

§ 75-27-301. Short title.

Mississippi Statutes

Title 75. REGULATION OF TRADE, COMMERCE AND INVESTMENTS

Chapter 27. WEIGHTS AND MEASURES

Article 7. BONDED WEIGHMASTER's LAW

Current through 3/27/2018

§ 75-27-301. Short title

This article shall be cited as the "Bonded Weighmaster's Law."

Cite as Miss. Code § 75-27-301

Source: Laws, 1982, ch. 430, § 1, eff. 7/1/1982.

§ 75-27-303. Definitions.

Mississippi Statutes

Title 75. REGULATION OF TRADE, COMMERCE AND INVESTMENTS

Chapter 27. WEIGHTS AND MEASURES

Article 7. BONDED WEIGHMASTER's LAW

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§ 75-27-303. Definitions

For the purposes of this article, the following words shall have the meanings ascribed herein unless the context clearly requires otherwise:

- (1) "Bonded weighmaster" shall mean any person engaged in the business of public weighing who shall weigh or measure any property, commodity, produce or article and issue therefor a weight certificate which shall be accepted as the true and accurate weight or measure upon which the property, commodity, produce or article is offered for sale or sold and shall be licensed by the Commissioner of Agriculture and Commerce of the State of

Mississippi for such office.

- (2) "Public weighing" shall mean the performance of the service of weighing or measuring and the issuing of an official certificate of weight or measure for such service for any person, upon request or otherwise, with or without compensation, of property, commodity, produce or article other than such property, commodity, produce or article being bought or sold by a bonded weigher or his or her employer.
- (3) "Person" shall mean any individual, company, cooperative, partnership, corporation, firm or association.
- (4) "Weighing or measuring device" shall mean any lawful device used for the weighing or measuring of any property, commodity, produce or article.
- (5) "Commissioner" shall mean the Commissioner of Agriculture and Commerce of the State of Mississippi.

Cite as Miss. Code § 75-27-303

Source: Laws, 1982, ch. 430, § 2, eff. 7/1/1982.

§ 75-27-305. Qualifications for license as bonded weighmaster; records of applications and licenses.

Mississippi Statutes

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Chapter 27. WEIGHTS AND MEASURES

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§ 75-27-305. Qualifications for license as bonded weighmaster; records of applications and licenses

- (1) A citizen of the United States or a person who has declared his intention of becoming such a citizen, who is a resident of the State of Mississippi, not less than twenty-one (21) years of age, of good moral character, who has the ability to weigh accurately and to make correct weight certificates, and who has received from the commissioner a license as a bonded weighmaster, shall be styled and authorized to act as a bonded weighmaster.

- (2) The commissioner may adopt rules and regulations for determining the qualifications of the applicant for license as a bonded weighmaster. The commissioner may pass upon the qualifications of the applicant upon the basis of the information supplied in the application, may examine such applicant orally or in writing, or both, for the purpose of determining his or her qualifications. The commissioner shall grant licenses to such applicants as may be found to possess the qualifications required herein. The commissioner shall keep a record of all such applications and of all licenses issued thereon.

Cite as Miss. Code § 75-27-305

Source: Laws, 1982, ch. 430, § 3, eff. 7/1/1982.

§ 75-27-307. Licensing provisions; fees; compensation of bonded weighmaster.

Mississippi Statutes

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Article 7. BONDED WEIGHMASTER's LAW

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§ 75-27-307. Licensing provisions; fees; compensation of bonded weighmaster

- (1) Any person, as defined by Section 75-27-303(3), or business before engaging in business as a public weighmaster shall obtain a license from the commissioner. Applications for such license shall be made on forms prescribed and furnished by the commissioner. Licenses issued hereunder by the commissioner shall expire on June 30 of each year and application for renewal thereof shall be made annually, before the expiration date. The fee for such license and all subsequent renewals for an individual who is not employed by a business shall be Twenty-five Dollars (\$ 25.00). The fee for such license and all subsequent renewals for a business is One Hundred Dollars (\$ 100.00), and such license shall cover all employees of that business. Funds collected from such license fees shall be paid into the State Treasury to the credit of the General Fund.
- (2) Licenses issued hereunder shall not be transferable.
- (3) Each application for license shall be accompanied by a signed weighmaster's oath, a surety bond as required herein and a statement certifying that the weighing or measuring device used has been tested and declared to be accurate, within tolerances allowed by

NBS Handbook 44 for such device, by the state weights and measures jurisdiction.

