

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, 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.

[ *RL 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; 1974 c 548 s 31* ] (5084)

**235.02 GRAIN INCLUDES FLAX SEED AND SOYBEANS.** The term "grain" wherever used in chapters 216 to 235 includes flax seed and soybeans.

[ *RL s 2104; 1939 c 133* ] (5088)

**235.03** [ Repealed, 1974 c 548 s 32 ]

**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.

[ *RL 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.

[ *RL 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.

[ *RL s 2095* ] (5081)

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**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.

[ *RL 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."

[ *RL 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.

[ *RL 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** [ Repealed, 1974 c 548 s 32 ]

**235.12** [ Repealed, 1974 c 548 s 32 ]

**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.

[ *RL s 2103* ] (5087)

**235.14** [ Repealed, 1974 c 548 s 32 ]

**235.15** [ Repealed, 1974 c 548 s 32 ]

**235.16** [ Repealed, 1974 c 548 s 32 ]

**235.17** [ Repealed, 1974 c 548 s 32 ]

**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** [ Repealed, 1974 c 548 s 32 ]