

§ 75-31-201. Citation of article.

Mississippi Statutes

Title 75. REGULATION OF TRADE, COMMERCE AND INVESTMENTS

Chapter 31. MILK AND MILK PRODUCTS

Article 5. FARM MILK TANK LAW

Current through 3/27/2018

§ 75-31-201. Citation of article

This article shall be known as "The Farm Milk Tank Law of 1958."

Cite as Miss. Code § 75-31-201

Source: Codes, 1942, § 4560-71; Laws, 1958, ch. 156, § 1, eff. 5/6/1958.

§ 75-31-203. Application.

Mississippi Statutes

Title 75. REGULATION OF TRADE, COMMERCE AND INVESTMENTS

Chapter 31. MILK AND MILK PRODUCTS

Article 5. FARM MILK TANK LAW

Current through 3/27/2018

§ 75-31-203. Application

This article applies to farm milk tanks, as defined, only when these are used, or are to be used, under an express contract between the producer and the purchaser and on the premises of the producer, for the commercial measurement of milk or other fluid dairy products. If such measurement is accomplished by the means of a fluid meter, this paragraph does not apply; in such case, the meter shall be subject to approval by the commissioner and to the applicable provisions of the article for liquid measuring device.

Cite as Miss. Code § 75-31-203

Source: Codes, 1942, § 4560-72; Laws, 1958, ch. 156, § 2, eff. 5/6/1958.

§ 75-31-205. Definitions.

Mississippi Statutes

Title 75. REGULATION OF TRADE, COMMERCE AND INVESTMENTS

Chapter 31. MILK AND MILK PRODUCTS

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Current through 3/27/2018

§ 75-31-205. Definitions

"Commissioner" shall mean the commissioner of agriculture and commerce of the State of Mississippi.

"Farm milk transport operator" shall mean one who grades, samples and gauges milk in farm milk tanks and transports milk from farms to milk plants.

"Commissioner's representative" shall mean one who is designated by the commissioner to enforce the provisions of this article.

"Farm milk tank" shall mean a unit for measuring milk or other fluid dairy product, comprising a combination of:

- (a) A stationary tank, whether or not equipped for cooling its contents.
- (b) Means for reading the level of liquid on the tank, such as a removable gauge rod or surface gauge.
- (c) A chart for converting level-of-liquid readings to gallons and pounds.
- (d) Chart readings shall also be shown in avoirdupois weight in conjunction with gallon readings on the basis of eight and six-tenths (8.6) pounds milk per gallon.
- (e) Each compartment of a subdivided tank shall, for purposes of this article, be construed to be a farm milk tank. (These units are variously known commercially as farm bulk tanks, farm cooling tanks, farm holding tanks, and producers' tanks.)

- (f) "Gauge rod" shall mean a graduated, "dip stick" type of measuring rod designed to be partially immersed in the liquid and to be read at the point where the liquid surface crosses the rod.
- (g) "Surface gauge" shall mean a combination of a stationary indicator and a moveable, graduated element designed to be brought into contact with the surface of the liquid from above.
- (h) "Other measuring device" shall mean any other means of measuring contents of tank, which must be approved by the commissioner.

Cite as Miss. Code § 75-31-205

Source: Codes, 1942, § 4560-73; Laws, 1958, ch. 156, § 3, eff. 5/6/1958.

§ 75-31-207. Specifications for tanks.

Mississippi Statutes

Title 75. REGULATION OF TRADE, COMMERCE AND INVESTMENTS

Chapter 31. MILK AND MILK PRODUCTS

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Current through 3/27/2018

§ 75-31-207. Specifications for tanks

- (1) (a) *Design. Level:* A farm milk tank shall be in normal operation position when it is in level. The tank shall be equipped with suitable special means by which this level can be determined and established, such as a permanently attached two-way level, or other approved and accurate means of reference for level determinations. (A plumb bob is not considered satisfactory for leveling farm milk tanks and shall not be used.) Where two-way levels are used, the indicating lines shall exactly coincide with the extreme limit of the bubble in each instance and the level shall not be less than one-half (1/2) inch length each way and on tanks six (6) feet long or longer there shall be two (2) such levels, one (1) on each end. Levels shall not be attached to any pipe or other fixture connected to the tank.
- (b) *Fraudulent construction:* A farm tank and all devices designed to be used with or attached thereto and used in connection therewith, shall be of such design and

construction that they do not facilitate the perpetration of fraud. Blueprints or photostats showing details of the design and construction of each brand or model of farm milk tanks, including measuring device, shall be submitted to the commissioner for approval.

