

§ 75-27-201. Unlawful to sell or purchase livestock by weight except where weighed by licensed or registered weigher; exceptions.

## **Mississippi Statutes**

### **Title 75. REGULATION OF TRADE, COMMERCE AND INVESTMENTS**

#### **Chapter 27. WEIGHTS AND MEASURES**

##### **Article 5. SALE OF LIVESTOCK BY WEIGHT**

*Current through 3/27/2018*

##### **§ 75-27-201. Unlawful to sell or purchase livestock by weight except where weighed by licensed or registered weigher; exceptions**

If shall be unlawful for any person, firm or corporation or an agent thereof, or person acting therefor, to be engaged in whole or in part:

- (a) In the business of operating a packing house where livestock is purchased by weight, or
- (b) In the business of selling livestock by auction, or otherwise, for others by weight, or
- (c) In the business of selling livestock by weight on a commission basis, fee or for other compensation, or
- (d) To thus sell, buy, dispose of, trade, offer for sale, or cause or permit to be sold, disposed of or offered for sale, any livestock, by weight, unless such animals are first weighed by a licensed and bonded weigher, or a weigher registered under the Federal Packers and Stockyards Act of 1921, as amended, on a scale, or other weighing device, tested and approved by the state commissioner of agriculture and commerce. Each separate location where any of the businesses heretofore described are carried on shall be considered a separate business within the meaning of the provisions of this article even though all of such separate operations are owned by and under the control of the same person, firm or corporation. Provided, however, this article does not apply to bona fide farmers who trade livestock between themselves or who make purchases or sales. Provided, further that this article shall not apply to cold storage plants, pork processing, or local community slaughterers of livestock for retail. It shall be the responsibility of the owner or operator of such business to see that all scales and equipment used are maintained in good and accurate condition.

**Cite as Miss. Code § 75-27-201**

Source: Codes, 1942, § 5145.5-01; Laws, 1956, ch. 138, § 1; Laws, 1958, ch. 154, § 1; Laws, 1962, ch. 172, § 1, eff. 6/1/1962.

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§ 75-27-203. Commissioner of agriculture and commerce to administer article; rules and regulations.

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##### **§ 75-27-203. Commissioner of agriculture and commerce to administer article; rules and regulations**

The commissioner of agriculture and commerce of Mississippi and his duly appointed agents shall administer the provisions of this article. The commissioner shall have authority to promulgate, from time to time, such rules and regulations as are necessary for the enforcement of the provisions of this article. The commissioner shall prescribe by regulations the tolerance which will be recognized in the reweighing of animals.

**Cite as Miss. Code § 75-27-203**

Source: Codes, 1942, § 5145.5-02; Laws, 1956, ch. 138, § 2, eff. 7/1/1956.

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§ 75-27-205. State standards of weights and measures.

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## **§ 75-27-205. State standards of weights and measures**

The weights and measures received from the United States under joint resolutions of Congress approved June 14, 1836, and July 27, 1866, and such new weights and measures as shall be received from the United States as standard weights and measures in addition thereto or in renewal thereof, and such weights and measures in conformity therewith as shall be supplied by the state shall, when the same shall have been certified by the national bureau of standards, be the state standards of weights and measures for the purpose of this article.

Cite as Miss. Code § 75-27-205

Source: Codes, 1942, § 5145.5-03; Laws, 1956, ch. 138, § 3, eff. 7/1/1956.

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§ 75-27-207. Sealing or making of weighing device; condemned scales.

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#### **§ 75-27-207. Sealing or making of weighing device; condemned scales**

Whenever the commissioner of agriculture and commerce finds that a weighing device corresponds with the standards in his possession, he shall seal or mark such weighing device with an appropriate label or tag. He shall mark "condemned-not to be used" on incorrect weighing devices, or devices which do not meet the requirements of this article. The owner or user of such latter named devices shall not again use such devices unless, and until, same have been repaired or changed by such owner or user and have been approved by the commissioner of agriculture and commerce or authorized agent and sealed and marked as provided above. Provided, however, no scales shall be condemned where minor adjustments will bring such scales in conformity.

Cite as Miss. Code § 75-27-207

§ 75-27-209. Permit required; fee; renewal; limit; bond; report.

