

By: Representative Hood

To: Forestry

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.

