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Requirements for Grain Warehouses:

Delaware



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Fast Find:

- 1) Licensing: [Del. Code Ann. tit. 3 §§ 1604 to 1605](#)
- 2) Bonding:
- 3) Auditing: [Del. Code Ann. tit. 3 §§ 1602 to 1603](#)
- 4) Indemnity Fund:
- 5) Failure/Liquidation:
- 6) Prompt Payment:
- 7) Penalties: [Del. Code Ann. tit. 3 §§ 1606 to 1607](#)
- 8) Lien:

Del. Code Ann. Tit. 3, Part 2, Ch. 16

Current through ch. 254 of the 152nd General Assembly (2023-2024).

Del. Code tit. 3 § 1601. Definitions.

As used in this chapter:

- (1) "Department" means the State of Delaware Department of Agriculture and includes, but is not limited to, its officers, inspectors, employees, agents or representatives.
- (2) "Devices" means any grain moisture testing devices.
- (3) "Grain" means includes, but is not limited to, corn, wheat, rye, oats, barley, flaxseed, sorghum, soybeans, mixed grain and any other food grains, feed grains, hemp, and oilseeds which standards have been established in the United States Grain Standards Act, 7 U.S.C. Chapter 3 [7 U.S.C. §§ 71 - 87k].
- (4) "Grain Inspector" means anyone who operates grain moisture testing devices, follows standard grain inspection procedures and uses other grain inspection equipment.

Del. Code tit. 3 § 1602. Registration and approval.

(a) All grain moisture testing devices shall be registered with the Department, on forms supplied by the Department. The devices used in the buying of grain shall be required to pass such inspections, at any time, as the Department may determine. Such inspections shall be made at the commercial grain elevator, warehouse, or other grain storage facility. Upon approval, inspected devices shall bear the Department's seal, permitting their use.



(b) Devices which fail to pass the inspection of the Department shall be immediately removed from service and repaired. The Department shall reinspect and approve the repair of a failed device before it can be returned to service.

Del. Code tit. 3 § 1603. Installation and operation.

(a) The grain moisture testing devices shall be installed in such a manner that there will be no vibrations of indicating dials. Devices with moving parts shall be properly maintained, and kept free of dust and dirt.

(b) All devices shall be operated according to the manufacturer's instructions, or in accordance with instruction issued by the Department.

Del. Code tit. 3 § 1604. Licensed grain inspectors.

(a) Any person engaged in the operation of a commercial grain elevator, grain warehouse or other grain storage facility shall only utilize licensed grain inspectors for all grain sampling and testing.

(b) To obtain a Grain Inspector's License applicants shall be required to furnish satisfactory evidence of good character to the Department and to pass an examination conducted by the Department. The examination shall test the applicant's ability to operate grain moisture testing devices, to use grain inspecting equipment, and knowledge of grain inspection procedures.

(c) Upon attainment of a passing score on the examination, and payment of a \$10 fee, the Department shall issue a Grain Inspector License to the applicant for 2 calendar years. The license shall be renewed biennially upon successful reexamination, if the Licensed Grain Inspectors duties have been performed satisfactorily during the previous 2-year period, and upon payment of a \$10 fee. Grain Inspector Licenses shall be posted at the commercial grain elevator, grain warehouse or other grain storage facility in full view of the public.

Del. Code tit. 3 § 1605. Certification of commercial grain elevators, grain warehouses and other grain storage facilities.

Every commercial grain elevator, grain warehouse or other grain storage facility shall be certified by the Department to meet minimum standards of performance. These standards shall be determined by the Department.

Del. Code tit. 3 § 1606. Violations and penalties.

Failure to comply with the provisions of this chapter shall result in the assessment of a civil penalty of not more than \$10 for the first violation and not less than \$25 nor more than \$100 for each subsequent violation.

Del. Code tit. 3 § 1607. Enforcement; administrative rules and regulations.



The Department shall enforce this chapter, and prescribe and enforce administrative rules, regulations, definitions, penalties, fees and standards in accordance with the Administrative Procedures Act.

Del. Code tit. 3 § 1611. Grain contracts of sale, discount rates and weight rates.

(a) Subject to any contractual provision to the contrary and based upon whatever market the contracting parties agree to:

(1) The discount rates for foreign material and moisture content may not be higher than the discount rates that prevail on the day the contract is formed;

(2) The test weight rates may not be higher than the test weight rates that prevail on the day the contract is formed.

(b) This section applies to any contract for sale of grain entered into in this State provided the date of delivery is less than 1 year after the date the contract is formed.