- (c) **Permanence:** A farm milk tank shall be of such design, construction and material that it will withstand ordinary usage without impairment of the accuracy of measurements made therein. The shell, bulkheads and supporting framework shall be of such design, material and construction that they will not become distorted, under any conditions of liquid lading. The tanks shall be rigidly installed in level on the floor of the milk house without use of removable blocks or shims under the legs.
 - (d) **Identifications:** Each farm milk tank shall bear the name of the manufacturer and his address, together with the model and serial number of the individual tank. Each gauge rod or surface gauge shall bear the serial number of the individual tank for which it is intended to be a part of.
 - (e) **Discharge outlet or valve:** A farm milk tank shall be equipped with a discharge outlet or valve through which the tank may be completely emptied when the tank is in level.
 - (f) **Complete drainage:** A farm milk tank shall be so designed and constructed and shall be so installed that the tank may be completely emptied through the discharge outlet or valve when the tank is in level.
 - (g) **Calibration:** Upon installation and/or reinstallation at any farm, the tank shall be satisfactorily calibrated to "deliver" the indicated capacities within the tolerances allowable.
 - (h) **Capacity:** The capacity of a farm milk tank shall be determined as the highest liquid level reading obtainable where agitation of liquid will not overflow the tank.
 - (i) **Testing medium:** Water shall be used as the medium in determining the capacity of farm milk tanks. (Litmus paper shall not be used in connection with calibrations.)
- (2) *Approval seals.* When the farm milk tank installation has been officially tested and approved, the gauge rod or surface gauge and the chart, as well as the tank itself, shall be suitably marked to verify such approval by the commissioner or his representative.
- (3) *Responsibility of installation.* It shall be the responsibility of the manufacturer, his agent or dealer, to install the farm milk tank as per specifications and regulations stipulated in this article and in such manner as to give accurate measure and satisfactory service. The manufacturer, his agent or dealer, shall notify the commissioner of the date and location each installation is expected to be completed and have his installation engineer or

representative present to assist the state agency in checking the correct setting, gauging and calibration of each farm milk tank. No farm milk tank installed after this article becomes effective shall be put in use on any dairy farm until its setting, gauging and calibration have been approved by the commissioner and purchaser.

- (4) *Responsibility of calibration.* It shall be the responsibility of the farm milk tank manufacturer to calibrate farm milk holding tanks. Such calibration shall be made at the factory of the manufacturer or field calibrated. Beginning with the lowest reading on the calibration chart, factory calibration shall be readily field checkable in five-gallon intervals; or reasonable multiples thereof. All equipment used for tank calibration within the State of Mississippi must be approved by the commissioner.

Cite as Miss. Code § 75-31-207

Source: Codes, 1942, § 4560-74; Laws, 1958, ch. 156, § 4; Laws, 1974; ch. 389, eff. 3/22/1974.

§ 75-31-209. Gauge rod bracket or support.

Mississippi Statutes

Title 75. REGULATION OF TRADE, COMMERCE AND INVESTMENTS

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Current through 3/27/2018

§ 75-31-209. Gauge rod bracket or support

If a tank is designed for use with a gauge rod, a substantial and rigid gauge rod bracket or other suitable supporting elements for positioning the gauge rod shall be so constructed that whenever the rod is placed in engagement with the bracket or supports and released, the rod will automatically seat itself at a fixed height and in a vertical position. When a gauge rod is properly seated on its bracket or supports, there shall be a clearance of at least three (3) inches between the graduated face of the rod and any tank wall or other surface that it faces.

The arrangements shall be such that it shall be impossible to reverse the reading position. The part of the gauge rod bracket which is designed to hold the gauge rod and which comes in contact with the gauge rod shall be sufficiently hardened that, under continual usage or careless handling,

it will not become so worn that it will allow the gauge rod to hang to an improper depth in the tank, thereby causing an error in the measure of the milk in the tank.

