

§ 75-27-113. Measure of timber.

Mississippi Statutes

Title 75. REGULATION OF TRADE, COMMERCE AND INVESTMENTS

Chapter 27. WEIGHTS AND MEASURES

Article 3. WEIGHTS AND MEASURES OF PARTICULAR COMMODITIES

Current through 3/27/2018

§ 75-27-113. Measure of timber

- (1) Timber purchased by weight or measured volume shall be purchased by weight on the basis of tonnage or pounds with one (1) ton equaling two thousand (2,000) pounds avoirdupois weight, or by measured volume so long as the measured volume is not calculated by weight but is derived from any of the standards provided in subsection (2).
- (2) When timber is purchased by measured volume, the timber shall be measured by either cubic feet, Doyle Log Rule, International 1/4 Inch Rule or Scribner Decimal C Rule.
- (3) No person, firm or corporation, shall use any scales or measuring device in the purchase of timber unless the same is true and accurate. All devices used for buying or selling timber shall comply with specifications and tolerances and other requirements of this chapter, and regulations adopted pursuant thereto.
- (4) Purchaser specifications shall be made available to the haulers and timber owners and shall be posted in a place easily accessible to the haulers or timber owners at the location where the timber is weighed or measured. Scale tickets shall be made available to the haulers and timber owners for each load before the close of the following business day and shall include the measured volume or weight, the standard of weight or measurement used, and the basis and amount of any deductions.
- (5)
 - (a) The State Director of Weights and Measures, the Deputy Director of Weights and Measures and any state inspector of weights and measures are hereby vested with police powers, such as given to sheriff and constables, for the sole purpose of issuing citations, without warrant, to any person who the Director, Deputy Director or inspector has probable cause to believe is violating this section, or who shall impede, hinder or otherwise prevent or attempt to prevent the testing of scales or measuring devices or enforcement of this chapter. The citation shall be returnable to the Deputy Director of Weights and Measures. No citation for a violation of this section shall be issued after one (1) year from the date of the violation.

- (b) The Deputy Director of Weights and Measures, or his designee, shall within thirty (30) days of the issuance of the citation, dismiss the citation, issue a written warning or levy a fine of not more than Two Hundred Dollars (\$ 200.00) for the first offense; not more than Five Hundred Dollars (\$ 500.00) for the second offense if the second offense occurs within six (6) months of the first offense; or not more than Two Thousand Dollars (\$ 2,000.00) for the third and subsequent offenses, if the third or subsequent offenses occur within six (6) months of the first offense. If the Deputy Director of Weights and Measures, or his designee, determines the violation was unintentional and due to an act of God or was beyond the reasonable control of the person, firm or corporation committing the violation, no fine shall be levied. A person, firm or corporation operating any scales or measuring devices in the purchase of timber at more than one (1) location in the state shall not be subject to fines for second or subsequent offenses unless the offenses occur at the same location on separate days. A citation shall record each and every violation of this section but for the purposes of determining second and subsequent offenses under this section, all violations of this section committed by one (1) person, firm or corporation at one (1) location during one (1) day shall constitute one (1) offense.
- (c) Any person, firm or corporation may appeal a fine to the State Director of Weights and Measures or his designee. The appeal must be filed within thirty (30) days after the levy of the fine. Any party aggrieved by the final order of the State Director of Weights and Measures, or his designee, may appeal to the Chancery Court of the First Judicial District of Hinds County, Mississippi, by filing an appeal within thirty (30) days of a final order of the Director of Weights and Measures. If no appeal is taken and the fine is not paid within sixty (60) days of the order or if the fine is upheld on appeal and no further appeal is taken and the fine is not paid within sixty (60) days of the ruling on the appeal, the Director of Weights and Measures may forward an abstract of the order or judgment to the circuit clerk of any county in the State of Mississippi for enrolling as any other judgment. After enrolling the judgment, the Director of Weights and Measures may institute an action to recover the fines assessed under this section in the name of the State of Mississippi in any court of competent jurisdiction or otherwise proceed as a judgment creditor pursuant to the laws of the State of Mississippi.
- (6) This section does not apply to pulpwood as defined in Section 75-79-5 of the Mississippi Uniform Pulpwood Scaling and Practices Act.

Cite as Miss. Code § 75-27-113

Source: Codes, 1880, § 593; 1892, § 4485; 1906, § 5072; Hemingway's 1917, § 3355; 1930, § 7358; 1942, § 5135; Laws, 1996, ch. 515, § 1, eff. 7/1/1996.