

# WAREHOUSING AND DEPOSITS

## CHAPTER 624

HOUSE BILL NO. 1543  
(Nicholas)

### WAREHOUSE LICENSE FEES, STORAGE RATES, AND CONTRACTS

AN ACT to amend and reenact sections 60-02-07, 60-02-17, and 64-01-05 of the North Dakota Century Code, relating to license fees for public warehouses, storage rates for grain, and the number of pounds per bushel of sunflowers.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE  
STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 60-02-07 of the 1979 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

60-02-07. PUBLIC WAREHOUSE LICENSE - HOW OBTAINED - FEE. A license must be obtained through the commission to expire on the first day of August of each year for each public warehouse in operation in this state. No license so issued shall describe more than one public warehouse in operation in this state. No license so issued shall describe more than one public warehouse nor grant permission to operate any public warehouse other than the one described therein. The license fee which must accompany the application shall be ~~twenty one hundred dollars~~ for a warehouse of a bushel capacity of one two hundred fifty thousand [5285-86 7047.8 cubic meters] or less, ~~thirty two hundred dollars~~ for a warehouse of a bushel capacity of one two hundred fifty thousand and one to and including three five hundred thousand [5285-89 7047.83 to and including 10571-72 17619.54 cubic meters], ~~forty dollars for a warehouse of a bushel capacity of three hundred thousand and one to and including four hundred thousand [10571-76 to and including 14095-63 cubic meters],~~ ~~forty dollars for a warehouse of a bushel capacity of four hundred thousand and one to and including five hundred thousand [14095-66 to and including 17619-54 cubic meters],~~ and sixty two hundred fifty dollars for a warehouse of a bushel capacity of five hundred thousand and one [17619.57 cubic meters] or more. The fees collected under this section shall be paid into the state treasury and credited to the general fund of the state. If a public warehouseman operates two or more warehouses in the same city or siding, in conjunction with each other and with the same working force, and where but one set of books and records is kept for all

such warehouses, and cash slips, scale tickets, storage tickets, and checks of but one series are issued for the grain stored therein, only one license shall be required for the operation of all such warehouses. Where two or more warehouses are operated under one license, the license fee shall be based upon the combined bushel capacity of said warehouses.

SECTION 2. AMENDMENT. Section 60-02-17 of the 1979 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

60-02-17. WAREHOUSE AND STORAGE CONTRACT - STORAGE RATES - TERMINAL DELIVERY. A warehouse receipt shall contain, either on its face or reverse side, the following warehouse and storage contract:

"This grain is received, insured, and stored subject to the following charges: ~~one-fifteenth~~ one-tenth of one cent per net bushel [35.24 liters] per day, except for dry edible beans which shall be subject to a daily storage rate fixed at the time of delivery no greater than one-half of one cent per net hundredweight [45.36 kilograms] per day, provided, however, that no storage shall be charged for grain so stored for fifteen days from date of delivery if such grain is sold within such fifteen-day period; however, if such grain is not sold within the fifteen days, storage charges shall commence from the date a warehouse receipt was issued. All grain received for storage shall be subject to a charge of seven cents per net bushel [35.24 liters], except for flax which shall be subject to a charge of seven cents per gross bushel [35.24 liters], and dry edible beans which shall be subject to a charge of ten cents per net hundredweight [45.36 kilograms]. Grain purchased by the warehouseman shall be exempt from the receiving and redelivery charges. Upon surrender of this receipt and payment or tender of a delivery charge per gross bushel [35.24 liters] of five cents on flax, three dollars per net hundredweight [45.36 kilograms] on dry edible beans, and five cents per net bushel [35.24 liters] on all other grains and all other stated lawful charges accrued up to the time of ~~said~~ surrender of this receipt, the above amount, kind, and grade of grain will be delivered to the person named above or ~~his~~ the person's order as rapidly as due diligence, care, and prudence will permit. At the option of the holder of this receipt, the amount, kind, and grade of grain for which this receipt is issued, ~~on-his~~ upon demand, shall be delivered back to ~~him~~ the holder at any terminal point customarily shipped to, or at the place where received, upon the payment of the above charges for receiving, handling, storage, and insurance and in case of terminal delivery, the payment in addition to the above of the regular freight charges on the gross amount called for by this ticket or in lieu thereof, a receipt issued by a bonded warehouse or elevator company doing business at ~~such~~ the terminal point. Nothing in this receipt ~~shall-be~~ construed-to-require requires the delivery of the identical

grain specified herein, but an equal amount of grain of the same kind and grade shall be delivered ~~to him~~."

