

## Farm Service Agency, USDA

## § 738.2

- 738.24 Nonnegotiable receipts.
- 738.25 Omission of grade; no compulsion by warehouseman.

### DUTIES OF LICENSED WAREHOUSEMAN

- 738.26 Method of storing wool.
- 738.27 Insurance; requirements.
- 738.28 System of accounts.
- 738.29 Reports; copies.
- 738.30 Canceled receipts; auditing.
- 738.31 Warehouse charges.
- 738.32 [Reserved]
- 738.33 Examination of warehouses.
- 738.34 Identity-preserved wool.
- 738.35 Arrangement of wool.
- 738.36 Wet or fire-damaged wool.
- 738.37 Care of wool and other commodities.
- 738.38 Warehouse to be kept clean.
- 738.39 Business hours.
- 738.40 Excess storage.
- 738.41 Removal of wool from warehouse.
- 738.42 Delivery of wool.
- 738.43 Signers of warehouse receipts; filing names.
- 738.44 Weighing apparatus; examination.
- 738.45 Reporting fire losses.

### FEEs

- 738.46 License fees.
- 738.47 Warehouse annual and inspection fees.
- 738.48 Advance deposit.
- 738.49 Return of excess deposit.

### GRADERS AND WEIGHERS

- 738.50 Applications.
- 738.51 Examination.
- 738.52 Posting of license.
- 738.53 Proper discharge of duties.
- 738.54 Grade certificate; form.
- 738.55 Weight certificate; form.
- 738.56 Combined certificate.
- 738.57 Copies of certificates.
- 738.58 Inspections.
- 738.59 Reports.
- 738.60 Suspension or revocation of licenses.
- 738.61 Return of suspended, revoked, terminated licenses.
- 738.62 Lost or destroyed licenses.
- 738.63 Unlicensed persons; misrepresentation.

### WOOL GRADING

- 738.64 Statement of grades.
- 738.65 Wool grades; adoption; terms defined.
- 738.66 Examination; basis of grade.
- 738.67 Wool standard forms.

### ARBITRATION

- 738.68 Wool arbitration.

### MISCELLANEOUS

- 738.69 Bonds required of State warehouses.
- 738.70 Publications.
- 738.71 Violations to be reported.

- 738.72 Procedure in hearings.
- 738.73 One document and one license to cover several products.
- 738.74 Amendments.

AUTHORITY: 7 U.S.C. 241 *et seq.*

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### DEFINITIONS

#### § 738.1 Words in singular form.

Words used in the regulations in this part in the singular form shall be deemed to import the plural, and vice versa, as the case may demand.

#### § 738.2 Terms defined.

For the purposes of the regulations in this part, unless the context otherwise require, the following terms shall be construed, respectively, to mean:

(a) *The act*. The United States Warehouse Act, approved August 11, 1916 (39 Stat. 486; 7 U.S.C. 241-274), as amended.

(b) *Person*. An individual, corporation, partnership, or two or more persons having a joint or common interest.

(c) *Secretary*. "Secretary" means the Secretary of Agriculture of the United States or any officer or employee of the Department to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in his stead.

(d) *Designated representative*. The Administrator.

(e) *Administrator*. The Administrator of the Service or any other officer or employee of the Service to whom authority has heretofore lawfully been delegated, or may hereafter lawfully be delegated, to act in his stead.

(f) *Department*. The United States Department of Agriculture.

(g) *Service*. The Farm Service Agency of the U.S. Department of Agriculture.

(h) *Regulations*. Rules and regulations made under the act by the Secretary.

(i) *Warehouse*. Any suitable building, structure, or other protected inclosure in which wool is or may be stored for interstate or foreign commerce, or, if located within any place under the exclusive jurisdiction of the United States, in which wool is or may be

### § 738.3

stored and for which a license has been issued under the act.

(j) *Warehouseman*. Any person lawfully engaged in the business of storing wool.

(k) *License*. A license issued under the act by the Secretary or his designated representative.

(l) *Grader*. A person licensed under the act by the Secretary or his designated representative, to grade and to certificate the weight of wool stored or to be stored in a licensed warehouse.

(m) *Weigher*. A person licensed under the act by the Secretary or his designated representative, to weigh and to certificate the weight of wool stored or to be stored in a licensed warehouse.

(n) *Receipt*. A warehouse receipt.

(o) *Kind of wool*. Grease, scoured, or pulled, and sorted or unsorted wool, or sorted or unsorted mohair.

(p) *State*. A State, Territory, or District of the United States.

[5 FR 3607, Sept. 10, 1940, as amended at 13 FR 8729, Dec. 30, 1948. Redesignated and amended at 50 FR 1814, Jan. 14, 1985]

#### WAREHOUSE LICENSES

### § 738.3 Application form.

Applications for licenses and amendments to licenses under the act shall be made to the Secretary upon forms prescribed for the purpose and furnished by the Service, shall be in English, shall truly state the information therein contained, and shall be signed by the applicant. The applicant shall at any time furnish such additional information as the Secretary or the Administrator may find to be necessary to the proper consideration of his application.

### § 738.4 Grounds for not issuing license.

A license for the conduct of a warehouse shall not be issued if it be found by the Secretary, or his designated representative, that the warehouse is not suitable for the proper storage of wool, that the warehouseman is incompetent to conduct such warehouse in accordance with the act and the regulations in this part, or that there is any other sufficient reason within the intent of the act for not issuing such license.

### 7 CFR Ch. VII (1-1-00 Edition)

### § 738.5 Net assets.

Any warehouseman conducting a warehouse licensed or for which application for license has been made under the act shall have and maintain above all exemptions and liabilities net assets liable for the payment of any indebtedness arising from the conduct of the warehouse, to the extent of at least \$15 per 1,000 pounds or fraction thereof of the maximum number of pounds of wool that the warehouse will accommodate when stored in the manner customary to the warehouse as determined by the Administrator: *Provided*, That the amount of such assets shall not be less than \$5,000 and need not be more than \$100,000. If such warehouseman has applied for licenses to conduct two or more warehouses in the same State, the assets applicable to all of which shall be subject to the liabilities of each, such warehouses shall be deemed to be one warehouse for the purposes of the assets required under this section. For the purposes of this section only, paid-in capital stock shall not be considered a liability. Any deficiency in the required net assets may be supplied by an increase in the amount of the warehouseman's bond in accordance with § 738.12(b).

### § 738.6 Posting license.

Immediately upon receipt of his license or of any amendment thereto under the act, the warehouseman shall post the same, and thereafter, except as otherwise provided in the regulations in this part, keep it posted, until suspended or revoked, in a conspicuous place in the principal office where receipts issued by the warehouseman are delivered to depositors.

### § 738.7 Suspension or revocation of license.

Pending investigation, the Secretary, or his designated representative, whenever he deems necessary, may suspend a warehouseman's license temporarily without hearing. Upon written request and a satisfactory statement of reasons therefor submitted by a warehouseman, the Secretary, or his designated representative may, without hearing, suspend or revoke the license issued to such warehouseman. The Secretary or his designated representative may,