

## 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 agriculture shall supervise the grain interests of the state; buying, selling, handling, and storage of grain; and management of public warehouses and public grain markets, including chambers of commerce, boards of trade, and grain exchanges. The department shall investigate, on complaint or 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. The department may compel the discontinuance of unfair practices or unfair discrimination in grain transactions and make rules for carrying out and enforcing state laws relating to subjects covered by this section.

**History:** (5084) *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; 1979 c 332 art 1 s 77; 1985 c 248 s 70; 1989 c 197 art 5 s 1*

#### 235.02 GRAIN INCLUDES FLAX SEED AND SOYBEANS.

In chapters 216 to 235, "grain" includes flax seed and soybeans.

**History:** (5088) *RL s 2104; 1939 c 133; 1989 c 197 art 5 s 1*

#### 235.03 [Repealed, 1974 c 548 s 32]

#### 235.04 OVERLOADING GRAIN CARS.

A railway company shall place painted lines inside each of its cars used for the carriage of grain indicating the height to which the various kinds of grain may be loaded in that car. No car may be loaded with a kind of grain above its appropriate line. The person loading a car shall state in the bill of lading, before it is signed by the agent of the railway company, that the car is loaded to or below the line, and the railway agent, before signing the bill, shall verify the statement. A signed bill of lading is prima facie evidence of the loading, and no charges for loading in excess of the quantity so limited may be made against that car.

A railway company that fails to equip a car in accordance with this section may not collect charges for the transportation of grain in the car above the regular tariff rates for carload lots. A person who loads a car above the appropriate line and an agent of a railway company who refuses to sign a bill of lading is guilty of a misdemeanor, punishable by a fine of not less than \$10 nor more than \$25.

**History:** (5083) *RL s 2099; 1989 c 197 art 5 s 1*

#### 235.05 CARRIERS' RECEIPTS; PENALTY FOR FAILURE TO GIVE.

A common carrier transporting grain shall give the shipper on request a receipt for the number of pounds of grain received from the shipper and deliver that quantity to the consignee or proper connecting carrier, less loss from transportation of no more than 60 pounds per car.

The carrier forfeits to the state for each refusal to give a 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 \$200.

**History:** (5079, 5080) *RL s 2093,2094; 1986 c 444; 1987 c 329 s 21; 1989 c 197 art 5 s 1*

### **235.06 ELEVATOR CHARGES, WHEN FORBIDDEN.**

No railroad company may charge or collect elevator or other charges for handling grain or for the use of an elevator when grain is loaded by the shipper and not passed through an elevator, or make a distinction in charges against a person shipping grain otherwise than through an elevator.

**History:** (5081) *RL s 2095; 1989 c 197 art 5 s 1*

### **235.07 DELIVERY FOR STORAGE A BAILMENT.**

The delivery of grain to a warehouse operator for storage, although it is mingled with that of others or shipped or removed from the original place of storage, is a bailment and not a sale.

**History:** (5078) *RL s 2092; 1986 c 444; 1989 c 197 art 5 s 1*

### **235.08 WAREHOUSE RECEIPTS; NUMBERING.**

Warehouse receipts for grain issued by the same warehouse must be consecutively numbered. No two receipts bearing the same number may be issued from the same warehouse during a year, except in case of a lost or destroyed receipt. In that case, the new receipt must bear the same date and number as the original and must be plainly marked on its face "Duplicate."

**History:** (5092) *RL s 2105; 1989 c 197 art 5 s 1*

### **235.09 UNLICENSED WAREHOUSES.**

A person or corporation operating a warehouse without a license forfeits to the state for each day's operation \$50 and the operation may be enjoined upon complaint of the department.

**History:** (5082) *RL s 2096; 1971 c 25 s 67; 1989 c 197 art 5 s 1*

### **235.10 UNLAWFUL DISCRIMINATION IN SALE OR PURCHASE OF GRAIN.**

A person, firm, copartnership, or corporation engaged in the business of buying grain, either for itself or others, may not, with the intention of creating a monopoly or destroying the business of a competitor, discriminate between different localities, of this state by purchasing grain of a particular grade and condition at a higher price or rate in one locality than in another 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. Violation of this section is unfair discrimination, punishable by a fine up to \$700 or by imprisonment in the county jail up to six months.

**History:** (5096) *1917 c 377 s 1; 1984 c 628 art 3 s 11; 1986 c 444; 1989 c 197 art 5 s 1*

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

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

### **235.13 VIOLATIONS; PENALTIES.**

Violation of chapters 216 to 235, if no specific penalty is prescribed, is a gross misdemeanor, punishable by a fine of not less than \$50 nor more than \$700.

**History:** (5087) *RL s 2103; 1984 c 628 art 3 s 11; 1989 c 197 art 5 s 1*

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

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**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 section 235.10 using all its legal powers.

**History:** (5097) 1917 c 377 s 2; 1971 c 25 s 67; 1989 c 197 art 5 s 1

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