- (4) The issuance of a license as a bonded weighmaster shall not obligate the state to pay to the licensee any compensation for his or her services as a bonded weighmaster.
- (5) A bonded weighmaster may not officially weigh or measure any property, commodity, produce or article unless he or she holds a valid license issued by the commissioner.
- (6) A bonded weighmaster's license may be revoked by the commissioner for violation of the provisions of this law or regulations promulgated hereunder; provided, however, such bonded weighmaster shall be permitted a hearing prior to the revocation of such license.
- (7) The following persons shall not be required, but shall be permitted, to obtain licenses as bonded weighmasters:
 - (a) A weights and measures officer employed by the Department of Agriculture and Commerce when acting within the scope of his official duties;
 - (b) A person weighing or measuring property, produce, commodities or articles that he/she or his/her employer, if any, is either buying or selling;
 - (c) A person weighing or measuring property, produce, commodities or articles in conformity with the requirements of federal statutes or the statutes of this state relative to warehousemen or processors;
 - (d) Employees of the state or federal government for the performance of their duties under regulations of the Federal Grain Inspection Service (FGIS);
 - (e) All persons or businesses operating under the jurisdiction of the Interstate Commerce Act.

Cite as Miss. Code § 75-27-307

Source: Laws, 1982, ch. 430, § 4; Laws, 1997, ch. 485, §1, eff. 7/1/1997.

§ 75-27-309. Oath of bonded weighmaster.

Mississippi Statutes

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§ 75-27-309. Oath of bonded weighmaster

Each person, at the time application is made for a bonded weighmaster's license, shall execute an official weighmaster's oath in which he agrees to lawfully and faithfully fulfill the duties and responsibilities of a bonded weighmaster. The weighmaster's oath shall be made a part of each annual renewal of such bonded weighmaster's license. The bonded weighmaster's oath shall be supplied to the applicant by the commissioner.

Cite as Miss. Code § 75-27-309

Source: Laws, 1982, ch. 430, § 5, eff. 7/1/1982.

§ 75-27-311. Seal; penalty for improper use.

Mississippi Statutes

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§ 75-27-311. Seal; penalty for improper use

- (1) Each bonded weighmaster shall, at his or her own expense, provide himself or herself with an impression seal. The licensee's name and the word "Mississippi" shall be inscribed around the outer margin of the seal and the words "Bonded Weighmaster" shall be inscribed in the center thereof.
- (2) Such seal, or licensee's name and number, shall be impressed or inscribed electronically upon each weight certificate issued by such bonded weighmaster, and such seal or licensee's name and number, when applied to weight certificates, shall be recognized authority of accuracy of weight or measure recorded thereon.
- (3) The use of such bonded weighmaster's seal by any person not holding a valid weighmaster's license shall be a misdemeanor and such person shall be punished as provided in this article. If a licensed bonded weighmaster shall allow his or her bonded

weighmaster's seal to be used by another person, such bonded weighmaster shall be guilty of a misdemeanor and shall be punished as provided herein and his or her license may be revoked.

Cite as Miss. Code § 75-27-311

Source: Laws, 1982, ch. 430, § 6; Laws, 1997, ch. 485, §2, eff. 7/1/1997.

§ 75-27-313. Surety bond.

Mississippi Statutes

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Chapter 27. WEIGHTS AND MEASURES

Article 7. BONDED WEIGHMASTER's LAW

Current through 3/27/2018

§ 75-27-313. Surety bond

At the time application is made for a bonded weighmaster's license and before the issuance of such license by the commissioner, applicant shall file with the commissioner a bond in the penal sum of Five Thousand Dollars (\$ 5,000.00) payable to the State of Mississippi with surety to be approved by the Commissioner of Insurance for the faithful performance of the duties of a bonded weighmaster. The bond must be conditioned on the accurate weight or measure of the property, commodity, produce or article recorded on the official weight or measurement certificate issued by the bonded weighmaster and on compliance with all laws and rules governing public weighers. Said bond may be put in suit by any damaged party. However, the aggregate liability of the surety regardless of the number of claims shall not exceed the bond penalty.

Evidence shall be supplied to the commissioner annually, at the time license is renewed, that the bond continues in force and effect. In the event the bond is cancelled or will not be renewed, the bonding company shall notify the commissioner in writing at least thirty (30) days prior to the cancellation of such bond. If a bond is cancelled or fails to be renewed by the bonded weighmaster, the license issued hereunder shall automatically stand void and repealed; provided, however, the license shall not stand void and repealed if a new bond, as required herein, is filed with the commissioner prior to the expiration date of the original bond.

Cite as Miss. Code § 75-27-313

Source: Laws, 1982, ch. 430, § 7; Laws, 2003, ch. 369, §1, eff. 7/1/2003.

§ 75-27-315. Form of weight or measurement certificate; completion of form; false weight or measurement certificate.

