s 70; 1986 c 444; 1999 c 110 s 21; 2023 c 52 art 6 s 16*