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*Current through 3/27/2018*

#### **§ 75-27-209. Permit required; fee; renewal; limit; bond; report**

- (1) No person, firm or corporation covered by the provisions of Section 75-27-201 shall engage in the sale or purchase of livestock, by weight, without first having secured a permit, issued by the commissioner of agriculture and commerce, for a fee not to exceed one hundred fifty dollars (\$ 150.00), provided, however, in operating a packing house, only one (1) permit shall be required for any firm, corporation or other such place of business, though a number of persons may be employed in the packing house, whose duties may include or be limited to the weighing of cattle, except that each separate location where any livestock is purchased or processed shall be considered to be a separate business. Permits shall be issued or renewed annually, beginning July 1, 1958, and may be revoked by the issuing office for good cause shown. Initial permits issued after the month of July for any person covered by the provisions of Section 75-27-201, the charge shall be at the rate of one-twelfth (1/12) of the stipulated fee for each remaining month in the fiscal year. Permits issued under the provisions of this article shall not be transferable and shall apply to only the particular yard, sales barn, meat packer, commission merchant or other particular persons covered by this article; and an additional permit must be obtained for each additional such business. Each person covered by the provisions of Section 75-27-201 shall execute and maintain a surety bond payable to the State of Mississippi with securities to be approved by the Secretary of State for the faithful performance of their functions under this article and said bond may be put in suit by any damaged party. Provided, however, any such person may elect to maintain, in whole or partial substitution for such surety bond, one or more irrevocable letters of credit, surety bonds or trust fund agreements, or combination thereof. The total amount of the letter(s) of credit, surety bond(s) or trust fund agreement(s) or combination thereof, shall not be less than the total required amount of the surety bond. All bonds, letters of credit or trust fund agreements shall in matter of form, content, and calculated coverage meet the requirements of the Code of Federal Regulations Title 9, Part 201, Packers and Stockyards Administration

General Bonding Regulations or as such regulations may be amended. In no case shall the amount of bond coverage be less than ten thousand dollars (\$ 10,000.00). In the event of default by persons covered by this article the commissioner of agriculture and commerce may, at his discretion, be named as trustee for the dispersal of moneys calculated to be due and payable to individuals injured by such default as determined by the Packers and Stockyards Administration. In the event a buyer under the terms of this article has more than one (1) employee engaged in the weighing of livestock, a single bond covering all persons weighing livestock shall be deemed sufficient for the purposes of this article. However, the aggregate liability of the surety for all such suits shall, in no event, exceed the sum of said bond. Any person who has met the requirements of federal law by posting a similar bond, letter of credit or trust fund agreement and filing a copy of such instrument with the commissioner of agriculture and commerce shall be exempt from the above bond requirement of making a State of Mississippi bond for the protection of the public. All surety bonds, letters of credit or trust fund agreements shall be filed with the commissioner of agriculture and commerce. Instruments thus filed shall be construed to cover the sale or purchase of livestock at any place of business defined in Section 75-27-201 and it shall be immaterial that the actual purchase or sale was made at some place other than or away from the place of business of seller or purchaser if the purchase or sale was made in the name of such a person as is defined in Section 75-27-201, and the bond shall be construed to cover the issuance of checks in payment for livestock where the maker or payer or endorser, making the same, uses his business name to describe a place of business covered by Section 75-27-201 and the check is not paid for any reason and is due and payable.

- (2) Each livestock sales barn, auction sales barn, meat packer, commission merchant, or other similar business, defined in Section 75-27-201, shall make a monthly report at the end of each month to the commissioner of agriculture and commerce showing the number of livestock sold or bought by species.

**Cite as Miss. Code § 75-27-209**

**Source: Codes, 1942, § 5145.5-05; Laws, 1956, ch. 138, § 5; Laws, 1958, ch. 154, § 2; Laws, 1962, ch. 172, § 2; Laws, 1984, ch. 335, eff. 7/1/1984.**

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§ 75-27-211. Inspection of equipment; checking animals; permits and fees; cost of administration; testing equipment on request; seal of approval.

## **Mississippi Statutes**

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## **Chapter 27. WEIGHTS AND MEASURES**

### **Article 5. SALE OF LIVESTOCK BY WEIGHT**

*Current through 3/27/2018*

#### **§ 75-27-211. Inspection of equipment; checking animals; permits and fees; cost of administration; testing equipment on request; seal of approval**

It shall be the duty of the commissioner of agriculture and commerce, either by himself or his duly authorized agents, to inspect, examine and test any and all equipment used by such livestock sales establishments, and to check the weights of animals sold at such time, and place, and in such manner as he may deem proper and necessary to carry out the intent of this article. The said commissioner shall also issue such permits and collect such fees as are herein provided. All monies collected under this article shall be paid into the general fund in the state treasury.

Provided further, the commissioner is hereby authorized, upon written request, to test the scales, or other weighing devices, of any person in this state desiring such tests, and if the commissioner finds such scales, or other weighing devices to be accurate, within the approved tolerances, he may place his seal of approval thereon. The commissioner shall charge for such services a sum sufficient to defray the expenses thereof, and no part of such cost shall be paid from other funds of said commissioner. A strict accounting of all sums received for such testing and approval shall be made.

