DISCLAIMER

The South Carolina Legislative Council is offering access to the unannotated South Carolina Code of Laws on the Internet as a service to the public. The unannotated South Carolina Code on the General Assembly's website is now current through the 2014 session. The unannotated South Carolina Code, consisting only of Code text, numbering, and history may be copied from this website at the reader's expense and effort without need for permission.

The Legislative Council is unable to assist users of this service with legal questions. Also, legislative staff cannot respond to requests for legal advice or the application of the law to specific facts. Therefore, to understand and protect your legal rights, you should consult your own private lawyer regarding all legal questions.

While every effort was made to ensure the accuracy and completeness of the unannotated South Carolina Code available on the South Carolina General Assembly's website, the unannotated South Carolina Code is not official, and the state agencies preparing this website and the General Assembly are not responsible for any errors or omissions which may occur in these files. Only the current published volumes of the South Carolina Code of Laws Annotated and any pertinent acts and joint resolutions contain the official version.

Please note that the Legislative Council is not able to respond to individual inquiries regarding research or the features, format, or use of this website. However, you may notify the Legislative Services Agency at [LSA@scstatehouse.gov](mailto:LPITS@scstatehouse.net) regarding any apparent errors or omissions in content of Code sections on this website, in which case LSA will relay the information to appropriate staff members of the South Carolina Legislative Council for investigation.

CHAPTER 42

Sampling, Grading and Inspection of Grains and Oilseeds

**SECTION 46‑42‑10.** Responsibility, training and certification of persons engaged in sampling, grading and inspection of grains and oilseeds.

All dealers and handlers engaged in the grading of grain and oilseeds shall be responsible for the proper grade determination as set forth by the official United States Standards for grain or those approved by the Commissioner of Agriculture. All persons engaged in grading of grains and oilseeds shall be certified or supervised by a person certified by the South Carolina Department of Agriculture. Training and certification of persons engaged in sampling, grading and inspection of grains and oilseeds shall be made available by the South Carolina Department of Agriculture.

HISTORY: 1981 Act No. 178 Part II, Section 14.

**SECTION 46‑42‑20.** Equipment and procedures used in sampling, grading and inspection of grains and oilseeds.

All equipment used and procedures employed in the sampling, grading and inspection of grains and oilseeds shall be capable of consistently producing results in accordance with those specified by the United States Grain Standards Act or those approved by the Commissioner of Agriculture. The Commissioner of Agriculture (Commissioner) or his agent may inspect all equipment and procedures and may condemn equipment and suspend certificates when inaccuracies occur.

HISTORY: 1981 Act No. 178 Part II, Section 14.

**SECTION 46‑42‑30.** Portion of sample to be retained for checking when discount or weight deduction is assessed.

If requested by the deliverer of grain or oilseed on which a discount or weight deduction is assessed, one‑half must be placed and sealed in a tamper‑proof container provided by the Department of Agriculture and the container must be returned to the deliverer of the grain or oilseed sampled, tested or graded. Records shall be maintained for a period of one year on each lot of grain or oilseed for which a grade is determined by the dealer and handler in order to assist the Commissioner in evaluation grading performance. The Commissioner may suspend or revoke a grader’s certificate when he deems the grader incapable of competent performance.

HISTORY: 1981 Act No. 178 Part II, Section 14; 1983 Act No. 112 Section 7.

**SECTION 46‑42‑40.** Laws governing weighing devices, personnel and procedures.

All weighing devices used by grain or oilseed dealers and handlers shall be those approved by weights and measures laws. Personnel and procedures shall conform to the provisions of the Public Weighmasters Law.

HISTORY: 1981 Act No. 178 Part II, Section 14.

**SECTION 46‑42‑50.** Printout or punch ticket required; design; contents; to serve as receipt.

Dealers and handlers shall be required to issue a printout or punch ticket of a design approved by the Commissioner for each lot of grain or oilseed received into custody of such dealers and handlers. The printout or punch ticket shall contain all weighing, grading and disposition information needed for proper identity, including:

(1) Date;

(2) Name and address of the dealer and handler and his public weighmaster number;

(3) owner of commodity;

(4) vehicle identity;

(5) gross, tare and new weight or in the case of hopper weighing, net weight of load;

(6) type commodity;

(7) percentage of moisture;

(8) percentage of foreign material, other factors determined (specify);

(9) grade assigned;

(10) disposition of commodity;

(11) signature of person weighing and grading.

The printout or punch ticket shall serve as a receipt that grain or oilseed was received into custody by the dealer or handler issuing the printout or punch ticket, unless otherwise stated on the ticket.

HISTORY: 1981 Act No. 178 Part II Section 14.

**SECTION 46‑42‑70.** Promulgation of regulations.

The Department of Agriculture shall promulgate regulations to implement the provisions of this chapter.

HISTORY: 1981 Act No. 178 Part II, Section 14.

**SECTION 46‑42‑80.** Penalties for violation of chapter.

Any person violating the provisions of this chapter shall be deemed guilty of a misdemeanor and upon conviction shall be fined in an amount not to exceed one thousand dollars or imprisoned for a term not to exceed six months or both.

HISTORY: 1981 Act No. 178 Part II, Section 14.