

§ 69-31-1. Definitions.

## **Mississippi Statutes**

### **Title 69. AGRICULTURE, HORTICULTURE, AND ANIMALS**

#### **Chapter 31. REGULATION OF MOISTURE-MEASURING DEVICES**

*Current through 3/27/2018*

#### **§ 69-31-1. Definitions**

As used in this chapter, unless the context requires otherwise:

- (a) "Agricultural products" means any product of agriculture which is tested for moisture content when offered for sale, processing or storage.
- (b) "Commissioner" means the commissioner of the Mississippi Department of Agriculture and Commerce.
- (c) "Department" means the department of agriculture and commerce.
- (d) "Moisture-measuring devices" means any device or instrument used by any person in proving or ascertaining the moisture content of agricultural products.
- (e) "Person" means any individual, corporation, partnership, cooperative association, or two (2) or more persons having a joint or common interest in the same venture.

**Cite as Miss. Code § 69-31-1**

**Source: Laws, 1978, ch. 466, § 1, eff. 7/1/1978.**

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§ 69-31-3. Commissioner of Agriculture and Commerce to enforce chapter.

## **Mississippi Statutes**

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#### **§ 69-31-3. Commissioner of Agriculture and Commerce to enforce chapter**

The commissioner is hereby charged with the enforcement of this chapter and is empowered to promulgate rules, regulations, specifications, standards and tests as may be necessary in order to secure the efficient administration of this chapter. The department may, from time to time, publish such data in connection with the administration of this chapter as may be of public interest.

**Cite as Miss. Code § 69-31-3**

**Source: Laws, 1978, ch. 466, § 3, eff. 7/1/1978.**

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§ 69-31-5. Inspection of devices.

## **Mississippi Statutes**

### **Title 69. AGRICULTURE, HORTICULTURE, AND ANIMALS**

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##### **§ 69-31-5. Inspection of devices**

The department shall inspect or cause to be inspected at least annually every moisture-measuring device used in commerce in this state, except those belonging to the United States or the state, or any subdivision of either, except as may be requested. The department may inspect or cause to be inspected at the convenience of the department any moisture-measuring device upon a request in writing from the owner.

**Cite as Miss. Code § 69-31-5**

**Source: Laws, 1978, ch. 466, § 2, eff. 7/1/1978.**

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§ 69-31-7. Seals to be placed on inspected devices.

## **Mississippi Statutes**

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### **§ 69-31-7. Seals to be placed on inspected devices**

If an inspection or comparative test reveals that the moisture-measuring device being inspected or tested conforms to the standards and specifications established by the department, the department shall cause the same to be marked with an appropriate seal. Any moisture-measuring device which upon inspection is found not to conform with the specifications and standards established by the department shall be marked with an appropriate seal showing such device to be defective. The seal shall not be altered or removed until said moisture-measuring device is properly repaired and reinspected. The department shall notify the owner or user of such device of its defective condition. Notification shall be made on an inspection form prepared by the department.

**Cite as Miss. Code § 69-31-7**

**Source: Laws, 1978, ch. 466, § 4, eff. 7/1/1978.**

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§ 69-31-9. Defective devices used to measure moisture; reinspection.

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### **§ 69-31-9. Defective devices used to measure moisture; reinspection**

- (1) Any defective moisture-measuring device, while so marked, sealed, or tagged, as provided in Section 69-31-7, may be used to ascertain the moisture content of agricultural products offered for sale, processing or storage, only under the following conditions:
  - (a) The owner or user shall make adjustment for error on all agricultural products tested, and the owner or user shall keep a record open to inspection, of every commercial sample of agricultural products inspected by means of the defective device, showing that such adjustment was made on all such agricultural products tested.
  - (b) The device shall be repaired to comply with Section 69-31-7 within thirty (30) days

after inspection and the department thereupon notified that the device has been repaired accordingly.

- (2) If, upon reinspection, the device is again rejected under the provisions of Section 69-31-7, such device shall be sealed and shall not be used until repaired and reinspected.

**Cite as Miss. Code § 69-31-9**

**Source: Laws, 1978, ch. 466, § 5, eff. 7/1/1978.**

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§ 69-31-11. Device to be used in location visible to general public; display of procedure for operation of device.

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#### **§ 69-31-11. Device to be used in location visible to general public; display of procedure for operation of device**

Every moisture-measuring device offered for sale, processing or storage shall be used in a location visible to the general public and the detailed procedure for operating a moisture-measuring device shall be displayed in a conspicuous place proximate to the moisture-measuring device.

**Cite as Miss. Code § 69-31-11**

**Source: Laws, 1978, ch. 466, § 6, eff. 7/1/1978.**

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§ 69-31-13. Grain moisture; measuring devices; inspection and use.

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### **§ 69-31-13. Grain moisture; measuring devices; inspection and use**

After May 1, 1979, no person shall use or cause to be used any grain moisture-measuring device which has not been inspected and approved for use by the department; except that after May 1, 1979, a newly purchased grain moisture-measuring device may be used prior to regular inspection and approval if the user of such device has given at least ten (10) days' notice to the department of the purchase prior to the use of such new device.

**Cite as Miss. Code § 69-31-13**

**Source: Laws, 1978, ch. 466, § 7, eff. 7/1/1978.**

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§ 69-31-15. Penalties.

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### **Title 69. AGRICULTURE, HORTICULTURE, AND ANIMALS**

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### **§ 69-31-15. Penalties**

Any person who uses or causes to be used a moisture-measuring device in commerce with the knowledge that such device has not been inspected and approved by the department, in accordance with the provisions of this chapter, shall be guilty of a misdemeanor and upon conviction shall be punished by a fine not to exceed Five Hundred Dollars (\$ 500.00) or by imprisonment in the county jail for a period not to exceed six (6) months, or by both such fine and imprisonment.

**Cite as Miss. Code § 69-31-15**

**Source: Laws, 1978, ch. 466, § 8, eff. 7/1/1978.**