SECTION 3. AMENDMENT. Section 64-01-05 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

64-01-05. STANDARD WEIGHT OF BUSHEL. In contracts for the sale or storage of any of the following articles, the term "bushel" shall mean the number of pounds avoirdupois herein stated:

1. Alfalfa, sixty pounds;
2. Apples, fifty pounds;
3. Apples, dried, twenty-eight pounds;
4. Barley, forty-eight pounds;
5. Beans, sixty pounds;
6. Beans, white runner pole, fifty pounds;
7. Beans, broad windsor, forty-seven pounds;
8. Beans, lima, fifty-five pounds;
9. Blue grass seed, fourteen pounds;
10. Bran, twenty pounds;
11. Beets, sixty pounds;
12. Buckwheat, forty-two pounds;
13. Broom corn seed, thirty pounds;
14. Bromus inermis, fourteen pounds;
15. Corn, shelled, fifty-six pounds;
16. Corn, sweet, forty-eight pounds;
17. Corn, in the ear, seventy pounds;
18. Clover seed, sixty pounds;
19. Coal, stone, eighty pounds;
20. Chestnuts, fifty pounds;
21. Cucumbers, forty-eight pounds;
22. Carrots, forty-five pounds;

23. Cranberries, thirty-six pounds;
24. Flaxseed, fifty-six pounds;
25. Hempseed, fifty pounds;
26. Hickory nuts, fifty pounds;
27. Hungarian grass seed, forty-eight pounds;
28. Lime, eighty pounds;
29. Millet, fifty pounds;
30. Oats, thirty-two pounds;
31. Onions, fifty-two pounds;
32. Onions, bottom sets, thirty-two pounds;
33. Onions, top sets, twenty-eight pounds;
34. Orchard grass seed, fourteen pounds;
35. Potatoes, sweet, forty-six pounds;
36. Potatoes, Irish, sixty pounds;
37. Peas, sixty pounds;
38. Peanuts, twenty-two pounds;
39. Peaches, dried, twenty-eight pounds;
40. Pears, forty-five pounds;
41. Parsnips, forty-two pounds;
42. Plastering hair, unwashed, eight pounds;
43. Plastering hair, washed, four pounds;
44. Rye, fifty-six pounds;
45. Rapeseed, fifty pounds;
46. Rutabagas, fifty-two pounds;
47. Rhubarb, fifty pounds;
48. Salt, eighty pounds;
49. Speltz, forty pounds;

50. Sorghum seed, fifty-seven pounds;
51. Sunflowers, twenty-five pounds;
52. Turnips, sixty pounds;
- ~~52~~ 53. Timothy seed, forty-five pounds;
- ~~53~~ 54. Tomatoes, fifty pounds;
- ~~54~~ 55. Wheat, sixty pounds;
- ~~55~~ 56. Walnuts, fifty pounds.

Approved March 18, 1981

## CHAPTER 625

SENATE BILL NO. 2129  
(Committee on Industry, Business, and Labor)  
(At the request of the Public Service Commission)

## PUBLIC WAREHOUSE SURETY BOND DURATION

AN ACT to amend and reenact section 60-02-09 of the North Dakota Century Code, relating to the duration of surety bonds of public warehouses.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE  
STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 60-02-09 of the 1979 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

60-02-09. BOND FILED BY TRACK BUYER OR PUBLIC WAREHOUSEMAN. Before any license is issued to any public warehouseman or track buyer under this chapter, the applicant for such license shall file a bond with the commission which shall:

1. Be in a sum not less than five thousand dollars for any one warehouse.
2. ~~Cover the period of the license;~~ Be continuous, unless the corporate surety by certified mail notifies the licensee and the commission that the surety bond will be canceled ninety days after receipt of the notice of cancellation. On or before July thirty-first of each year, the surety shall file an endorsement with the commission evidencing that the bond continues in effect.
3. Run to the state of North Dakota for the benefit of all persons storing or selling grain in such warehouse.
4. Be conditioned:
  - a. For the faithful performance of his duties as public warehouseman or track buyer.
  - b. For compliance with the provisions of law and the rules and regulations of the commission relating to

the storage and purchase of grain by such warehouseman or track buyer~~†~~.

5. Specify the location of each public warehouse intended to be covered by such bond~~†~~.
6. Be, at all times, in a sufficient sum to protect the holders of outstanding storage receipts and cash tickets or checks~~†~~--and.
7. Not accrue to the benefit of any person entering into deferred payments contracts or other credit arrangements with a track buyer or public warehouseman.
8. In no event shall the aggregate liability of the surety under a bond accumulate for each successive license period during which such bond is in force but shall be limited in the aggregate to the bond amount stated or changed by appropriate endorsement or rider.

The commission may require such increases in the amount of any bond, from time to time, as it may deem necessary for the protection of the holders of storage receipts and cash tickets or checks. The surety on such a bond must be a corporate surety company, approved by the commission, and authorized to do business within the state. The commission may accept a bond executed by personal sureties in lieu of a surety bond when, in its judgment, such personal surety bond properly will protect the holders of storage receipts and cash tickets or checks. One bond only need be given for any line of elevators, mills, or warehouses, owned, controlled, or operated by one individual, firm, or corporation, and such bond shall be construed to cover such elevators, mills, or warehouses, as a whole and not a specific amount for each.

Approved March 6, 1981