Cite as Miss. Code § 75-31-209

Source: Codes, 1942, § 4560-75; Laws, 1958, ch. 156, § 5, eff. 5/6/1958.

§ 75-31-211. Surface gauge bracket or supports.

Mississippi Statutes

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§ 75-31-211. Surface gauge bracket or supports

If a tank is designed for use with a surface gauge, a substantial or rigid surface gauge bracket or other suitable supporting elements for positioning the surface gauge shall be provided. A surface gauge and its bracket or other supporting elements shall be so constructed that whenever the gauge assembly is placed in engagement with the bracket or supports, the indicator, if not permanently mounted on the tank, will automatically seat itself in correct operating position, and the graduated element will be vertically positioned and will be securely held at any height to which it may be manually set.

Cite as Miss. Code § 75-31-211

Source: Codes, 1942, § 4560-76; Laws, 1958, ch. 156, § 6, eff. 5/6/1958.

§ 75-31-213. Indicating means.

Mississippi Statutes

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Article 5. FARM MILK TANK LAW

Current through 3/27/2018

§ 75-31-213. Indicating means

- (1) *Gauge rod.* When properly seated in position, a rod shall not touch the bottom of the tank unless this is required by the design of the supporting elements. The rod shall be graduated throughout at intervals corresponding to the gallonage range within which the readings of liquid level to be made. Farm holding tanks shall be so constructed that nothing shall prevent vertical insertion of the gauge rod. That part of the gauge rod designed to hold the gauge rod in the gauge rod bracket and which comes in contact with the gauge and bracket, shall be sufficiently hardened that, under continual usage or careless handling, it will not become so worn that it will permit the gauge rod to hang to an improper depth in the tank, thereby causing an error in the measuring of the milk in the tank.
- (2) *Surface gauge.* When properly engaged with its bracket and set to its lowest position, the surface gauge shall not touch the bottom of the tank. The gauge shall be graduated throughout at intervals corresponding to the gallonage range within which the readings of liquid level are to be made.

Cite as Miss. Code § 75-31-213

Source: Codes, 1942, § 4560-77; Laws, 1958, ch. 156, § 7, eff. 5/6/1958.

§ 75-31-215. Spacing, width and identification of graduations; gauge rod; chart.

Mississippi Statutes

Title 75. REGULATION OF TRADE, COMMERCE AND INVESTMENTS

Chapter 31. MILK AND MILK PRODUCTS

Article 5. FARM MILK TANK LAW

Current through 3/27/2018

§ 75-31-215. Spacing, width and identification of graduations; gauge rod; chart

- (1) *Spacing, width and identification of graduations.* On a gauge rod or surface gauge, the

spacing of the graduations, center to center, shall be 0.03125 (1/32) inch, if graduations are in inches, or one (1) millimeter, if graduated in centimeters. The width of any graduation mark or line shall not exceed .008 of an inch (0.2mm) and shall not be less than .0055 of an inch (0.1mm).

- (2) *Graduation identification.* The graduation scale shall be in terms of inches and fractions of an inch, or centimeters and fractions of a centimeter. No error shall be greater than 1/32 inch in the entire length of gauge rod or surface gauge, if graduations are in inches, or one (1) millimeter if in centimeters. Main graduation marks or lines shall be successively longer than the minimum graduation marks or lines, and shall be identifiable in spacings not to exceed one-fourth (1/4) inch, if graduations are in inches, or five (5) millimeters, if graduations are in centimeters. Graduations shall start at the bottom of the gauge rod or surface gauge and shall be regular in sequence.
- (3) *Graduation.* Gauge rod graduations and numerals identifying same shall be milled, etched or otherwise indented, but indentations shall not be so deep as to cause a capillary effect preventing straight line readings across the entire face of the gauge rod. Surface gauge graduations shall be of such material that they will not become obliterated. Graduations shall be parallel and at a ninety (90) degree angle to the perpendicular axis of the gauge rod or surface gauge.
- (4) *Values of graduations.* On a gauge rod or surface gauge, the graduations shall be designated in inches and fractions thereof or centimeters and fractions thereof. In either of these cases there shall be provided by the manufacturer for each such rod or gauge and each tank with which it is associated, a volume chart showing volume in terms of gallons and pounds of liquid in the tank, corresponding to each graduation on the rod or gauge.
- (5) *Dimensions and material.* A gauge rod shall be made of 18-8 stainless steel or of other suitable approved material and design. A gauge rod shall be rectangular in shape and shall be not less than one-fourth (1/4) inch in thickness and not less than three-fourths (3/4) inch in width.
- (6) *Gauge rod.* When properly seated in position, a rod shall not touch the bottom of the tank unless this is required by the design of the supporting elements. The rod shall be graduated throughout an interval corresponding to the gallonage range within which readings of liquid level are to be made. The graduated face of the rod shall have a dull finish.
- (7) The maximum swing allowable at the bottom of the gauge rod when in reading position shall not exceed one-half (1/2) inch.
- (8) *Chart.* A chart shall be supplied with each farm milk tank and shall show values at least to the nearest pound for a farm milk tank of all capacities. All letters and figures on a chart shall be distinct and easily readable.

