

By: Representatives Hood, Stamps

To: Forestry

COMMITTEE SUBSTITUTE  
FOR  
HOUSE BILL NO. 979

1 AN ACT TO REQUIRE REGISTERED FORESTERS TO PROVIDE SCALE  
2 TICKETS THAT CONTAIN CERTAIN INFORMATION BEFORE THE CLOSE OF THE  
3 FOLLOWING BUSINESS DAY TO LANDOWNERS AND/OR TIMBER OWNERS FOR EACH  
4 LOAD OF TIMBER; TO PROVIDE THAT A FORESTER THAT FAILS TO PROVIDE  
5 SCALE TICKETS TO LANDOWNERS AND/OR TIMBER OWNERS FOR EACH LOAD OF  
6 TIMBER SHALL BE LIABLE FOR THE COST OF THE TIMBER IF A LOGGER  
7 FAILS TO REMIT PAYMENT FOR SUCH TIMBER TO THE FORESTER; TO BRING  
8 FORWARD SECTION 75-27-113, MISSISSIPPI CODE OF 1972, WHICH RELATES  
9 TO TIMBER WEIGHTS AND MEASURES, FOR PURPOSE OF POSSIBLE AMENDMENT;  
10 AND FOR RELATED PURPOSES.

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

12 **SECTION 1.** (1) Foresters who are registered under Section  
13 73-36-27, shall provide scale tickets before the close of the  
14 following business day to landowners and/or timber owners for each  
15 load of timber, demonstrating compliance with Section 75-27-113,  
16 and such scale tickets shall include the:

- 17 (a) Measured volume or weight;
- 18 (b) Standard of weight or measurement used; and
- 19 (c) Basis and amount of any deductions.

20 (2) A forester that fails to provide scale tickets for each  
21 load of timber to landowners and/or timber owners, as required in  
22 subsection (1) of this section, shall be liable for the cost of



23 the timber if a logger fails to remit payment for such timber to  
24 the forester.

25 If a logger fails to remit payment to the forester for the  
26 timber, the forester shall immediately notify the landowner and/or  
27 timber owner of the logger's failure to remit such payment.

28 **SECTION 2.** Section 75-27-113, Mississippi Code of 1972, is  
29 brought forward as follows:

30 75-27-113. (1) Timber purchased by weight or measured  
31 volume shall be purchased by weight on the basis of tonnage or  
32 pounds with one (1) ton equaling two thousand (2,000) pounds  
33 avoirdupois weight, or by measured volume so long as the measured  
34 volume is not calculated by weight but is derived from any of the  
35 standards provided in subsection (2).

36 (2) When timber is purchased by measured volume, the timber  
37 shall be measured by either cubic feet, Doyle Log Rule,  
38 International  $\frac{1}{4}$  Inch Rule or Scribner Decimal C Rule.

39 (3) No person, firm or corporation, shall use any scales or  
40 measuring device in the purchase of timber unless the same is true  
41 and accurate. All devices used for buying or selling timber shall  
42 comply with specifications and tolerances and other requirements  
43 of this chapter, and regulations adopted pursuant thereto.

44 (4) Purchaser specifications shall be made available to the  
45 haulers and timber owners and shall be posted in a place easily  
46 accessible to the haulers or timber owners at the location where  
47 the timber is weighed or measured. Scale tickets shall be made



48 available to the haulers and timber owners for each load before  
49 the close of the following business day and shall include the  
50 measured volume or weight, the standard of weight or measurement  
51 used, and the basis and amount of any deductions.

52 (5) (a) The State Director of Weights and Measures, the  
53 Deputy Director of Weights and Measures and any state inspector of  
54 weights and measures are hereby vested with police powers, such as  
55 given to sheriff and constables, for the sole purpose of issuing  
56 citations, without warrant, to any person who the Director, Deputy  
57 Director or inspector has probable cause to believe is violating  
58 this section, or who shall impede, hinder or otherwise prevent or  
59 attempt to prevent the testing of scales or measuring devices or  
60 enforcement of this chapter. The citation shall be returnable to  
61 the Deputy Director of Weights and Measures. No citation for a  
62 violation of this section shall be issued after one (1) year from  
63 the date of the violation.

64 (b) The Deputy Director of Weights and Measures, or his  
65 designee, shall within thirty (30) days of the issuance of the  
66 citation, dismiss the citation, issue a written warning or levy a  
67 fine of not more than Two Hundred Dollars (\$200.00) for the first  
68 offense; not more than Five Hundred Dollars (\$500.00) for the  
69 second offense if the second offense occurs within six (6) months  
70 of the first offense; or not more than Two Thousand Dollars  
71 (\$2,000.00) for the third and subsequent offenses, if the third or  
72 subsequent offenses occur within six (6) months of the first



73 offense. If the Deputy Director of Weights and Measures, or his  
74 designee, determines the violation was unintentional and due to an  
75 act of God or was beyond the reasonable control of the person,  
76 firm or corporation committing the violation, no fine shall be  
77 levied. A person, firm or corporation operating any scales or  
78 measuring devices in the purchase of timber at more than one (1)  
79 location in the state shall not be subject to fines for second or  
80 subsequent offenses unless the offenses occur at the same location  
81 on separate days. A citation shall record each and every  
82 violation of this section but for the purposes of determining  
83 second and subsequent offenses under this section, all violations  
84 of this section committed by one (1) person, firm or corporation  
85 at one (1) location during one (1) day shall constitute one (1)  
86 offense.

87 (c) Any person, firm or corporation may appeal a fine  
88 to the State Director of Weights and Measures or his designee.  
89 The appeal must be filed within thirty (30) days after the levy of  
90 the fine. Any party aggrieved by the final order of the State  
91 Director of Weights and Measures, or his designee, may appeal to  
92 the Chancery Court of the First Judicial District of Hinds County,  
93 Mississippi, by filing an appeal within thirty (30) days of a  
94 final order of the Director of Weights and Measures. If no appeal  
95 is taken and the fine is not paid within sixty (60) days of the  
96 order or if the fine is upheld on appeal and no further appeal is  
97 taken and the fine is not paid within sixty (60) days of the



98 ruling on the appeal, the Director of Weights and Measures may  
99 forward an abstract of the order or judgment to the circuit clerk  
100 of any county in the State of Mississippi for enrolling as any  
101 other judgment. After enrolling the judgment, the Director of  
102 Weights and Measures may institute an action to recover the fines  
103 assessed under this section in the name of the State of  
104 Mississippi in any court of competent jurisdiction or otherwise  
105 proceed as a judgment creditor pursuant to the laws of the State  
106 of Mississippi.

107 (6) This section does not apply to pulpwood as defined in  
108 Section 75-79-5 of the Mississippi Uniform Pulpwood Scaling and  
109 Practices Act.

110 **SECTION 3.** This act shall take effect and be in force from  
111 and after July 1, 2022, and shall stand repealed on June 30, 2022.

