

SENATE SUBSTITUTE
FOR
SENATE COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 373

AN ACT

To repeal sections 323.100 and 413.225, RSMo, and to enact in lieu thereof two new sections relating to agricultural weights and measures fees.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI,
AS FOLLOWS:

1 Section A. Sections 323.100 and 413.225, RSMo, are repealed
2 and two new sections enacted in lieu thereof, to be known as
3 sections 323.100 and 413.225, to read as follows:

4 323.100. 1. The director of the department of agriculture
5 shall annually inspect and test all liquid meters used for the
6 measurement and retail sale of liquefied petroleum gas and shall
7 condemn all meters which are found to be inaccurate. All meters
8 shall meet the tolerances and specifications of the National
9 Institute of Standards and Technology Handbook 44, 1994 edition
10 and supplements thereto. It is unlawful to use a meter for
11 retail measurement and sale which has been condemned. All
12 condemned meters shall be conspicuously marked "inaccurate", and
13 the mark shall not be removed or defaced except upon
14 authorization of the director of the department of agriculture or
15 his authorized representative. It is the duty of each person
16 owning or in possession of a meter to pay to the director of the

1 department of agriculture at the time of each test a testing fee
2 of ten dollars[, except that the testing fee herein provided for
3 shall not be applied more than once in a calendar year to each
4 meter tested]. On January 1, 2014, the testing fee shall be
5 fifty dollars. On January 1, 2015, the testing fee shall be set
6 at seventy-five dollars. On January 1, 2016, and annually
7 thereafter, the director shall ascertain the total expenses for
8 administering this section and shall set the testing fee at a
9 rate to cover the expenses for the ensuing year which shall not
10 exceed one hundred dollars.

11 2. On the first day of October 2014, and each year
12 thereafter, the director of the department of agriculture shall
13 submit a report to the general assembly that states the current
14 testing fee, the expenses for administering this section for the
15 previous calendar year, any proposed change to the testing fee,
16 and estimated expenses for administering this section during the
17 ensuing year. The proposed change to the testing fee shall not
18 yield revenue greater than the total cost of administering this
19 section during the ensuing year.

20 3. Beginning August 28, 2013, and each year thereafter, the
21 director of the department of agriculture shall publish the
22 testing fee schedule on the departmental website. The website
23 shall be updated within thirty days of a change in the testing
24 fee schedule set forth in this section.

25 413.225. 1. There is established a fee for registration,
26 inspection and calibration services performed by the division of
27 weights and measures. The fees are due at the time the service
28 is rendered and shall be paid to the director by the person

1 receiving the service. The director shall collect fees according
2 to the following schedule and shall deposit them with the state
3 treasurer into [general revenue for the use of the state of
4 Missouri] the agriculture protection fund as set forth in section
5 261.200:

6 (1) From August 28, [1994] 2013, until the next January
7 first, laboratory fees for metrology calibrations shall be at the
8 rate of [twenty-five] sixty dollars per hour for tolerance
9 testing [and thirty-five dollars per hour for] or precision
10 calibration. Time periods over one hour shall be computed to the
11 nearest one quarter hour. On the first day of January, [1995]
12 2014, and each year thereafter, the director of agriculture shall
13 ascertain the total receipts and expenses for the metrology
14 calibrations during the preceding year and shall fix a fee
15 schedule for the ensuing year at a rate per hour [which shall not
16 exceed sixty dollars per hour for either method but shall not be
17 less than twenty-five dollars per hour for tolerance testing and
18 thirty-five dollars per hour for precision calibration,] as will
19 yield revenue not more than the total cost of operating the
20 metrology laboratory during the ensuing year;

21 (2) [From August 28, 1994, until the next January first,]
22 All [scale] device test fees [shall be] charged [as follows]
23 shall include, but not be limited to, the following devices:

24 (a) Small scales [shall be five dollars for each counter
25 scale, ten dollars for platform scales up to one thousand-pound
26 capacity, and twenty dollars for each platform scale over one
27 thousand-pound capacity];

28 (b) Vehicle scales [shall be fifty dollars each for the

1 initial test and seventy-five dollars for each subsequent test
2 within the same calendar year];

3 (c) Livestock scales [shall be seventy-five dollars each
4 for the initial test, and one hundred dollars for each subsequent
5 test within the same calendar year];

6 (d) Hopper scales [with a capacity of one thousand pounds
7 or less shall be ten dollars each; for each hopper scale with a
8 capacity of more than one thousand pounds up to and including two
9 thousand pounds, the fee shall be twenty dollars; for each hopper
10 scale with a capacity of more than two thousand pounds up to and
11 including ten thousand pounds, the fee shall be fifty dollars;
12 and for those hopper scales with a capacity of more than ten
13 thousand pounds, the test fee shall be seventy-five dollars
14 each];

15 (e) Railroad scales [shall be fifty dollars each];

