

By: Representative Bomgar

To: Agriculture

HOUSE BILL NO. 977

1 AN ACT TO AMEND SECTION 75-27-39, MISSISSIPPI CODE OF 1972,
2 TO PROVIDE THE COMMISSIONER OF AGRICULTURE AND COMMERCE WITH
3 REGULATORY AUTHORITY TO GRANT EXCEPTION FOR THE USE OF CERTAIN
4 WEIGHING DEVICES WHICH DISPENSE AGRICULTURAL COMMODITIES, WHETHER
5 LIQUID OR NONLIQUID, WITHIN THE STATE OF MISSISSIPPI; TO AMEND
6 SECTION 75-27-23, MISSISSIPPI CODE OF 1972, IN CONFORMITY THERETO;
7 AND FOR RELATED PURPOSES.

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

9 **SECTION 1.** Section 75-27-39, Mississippi Code of 1972, is
10 amended as follows:

11 75-27-39. (1) Except as otherwise provided by the
12 Commissioner of Agriculture and Commerce, commodities in liquid
13 form shall be sold only by liquid measure or by weight * * *.
14 Commodities not in liquid form shall be sold only by weight, * * *
15 measure * * * or by count. Provided, that liquid commodities may
16 be sold by weight, and commodities not in liquid form may be sold
17 by count only if such methods * * * provide accurate information
18 as to the quantity of commodity sold.

19 (2) Pulpwood shall be sold either by volume or weight, and
20 measured by the cord or the ton as defined in Section 75-27-7.



21 Purchasers of pulpwood, in determining payment to seller, may
22 convert from weight to volume or volume to weight. Such
23 purchasers shall make the conversion by using the following
24 weights per cord: five thousand two hundred (5,200) pounds for
25 pine, five thousand four hundred (5,400) pounds for soft hardwood,
26 five thousand six hundred (5,600) pounds for mixed hardwood, and
27 five thousand eight hundred (5,800) pounds for hard hardwood.

28 (3) The provisions of this section shall not apply to:

29 (* * * a) * * * Insect damaged, dead or otherwise
30 damaged pulpwood * * * ;

31 (* * * b) * * * Commodities when sold for immediate
32 consumption on the premises where sold * * * ;

33 (* * * c) * * * Vegetables when sold by the head or
34 bunch * * * ;

35 (* * * d) * * * Commodities in containers standardized
36 by a law of this state or by federal law * * * ;

37 (* * * e) * * * Commodities in package form when there
38 exists a general consumer usage to express the quantity in some
39 other manner * * * ;

40 (* * * f) * * * Concrete aggregates, concrete mixtures,
41 and loose solid materials such as earth, soil, gravel, crushed
42 stone, and the like, when sold by cubic measure * * * ;

43 (* * * g) * * * Unprocessed vegetable and animal
44 fertilizer when sold by cubic measure * * * ; or

45 (* * * h) * * * Timber when sold in bulk on the stump.



46 (4) The * * * commissioner may issue such reasonable
47 regulations as are necessary to assure that amounts of commodity
48 sold are determined in accordance with good commercial practice
49 and are so determined and represented as to be accurate and
50 informative to all parties at interest.

51 **SECTION 2.** Section 75-27-23, Mississippi Code of 1972, is
52 amended as follows:

53 75-27-23. (1) When not otherwise provided by law, the * * *
54 commissioner shall have the power to inspect and test, to
55 ascertain if they are correct, all weights and measures kept,
56 offered, or exposed for sale or purchase. It shall be the duty of
57 the * * * commissioner within a twelve-month period, or less
58 frequently if in accordance with a schedule issued by him or her,
59 and as much oftener as he or she may deem necessary to inspect and
60 test, to ascertain if they are correct, all weights and measures
61 commercially used:

62 (* * * a) In determining the weight, measurement or
63 count of commodities or things sold or purchased, or offered or
64 exposed for sale or purchase, on the basis of weight, measure, or
65 of count; or

66 (* * * b) In computing the basic charge or payment for
67 services rendered on the basis of weight, measure, or of count.

68 * * * With respect to single-service devices * * * (devices
69 designed to be used commercially only once and to be then
70 discarded), and with respect to devices uniformly



71 mass-produced * * * (as by means of a mold or die, and not
72 susceptible of individual adjustment), tests may be made on
73 representative samples of such devices * * *. The lots of which
74 such samples are representative shall be held to be correct or
75 incorrect upon the basis of the results of the inspections and
76 tests on such samples.

77 (2) The manufacturer or distributor of any weighing
78 device(s) offered for sale, sold, installed for commercial use or
79 used commercially in this state shall subject such device to type
80 evaluation testing by the National Type Evaluation Program (NTEP),
81 National Institute of Standards and Technology (NIST), except such
82 evaluation testing shall not apply to any weighing devices that
83 dispense liquid or nonliquid commodities which are exempted by
84 regulatory control of the commissioner. Any weighing device not
85 covered by a certificate of conformance from such agency shall not
86 be used commercially in this state.

87 **SECTION 3.** This act shall take effect and be in force from
88 and after July 1, 2021.