Mississippi Statutes

Title 75. REGULATION OF TRADE, COMMERCE AND INVESTMENTS

Chapter 27. WEIGHTS AND MEASURES

Article 7. BONDED WEIGHMASTER's LAW

Current through 3/27/2018

§ 75-27-315. Form of weight or measurement certificate; completion of form; false weight or measurement certificate

- (1) The commissioner shall prescribe the form of weight or measurement certificate to be used by all bonded weighmasters in this state.
- (2) Such weight or measurement certificate shall include but shall not be limited to the following:
 - (a) The name of the property, commodity, produce or article.
 - (b) The declared owner or agent of the owner or the consignee or the agent of the consignee of the property, commodity, produce or article weighed or measured.
 - (c) The accurate weight or measurement of the property, commodity, produce or article.
 - (d) The means (vessel, railroad car, truck, etc.) by which the property, commodity, produce or article was being transported at the time it was weighed or measured.
 - (e) Any trade or other mark of identification thereon and such other information as may be necessary to distinguish or identify the property, commodity, produce or article from a like kind.
 - (f) A space designated for the bonded weighmaster seal and the statement "My license expires (Date)."
 - (g) Signature of the bonded weighmaster who weighed or measured the property,

commodity, produce or article recorded on such official weight or measurement certificate.

- (h) Such additional information as the commissioner deems necessary for the lawful and accurate recording of weights or measurements.
- (3) A licensed bonded weighmaster shall not enter on a weight or measurement certificate issued by him or her any weight or measurement values but such as he or she has personally determined, and shall make no entries on a weight or measurement certificate issued by some other person. A weight or measurement certificate shall be so prepared as to show clearly that weight, weights, measure or measurements were actually determined. If the weight certificate form provides for the entry of gross, tare and net weights, in any case in which only the gross, tare and net weights is determined by the weighmaster, he or she shall strike through or otherwise cancel the printed entries for the weights not determined or computed. If gross and tare weights are shown on a weight certificate and both weights were not determined on the same scale and on the day for which the certificate is dated, the weighmaster shall identify on the certificate the scale used for determining each such weight and the date of each such determination.
- (4) Such weight certificate when so made, properly signed and sealed shall be prima facie evidence of the accuracy of such recorded weights or measurements.
- (5) Bonded weighmasters shall keep and preserve in an orderly manner, for a period of at least one (1) year, a legible copy of each weight or measurement certificate issued by said licensee, which copies shall be available at all reasonable times for inspection by the commissioner or his representative.
- (6) A bonded weighmaster who intentionally or knowingly issues a weight or measurement certificate showing a false weight or measurement for a property, commodity, produce or article shall be guilty of a misdemeanor and shall be punished as provided herein.

Cite as Miss. Code § 75-27-315

Source: Laws, 1982, ch. 430, § 8, eff. 7/1/1982.

§ 75-27-317. Use of weighing or measuring device.

Mississippi Statutes

Title 75. REGULATION OF TRADE, COMMERCE AND INVESTMENTS

Chapter 27. WEIGHTS AND MEASURES

Article 7. BONDED WEIGHMASTER's LAW

Current through 3/27/2018

§ 75-27-317. Use of weighing or measuring device

- (1) When making a weight or measurement determination as provided for by this article, a licensed bonded weighmaster shall use a weighing or measuring device that is of a type suitable for the weighing or measuring of the amount and kind of material to be weighed or measured and that has been tested and approved for use by a weights and measures officer of this state within a period of twelve (12) months immediately preceding the date of the weighing.
- (2) A licensed bonded weighmaster shall not use any scale to weigh a load the value of which exceeds the nominal or rated capacity of the scale. When the gross or tare weight of any vehicle or combination of vehicles is to be determined, the weighing shall be performed upon a scale having a platform of sufficient size to accommodate such vehicle or combination of vehicles. Each separate unit shall be entirely disconnected before weighing and a separate weight certificate shall be issued for each such separate unit.

Cite as Miss. Code § 75-27-317

Source: Laws, 1982, ch. 430, § 9, eff. 7/1/1982.

§ 75-27-319. Powers and duties of state commissioner of agriculture and commerce.

Mississippi Statutes

Title 75. REGULATION OF TRADE, COMMERCE AND INVESTMENTS

Chapter 27. WEIGHTS AND MEASURES

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§ 75-27-319. Powers and duties of state commissioner of agriculture and commerce

The Commissioner of Agriculture and Commerce of the State of Mississippi is hereby authorized, empowered and directed to administer and enforce this article and may prescribe, adopt and

enforce rules and regulations as may be necessary to carry out the stated intent herein. The commissioner may delegate to one or more persons employed by the department of agriculture and commerce the authority to do and perform any and all of the functions required to be done and performed by the commissioner under this article.