16 (f) Monorail scales [shall be twenty-five dollars each for
17 the initial test and fifty dollars for each subsequent test in
18 the same calendar year];

19 (g) [Participation in on-site field evaluations of devices
20 for National Type Evaluation Program certification and all tests
21 of] In-motion scales including but not limited to vehicle,
22 railroad and belt conveyor scales [will be charged at the rate of
23 thirty dollars per hour, plus mileage from the inspector's
24 official domicile to and from the inspection site. The time
25 shall begin when the state inspector performing the inspection
26 arrives at the site to be inspected and shall end when the final
27 report is signed by the owner/operator and the inspector
28 departs];

1 [(3) From August 28, 1994, until the next January first,
2 certification of]

3 (h) Taximeters [shall be five dollars per meter];

4 (i) Timing devices[, five dollars per device];

5 (j) Fabric-measuring devices[.,];

6 (k) Wire- and cordage-measuring devices[, five dollars per
7 device];

8 (l) Milk for quantity determination[, twenty-five dollars
9 per plant inspected]; and

10 [(4) From August 28, 1994, until the next January first,
11 certification of]

12 (m) Vehicle tank meters [shall be twenty-five dollars each
13 for the initial test and fifty dollars for each subsequent test
14 in the same calendar year];

15 (3) Devices that require participation in on-site field
16 evaluations for National Type Evaluation Program Certification
17 and all tests of in-motion scales shall be charged a fee, plus
18 mileage from the inspector's official domicile to and from the
19 inspection site. The time shall begin when the state inspector
20 performing the inspection arrives at the site to be inspected and
21 shall end when the final report is signed by the owner/operator
22 and the inspector departs;

23 [(5)] (4) Every person shall register each location of such
24 person's place of business where devices or instruments are used
25 to ascertain the moisture content of grains and seeds offered for
26 sale, processing or storage in this state with the director and
27 shall pay a registration fee [of ten dollars] for each location

1 so registered and a fee [of five dollars] for each additional
2 device or instrument at such location. Thereafter, by January
3 thirty-first of each year, each person who is required to
4 register pursuant to this subdivision shall pay an annual fee [of
5 ten dollars] for each location so registered and an additional
6 [five dollars] fee for each additional machine at each location.
7 The fee on newly purchased devices shall be paid within thirty
8 days after the date of purchase. Application for registration of
9 a place of business shall be made on forms provided by the
10 director and shall require information concerning the make, model
11 and serial number of the device and such other information as the
12 director shall deem necessary. Provided, however, this
13 subsection shall not apply to moisture-measuring devices used
14 exclusively for the purpose of obtaining information necessary to
15 manufacturing processes involving plant products. In addition to
16 fees required by this subdivision, a fee [of ten dollars] shall
17 be charged for each device subject to retest.

18 2. On the first day of January, 1995, and each year
19 thereafter, the director of agriculture shall ascertain the total
20 receipts and expenses for the testing of weighing and measuring
21 devices referred to in subdivisions (2), (3), and (4) [and (5)]
22 of subsection 1 of this section and shall fix the fees or rate
23 per hour for such weighing and measuring devices to derive
24 revenue not more than the total cost of the operation[, but such
25 fees shall not be fixed in amounts less than the amounts
26 contained in subdivisions (2), (3), (4) and (5) of subsection 1
27 of this section].

28 3. [Except as indicated in paragraphs (b), (c), and (f) of

1 subdivision (2) and subdivisions (4) and (5) of subsection 1,]
2 On the first day of October 2014, and each year thereafter, the
3 director of the department of agriculture shall submit a report
4 to the general assembly that states the current laboratory fees
5 for metrology calibration, the expenses for administering this
6 section for the previous calendar year, any proposed change to
7 the laboratory fee structure, and estimated expenses for
8 administering this section during the ensuing year. The proposed
9 change to the laboratory fee structure shall not yield revenue
10 greater than the total cost of administering this section during
11 the ensuing year.

12 4. Beginning August 28, 2013, and each year thereafter, the
13 director of the department of agriculture shall publish the
14 laboratory fee schedule on the departmental website. The website
15 shall be updated within thirty days of a change in the laboratory
16 fee schedule set forth in this section.

17 5. Retests for any device within the same calendar year
18 will be charged at the same rate as the initial test. Devices
19 being retested in the same calendar year as a result of rejection
20 and repair are exempt from the requirements of this subsection.

21 **[4.]** 6. All device inspection fees shall be paid within
22 thirty days of the issuance of the original invoice. Any fee not
23 paid within ninety days after the date of the original invoice
24 will be cause for the director to deem the device as incorrect
25 and it may be condemned and taken out of service, and may be
26 seized by the director until all fees are paid.

27 **[5.]** 7. No fee provided for by this section shall be
28 required of any person owning or operating a moisture-measuring

1 device or instrument who uses such device or instrument solely in
2 agricultural or horticultural operations on such person's own
3 land, and not in performing services, whether with or without
4 compensation, for another person.