**Cite as Miss. Code § 75-27-211**

**Source: Codes, 1942, § 5145.5-06; Laws, 1956, ch. 138, § 6; Laws, 1958, ch. 154, § 3; Laws, 1960, ch. 157; Laws, 1970, ch. 255, § 9, eff. 7/1/1970.**

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§ 75-27-213. Weigher, defined; bond.

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## **§ 75-27-213. Weigher, defined; bond**

The person who is responsible for the weighing and recording of weights of animals sold at such barns shall be known as a weigher. Each weigher, or any person so designated by the owner or weigher, shall be bonded in the penal sum of one thousand dollars (\$ 1,000.00) with sureties to be approved by the secretary of state for the faithful performance of the duties of his office.

**Cite as Miss. Code § 75-27-213**

**Source: Codes, 1942, § 5145.5-07; Laws, 1956, ch. 138, § 7, eff. 7/1/1956.**

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§ 75-27-215. Licensing of auctioneers; auctioneer not to buy cattle.

## **Mississippi Statutes**

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#### **§ 75-27-215. Licensing of auctioneers; auctioneer not to buy cattle**

All auctioneers shall be licensed by the payment of a fee of twenty-five dollars (\$ 25.00) per year and no auctioneer shall be permitted to buy cattle in his name during the period while actually engaged in auctioneering.

**Cite as Miss. Code § 75-27-215**

**Source: Codes, 1942, § 5145.5-08; Laws, 1956, ch. 138, § 8, eff. 7/1/1956.**

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§ 75-27-217. Location of scales; equipment.

## **Mississippi Statutes**

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#### **§ 75-27-217. Location of scales; equipment**

All scales used in the weighing of livestock at public auction shall be so located and operated that they will at all times be conveniently accessible. Provided, further, that scales shall be equipped with weight indicator to provide exact duplicate of weight on each animal weighed.

**Cite as Miss. Code § 75-27-217**

**Source: Codes, 1942, § 5145.5-09; Laws, 1956, ch. 138, § 9, eff. 7/1/1956.**

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§ 75-27-219. Schedule of charges to be posted.

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#### **§ 75-27-219. Schedule of charges to be posted**

Each barn shall be required to post in a conspicuous place, printed in large type letters and numbers, not less than 36 point type, a complete schedule of charges to be made on the handling of all types of sales.

This schedule shall remain permanently posted.

**Cite as Miss. Code § 75-27-219**

**Source: Codes, 1942, § 5145.5-10; Laws, 1956, ch. 138, § 10, eff. 7/1/1956.**

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§ 75-27-221. Fine or imprisonment for violation of article.

## **Mississippi Statutes**

### **Title 75. REGULATION OF TRADE, COMMERCE AND INVESTMENTS**

#### **Chapter 27. WEIGHTS AND MEASURES**

##### **Article 5. SALE OF LIVESTOCK BY WEIGHT**

*Current through 3/27/2018*

##### **§ 75-27-221. Fine or imprisonment for violation of article**

Any person, firm, corporation, association, or co-operative violating any of the provisions of this article or any of the rules and regulations promulgated hereunder shall be guilty of a misdemeanor and, upon conviction, shall be punished by a fine of not more than one hundred dollars (\$ 100.00), or by imprisonment of not more than three (3) months, or by both such fine and imprisonment. If the commissioner of agriculture and commerce shall find, upon examination or test, that any person, firm or corporation has violated any of the provisions of this article or rules or regulations hereunder, he or his duly authorized agent or agents may institute proceedings in a court of competent jurisdiction to have such person, firm, corporation, association, or co-operative convicted therefor, or the said commissioner may, in his discretion, report the results of such inspection to the district attorney or county attorney having jurisdiction, together with such other evidence of said violation as he shall deem necessary, and any certificate of such inspection or test, properly certified by affidavit shall be competent evidence in any court of this state. It shall be the duty of said district attorney or county prosecuting attorney to institute proceedings at once against the person, or persons, firms, corporations, associations, or co-operatives charged with such violations.

**Cite as Miss. Code § 75-27-221**

**Source: Codes, 1942, § 5145.5-11; Laws, 1956, ch. 138, § 11, eff. 7/1/1956.**

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§ 75-27-223. Initial testing to be made before prosecution.

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### **Title 75. REGULATION OF TRADE, COMMERCE AND INVESTMENTS**

## **Chapter 27. WEIGHTS AND MEASURES**

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*Current through 3/27/2018*

#### **§ 75-27-223. Initial testing to be made before prosecution**

No prosecutions shall be commenced under this article for violations of Sections 75-27-201 and 75-27-203 hereof until the initial testing of scales has been made or sought to be made by the commissioner of agriculture and commerce or his representatives.

**Cite as Miss. Code § 75-27-223**

**Source: Codes, 1942, § 5145.5-12; Laws, 1956, ch. 138, § 12, eff. 7/1/1956.**