

RULE 109 – WEIGHTS

Section 1. OFFICIAL WEIGHTS

Seller's official weights are to govern settlement. Seller shall furnish certified copy of official weights at point of origin on shipments in tank cars and tank trucks. If Seller cannot furnish official weights at point of origin on net contents of tank cars and tank trucks either by means of inside tank scales, track scales or truck scales (gross, tare and net, if track or truck scale weights), Buyer shall have the right to have official weights taken at point of destination, which weights shall govern.

In no case shall railroad or marked tare weighting be considered as official weights. Cost of obtaining official weights shall be for the account of the Seller.

Weights shall be considered official when weighting is done by a State Weighmaster, Board of Trade, Chamber of Commerce, or other recognized public or sworn weighmaster approved or licensed by the supervising organization or by the National Oilseed Processors Association. The National Oilseed Processors Association has the authority to withdraw approval of official weighing licenses, if, upon investigation, it finds that the official weights being supplied, as provided above, are unreliable due to either faulty equipment or fault use of the equipment.

Section 2. OFFICIAL WEIGHT CERTIFICATION

In order to be approved for official NOPA weighing status or to issue official NOPA Weight Certificates, shipper of soybean oil must comply with the following:

- (1) On December 1 and June 1 of each year, shipper must furnish a Semi-Annual Scale Report (See Appendix for sample form) to the NOPA office in Washington, D.C., indicating type, capacity, and length of the scales being used for weighing soybean oil shipments.
- (2) Attached to this semi-annual report must be a copy of a scale inspection issued by a qualified independent scale inspector within the six (6) months prior to each semi-annual reporting date. If any approved track, truck, or hopper scale is out of tolerance, NOPA will immediately withdraw official weight status. Tolerance under this rule is defined as within plus or minus 0.1% of a known weight. If hopper scales are involved, continuous weighing is necessary until car is completely loaded.
- (3) Revised weighmaster oath forms must be submitted annually by June 1 of each year to the NOPA office (See Appendix for sample form.)

Section 3. WEIGHT CLAIMS

Wherever a sale is made F.O.B. Buyer's destination, no allowance for shortage or damage will be made by Seller unless buyer furnishes complete evidence, including railroad inspection report, so as to enable Seller to present complete claim to the carrier.

Weight claims are to be filed as soon as possible, but not later than fifteen (15) days from tank car loading date.

Section 4. VARIATION IN SHIPPING AND DESTINATION WEIGHTS

If the gross weight obtained at destination indicates a discrepancy in the official weights as supplied by the shipper, and inspection shows no indication of leakage in transit, then either party shall have the right to have the tank car reweighed in the presence of representatives of both Buyer and Seller, and the weights so determined shall be used for settlement. Scales to be used for reweighing must be in good working order as supported by certificate of recent examination by authorized examiner. If such certificate is not available, the scale must be tested in the presence of a representative of Buyer and Seller before the car is reweighed. Cost of such weighing shall be for party requesting destination weights, unless the weights taken at destination indicate a discrepancy in excess of 1% of the original invoice weight, in which case the fee for this work shall be charged to the account of the party against whom the decision results. The Buyer shall report the discrepancy to the Seller within two (2) working days from date of receipt of car at Buyer's plant, and the Seller shall have two (2) working days after receipt of telegram in which to advise the Buyer what action he elects to take. If Seller elects to witness weighing of car, three (3) additional working days will be allowed for such action. In the absence of instructions from Seller, Buyer may proceed with obtaining official destination weights of the tank car, taken in the presence of a disinterested party, which weights will govern settlement.

Section 5. COMPLIANCE WITH SECTION 4

So that Consignee can comply with Section 4, the Shipper shall immediately, after loading or weighing tank cars, forward a copy of the weight certificate, Bill of Lading, or invoice to Consignee's receiving plant.