Cite as Miss. Code § 75-27-319

Source: Laws, 1982, ch. 430, § 10, eff. 7/1/1982.

§ 75-27-321. Improper use of title of licensed weighmaster, etc.; suspension or revocation of license; falsification of weight or measurement certificate; penalties.

Mississippi Statutes

Title 75. REGULATION OF TRADE, COMMERCE AND INVESTMENTS

Chapter 27. WEIGHTS AND MEASURES

Article 7. BONDED WEIGHMASTER'S LAW

Current through 3/27/2018

§ 75-27-321. Improper use of title of licensed weighmaster, etc.; suspension or revocation of license; falsification of weight or measurement certificate; penalties

- (1) No person shall assume the title of licensed weighmaster, or any title of similar import, perform the duties or acts to be performed by a licensed weighmaster under this article, hold himself or herself out as a licensed weighmaster, issue any weight certificate, ticket, memorandum or statement for which a fee is charged, or engage in the full-time or part-time business of public weighing, unless he or she holds a valid license as a bonded weighmaster.
- (2) The commissioner is authorized to suspend or revoke the license of any bonded weighmaster (a) when he is satisfied, after a hearing upon ten (10) days' notice to the licensee, said licensee has violated any provision of this regulation, or (b) when a bonded weighmaster has been convicted in any court of competent jurisdiction of violating any provision of this regulation.
- (3) Any person who requests a bonded weighmaster to weigh or measure any property, produce, commodity or article falsely or incorrectly, or who requests a false or incorrect weight or measurement certificate, or any person who issues a weight or measurement certificate simulating the weight or measurement certificate prescribed in this article and who is not a bonded weighmaster, shall be guilty of a misdemeanor.

- (4) Any bonded weighmaster who falsifies a weight or measurement certificate, or who delegates his authority to any person not licensed as a bonded weighmaster, or who preseals a weight or measurement certificate with his official seal before performing the act of weighing or measuring, shall be guilty of a misdemeanor.
- (5) Any person who violates any provision of this article or any rule or regulation promulgated pursuant thereto for which no specific penalty had been provided shall be guilty of a misdemeanor.

Cite as Miss. Code § 75-27-321

Source: Laws, 1982, ch. 430, § 11, eff. 7/1/1982.

§ 75-27-323. Penalties for violations; injunctive relief.

Mississippi Statutes

Title 75. REGULATION OF TRADE, COMMERCE AND INVESTMENTS

Chapter 27. WEIGHTS AND MEASURES

Article 7. BONDED WEIGHMASTER's LAW

Current through 3/27/2018

§ 75-27-323. Penalties for violations; injunctive relief

- (1) Any person convicted of violating any of the provisions of this article or who shall impede, hinder or otherwise prevent or attempt to prevent the commissioner or his duly authorized agent in performance of his duty in connection with the provisions of this article shall be adjudged guilty of a misdemeanor and shall upon conviction be punished by a fine of not less than one hundred dollars (\$ 100.00) nor more than five hundred dollars (\$ 500.00), or by imprisonment for not more than six (6) months, in the discretion of the court.
- (2) Nothing in this article shall be construed as requiring the commissioner or his duly appointed agent or representative to report for prosecution or for the institution of legal proceedings as a result of minor violations of this article when he or she believes that the public interest will best be served by a suitable notice of warning in writing.
- (3) The commissioner is hereby authorized to apply for and the court to grant a temporary or permanent injunction restraining any person from violating or continuing to violate any of the provisions of this article or any rule or regulation promulgated and adopted hereunder notwithstanding the existence of other remedies at law. Said injunction shall be issued

without bond.

Cite as Miss. Code § 75-27-323

Source: Laws, 1982, ch. 430, § 12, eff. 7/1/1982.

§ 75-27-325. Supplemental nature of this article; effect of conflict with other laws.

Mississippi Statutes

Title 75. REGULATION OF TRADE, COMMERCE AND INVESTMENTS

Chapter 27. WEIGHTS AND MEASURES

Article 7. BONDED WEIGHMASTER's LAW

Current through 3/27/2018

§ 75-27-325. Supplemental nature of this article; effect of conflict with other laws

The provisions of this article shall be supplemental to the provisions of Sections 75-27-1 through 75-27-223 and any other laws providing for weights and measures of property; however, if any conflict arises between any provision of this article and such other laws, the provisions of this article shall control.

Cite as Miss. Code § 75-27-325

Source: Laws, 1982, ch. 430, § 13, eff. 7/1/1982.