- (a) Opposite each increment shall be shown the value of that individual increment in terms of United States avoirdupois weight.
- (b) The chart shall bear the name and address of the manufacturer; of the producer; the model and serial number of the farm milk tank for which it is intended; the date of the calibration; the name of the person making calibration and the signature of the commissioner's representative, if any, who witnesses the calibration; a legend stating that the calibration figures are based on 1/32 inch increments, if graduations are in inches, or one (1) millimeter, if graduations are in centimeters.
- (c) Four (4) copies of each chart shall be furnished, all four (4) copies to be certified by the commissioner's representative, if there be one, witnessing the calibration; one (1) copy to be kept by the dairy; one (1) copy to be kept by the manufacturer; and one (1) by the commissioner's representative who witnessed the calibration, and in the absence of such an official, one (1) copy shall be mailed to the commissioner's representative, Mississippi Department of Agriculture and Commerce, Jackson, Mississippi. One (1) copy is to be given the processor who picks up the milk.
- (d) The dairyman's chart shall be laminated and sealed between transparent sheets of waterproof material, after having had the imprint of the seal of the Dairy Division, Mississippi Department of Agriculture and Commerce, imprinted thereon. Where both sides are utilized, both sides shall be shown, and shall be hung or otherwise placed in a conspicuous place in the dairyman's milk house in which the farm milk tank is located.
- (e) All printing and/or typing shall be clear and distinct and all calibration figures shall be placed exactly in line with the increments they are intended to represent.

Cite as Miss. Code § 75-31-215

Source: Codes, 1942, § 4560-78; Laws, 1958, ch. 156, § 8; Laws, 1978, ch. 352, § 1, eff. 7/1/1978.

§ 75-31-217. Portable tank.

Mississippi Statutes

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§ 75-31-217. Portable tank

A portable tank shall be of the center-reading type.

Cite as Miss. Code § 75-31-217

Source: Codes, 1942, § 4560-79; Laws, 1958, ch. 156, § 9, eff. 5/6/1958.

§ 75-31-219. Installation.

Mississippi Statutes

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Current through 3/27/2018

§ 75-31-219. Installation

- (1) Farm milk tanks and farm milk tank installations shall in every instance meet the State of Mississippi specifications and tolerances, as provided in this article, and conform with the rules and regulations of the commissioner of agriculture and commerce, as provided herein.
- (2) *Farm milk tanks with adjustable legs.* Adjustable legs shall be flat across the bottom and shall have permanently attached thereto a metal plate four (4) inches square by at least 1/4 inch in thickness, or in lieu thereof, a metal flange of comparable dimensions permanently affixed to the bottom of the legs.
- (3) *Milk house floor.* If the concrete floor of the dairyman's milk house is less than four (4) inches thick or is in poor condition, a concrete pier shall be provided for each leg of the farm milk tank.
- (4) *Concrete piers.* Concrete piers shall not be less than six (6) inches by six (6) inches across the top and shall taper to not less than twelve (12) inches by twelve (12) inches across the bottom and shall not be less than eighteen (18) inches in depth. The top of each pier shall extend only to a point approximately two (2) inches below the surface of

the milk house floor; in locations where the weather is very cold, all piers must go below the "frost line" for their foundations.

