

WAREHOUSING AND DEPOSITS

CHAPTER 371

S. B. No. 36
(Legislative Research Committee)

ROVING GRAIN AND HAY BUYERS

AN ACT

To amend and reenact sections 60-0301, 60-0303 and 60-0304 of the North Dakota Revised Code of 1943, relating to roving grain and hay buyers.

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

§ 1. Amendment.) Section 60-0301 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

60-0301. Roving Grain And Hay Buyer; Definition.) The term "roving grain and hay buyer", when used in this chapter, unless the context thereof otherwise requires, shall mean any person, copartnership, association, or corporation, other than licensed warehousemen and track buyers, who shall buy grain and hay from the owner for resale and delivery within or without the state or for resale in the local markets. Nothing contained in this chapter shall apply to public warehouses or public warehousemen and track buyers as defined in chapter 2 of this title.

§ 2. Amendment.) Section 60-0303 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

60-0303. Rules And Duties Governing Roving Grain And Hay Buyers.) Each roving grain and hay buyer shall:

1. Procure a license before transacting any business;
2. Pay cash for all grain and hay purchased; and
3. Be subject to the laws, rules, and regulations which govern public warehouses, insofar as they apply, for the protection of sellers of grain and hay, but nothing herein shall be construed to classify as a roving grain and hay buyer any producer of grain or hay who purchases grain or hay from other producers to complete a carload in which a portion of said carload is grain or hay grown by said producer.

Nor shall this chapter apply to anyone purchasing grain or hay for his own use or to any person who engages in the purchase of grain or hay for his own use or consumption; but the word "use" or the word "consumption", as used herein, shall not be construed to include the sale of such grain or hay at retail or wholesale; provided that nothing herein contained shall apply to persons, firms, or corporations or their employees buying or selling grain or hay in any chamber of commerce, board of trade, or grain exchange.

§ 3. Amendment.) Section 60-0304 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

60-0304. Bond Filed By Roving Grain And Hay Buyer.) 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 licensee. 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 duty of the licensee as a roving grain or hay buyer; and
4. 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.

Approved March 6, 1957.