

MISSOURI GRAIN WAREHOUSE LICENSE

The following is taken from the Missouri Grain Warehouse Law (Chapter 411, RSMo).
Section 411.255, RSMo, states:

1. No person shall:
 - (1) Operate a warehouse for storage of grain;
 - (2) Hold himself out as being in the grain storage business, or as offering storage facilities for grain;
 - (3) Advertise for, solicit or accept grain for storage;
 - (4) Carry on a grain bank operation, or receive and store grain for which a like quantity of grain is to be returned or redelivered in any form to the depositor thereof without first obtaining and keeping in force an annual license issued by the department authorizing the operation of a public grain warehouse.

In addition, please note the following:

1. Section 411.026(29), RSMo, defines a Private Warehouse as any warehouse within the state of Missouri used for the purpose of storing grain exclusively for the owners or operators of that warehouse and/or individuals producers affiliated with the owner or operator in a landlord/tenant relationship on farmland. These storage facilities are generally not required to have a warehouse license.
2. Section 411.325(3), RSMo, requires that all grain received at any warehouse not licensed under Chapter 411, RSMo, shall be deemed to be grain held for storage within the meaning of this chapter unless:
 - (1) The sale price for the grain has been established; and payment is made by the warehouseman and received by the owner of the grain within thirty (30) days from the delivery of the grain to the warehouse; or
 - (2) A formal written contract (deferred price or delayed payment) is executed in accordance within section 411.325(4). A Class I grain dealer license is required to issue these contracts.
3. Section 411.026(17), RSMo, defines grain as all grains for which standards have been established under the United States Grain Standards Act, including wheat, corn, barley, oats, rye, rice, sorghum, flaxseed, soybeans, triticale and sunflower seed. Section 411.028, RSMo, excludes agricultural commodities delivered to a warehouse or seed processor for the express purpose of processing or cleaning and holding such commodity and returning the cleaned or processed commodity to the original owner thereof or the owner's designee to be used as seed. Other grass seed, including fescue seed, has been excluded from this definition, and licensing is not required for its storage.
4. Seed companies that use grower contracts may be exempt from requiring a license if the contract is approved by the Missouri Department of Agriculture.

If you are considering doing business as a public grain warehouseman, it is suggested that you read the Missouri Grain Warehouse Law, Chapter 411, RSMo, (<http://www.moga.mo.gov/mostatutes/ChaptersIndex/chaptIndex411.html>) and all regulations promulgated under these statutes (<http://s1.sos.mo.gov/cmsimages/adrules/csr/current/2csr/2c60-4.pdf>) prior to requesting a license application from the Missouri Department of Agriculture. This information is generally available in the reference section of your public library and on the Department's website: agriculture.mo.gov.

IF YOU FEEL THAT YOU ARE EXEMPT FROM THIS STATUTE, YOU MAY REQUEST IN WRITING AN EXEMPTION FORM FROM OUR OFFICE. YOUR REQUEST SHOULD EXPLAIN THE REASON YOU FEEL YOU ARE EXEMPT FROM THE WAREHOUSE LAW.