- (5) All farm milk tanks shall be filled to capacity during leveling operations and shall be completely filled prior to the calibration thereof, for the purpose of setting the tank to a permanent position.

Cite as Miss. Code § 75-31-219

Source: Codes, 1942, § 4560-80; Laws, 1958, ch. 156, § 10, eff. 5/6/1958.

§ 75-31-221. Tolerances.

Mississippi Statutes

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Current through 3/27/2018

§ 75-31-221. Tolerances

- (1) *Minimum tolerance values.* On all farm milk tanks, the maintenance and acceptance tolerances applied shall not be smaller than one-half (1/2) the value of the minimum graduated interval on the gauge rod or surface gauge.
- (2) *Basic tolerance values.* Basic maintenance and acceptance tolerance on underregistration and overregistration shall be as follows: (The error, at any liquid level, of a tank to which the tolerance is applied, is the difference between the gallonage shown for that level on the gallonage chart and the corresponding gallonage determined by test.) Basic maintenance and acceptance tolerances, on underregistration and on overregistration on farm milk tanks are not more than 1/32 of an inch, if graduated in inches, or one (1) millimeter, if graduations are in centimeters.

Cite as Miss. Code § 75-31-221

Source: Codes, 1942, § 4560-81; Laws, 1958, ch. 156, § 11; Laws, 1978, ch. 352, § 2, eff. 7/1/1978.

§ 75-31-223. Right of inspection.

Mississippi Statutes

Title 75. REGULATION OF TRADE, COMMERCE AND INVESTMENTS

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Current through 3/27/2018

§ 75-31-223. Right of inspection

The commissioner or his duly appointed representative shall have authority to enter, at any daylight hour, dairy farms, dairy barns, or milk houses for the purpose of inspecting farm operations and to correct or have corrected any part of farm milk tank operations found to be incorrect or improperly operated.

No person shall be employed or contracted with as a farm milk transport operator unless he has taken the required examination for milk grader, milk sampler, milk weigher and has secured his licenses from the commissioner.

Sampling for butterfat must conform to requirements of the Dairy and Creamery Law and to regulations promulgated by the commissioner. Samples must be properly refrigerated from dairy farm to plant.

Cite as Miss. Code § 75-31-223

Source: Codes, 1942, § 4560-82; Laws, 1958, ch. 156, § 12, eff. 5/6/1958.

§ 75-31-225. Regulations.

Mississippi Statutes

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§ 75-31-225. Regulations

The commissioner of agriculture and commerce is hereby authorized and empowered to adopt, promulgate, change and amend any and all necessary regulations in order to carry out the provisions of this article.

Cite as Miss. Code § 75-31-225

Source: Codes, 1942, § 4560-83; Laws, 1958, ch. 156, § 13, eff. 5/6/1958.

§ 75-31-227. Liability of farm milk transport operators; insurance.

Mississippi Statutes

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§ 75-31-227. Liability of farm milk transport operators; insurance

Farm milk transport operators hauling milk from the producer to the dairy plant, processing plant, creamery, or other destination, shall be liable for any and all damage or destruction to said milk en route and shall be required to carry cargo and casualty insurance covering such milk en route in an amount approved by the commissioner of agriculture and commerce with an insurance company authorized to do business in the state. In the event such farm milk transport operator does not obtain and have such insurance at all times, his license to grade, sample and weigh milk shall be subject to cancellation.

Cite as Miss. Code § 75-31-227

Source: Codes, 1942, § 4560-84; Laws, 1958, ch. 156, § 14, eff. 5/6/1958.

§ 75-31-229. Article to apply to previously installed farm milk tanks.

Mississippi Statutes

Title 75. REGULATION OF TRADE, COMMERCE AND INVESTMENTS

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§ 75-31-229. Article to apply to previously installed farm milk tanks

This article shall apply to farm milk tanks which have already been installed and such tanks shall be required to meet the standards and specifications provided by this article. The commissioner of agriculture and commerce shall allow a reasonable time within which such farm milk tanks may be brought up to standard.

Cite as Miss. Code § 75-31-229

Source: Codes, 1942, § 4560-85; Laws, 1958, ch. 156, § 15, eff. 5/6/1958.