

By: Representative Bomgar

To: Agriculture

HOUSE BILL NO. 240

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, 2023.

