

FIRST REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 373
97TH GENERAL ASSEMBLY

Reported from the Committee on Agriculture, Food Production and Outdoor Resources, March 28, 2013, with recommendation that the Senate Committee Substitute do pass.

1740S.04C

TERRY L. SPIELER, Secretary.

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:

Section A. Sections 323.100 and 413.225, RSMo, are repealed and two new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

323.100. 1. The director of the department of agriculture shall annually
2 inspect and test all liquid meters used for the measurement and retail sale of
3 liquefied petroleum gas and shall condemn all meters which are found to be
4 inaccurate. All meters shall meet the tolerances and specifications of the
5 National Institute of Standards and Technology Handbook 44, 1994 edition and
6 supplements thereto. It is unlawful to use a meter for retail measurement and
7 sale which has been condemned. All condemned meters shall be conspicuously
8 marked "inaccurate", and the mark shall not be removed or defaced except upon
9 authorization of the director of the department of agriculture or his authorized
10 representative. It is the duty of each person owning or in possession of a meter
11 to pay to the director of the department of agriculture at the time of each test a
12 testing fee of ten dollars[, except that the testing fee herein provided for shall not
13 be applied more than once in a calendar year to each meter tested]. **On January**
14 **1, 2014, the testing fee shall be fifty dollars. On January 1, 2015, and**
15 **annually thereafter, the director shall ascertain the total expenses for**
16 **administering this section and shall set the testing fee at a rate to**
17 **cover the expenses for the ensuing year which shall not exceed one**

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

18 **hundred twenty-five dollars.**

19 **2. On the first day of October 2014, and each year thereafter, the**
20 **director of the department of agriculture shall submit a report to the**
21 **general assembly that states the current testing fee, the expenses for**
22 **administering this section for the previous calendar year, any proposed**
23 **change to the testing fee, and estimated expenses for administering this**
24 **section during the ensuing year. The proposed change to the testing**
25 **fee shall not yield revenue greater than the total cost of administering**
26 **this section during the ensuing year.**

27 **3. Beginning August 28, 2013, and each year thereafter, the**
28 **director of the department of agriculture shall publish the testing fee**
29 **schedule on the departmental website. The website shall be updated**
30 **within thirty days of a change in the testing fee schedule set forth in**
31 **this section.**

413.225. 1. There is established a fee for registration, inspection and
2 calibration services performed by the division of weights and measures. The fees
3 are due at the time the service is rendered and shall be paid to the director by
4 the person receiving the service. The director shall collect fees according to the
5 following schedule and shall deposit them with the state treasurer into [general
6 revenue for the use of the state of Missouri] **the agriculture protection fund**
7 **as set forth in section 261.200:**

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

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

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

26 (b) Vehicle scales [shall be fifty dollars each for the initial test and
27 seventy-five dollars for each subsequent test within the same calendar year];

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

30 (d) Hopper scales [with a capacity of one thousand pounds or less shall
31 be ten dollars each; for each hopper scale with a capacity of more than one
32 thousand pounds up to and including two thousand pounds, the fee shall be
33 twenty dollars; for each hopper scale with a capacity of more than two thousand
34 pounds up to and including ten thousand pounds, the fee shall be fifty dollars;
35 and for those hopper scales with a capacity of more than ten thousand pounds,
36 the test fee shall be seventy-five dollars each];

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

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

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

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

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

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

50 (j) Fabric-measuring devices[.];

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

52 (l) Milk for quantity determination[, twenty-five dollars per plant
53 inspected]; **and**

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

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

57 **(3) Devices that require participation in on-site field evaluations**
58 **for National Type Evaluation Program Certification and all tests of in-**

59 **motion scales shall be charged a fee, plus mileage from the inspector's**
60 **official domicile to and from the inspection site. The time shall begin**
61 **when the state inspector performing the inspection arrives at the site**
62 **to be inspected and shall end when the final report is signed by the**
63 **owner/operator and the inspector departs;**

64 [(5)] (4) Every person shall register each location of such person's place
65 of business where devices or instruments are used to ascertain the moisture
66 content of grains and seeds offered for sale, processing or storage in this state
67 with the director and shall pay a registration fee [of ten dollars] for each location
68 so registered and a fee [of five dollars] for each additional device or instrument
69 at such location. Thereafter, by January thirty-first of each year, each person
70 who is required to register pursuant to this subdivision shall pay an annual fee
71 [of ten dollars] for each location so registered and an additional [five dollars] fee
72 for each additional machine at each location. The fee on newly purchased devices
73 shall be paid within thirty days after the date of purchase. Application for
74 registration of a place of business shall be made on forms provided by the director
75 and shall require information concerning the make, model and serial number of
76 the device and such other information as the director shall deem
77 necessary. Provided, however, this subsection shall not apply to
78 moisture-measuring devices used exclusively for the purpose of obtaining
79 information necessary to manufacturing processes involving plant products. In
80 addition to fees required by this subdivision, a fee [of ten dollars] shall be
81 charged for each device subject to retest.

82 2. On the first day of January, 1995, and each year thereafter, the director
83 of agriculture shall ascertain the total receipts and expenses for the testing of
84 weighing and measuring devices referred to in subdivisions (2), (3), **and (4)** [and
85 (5)] of subsection 1 of this section and shall fix the fees or rate per hour for such
86 weighing and measuring devices to derive revenue not more than the total cost
87 of the operation[, but such fees shall not be fixed in amounts less than the
88 amounts contained in subdivisions (2), (3), (4) and (5) of subsection 1 of this
89 section].

90 3. [Except as indicated in paragraphs (b), (c), and (f) of subdivision (2) and
91 subdivisions (4) and (5) of subsection 1,] **On the first day of October 2014,**
92 **and each year thereafter, the director of the department of agriculture**
93 **shall submit a report to the general assembly that states the current**
94 **laboratory fees for metrology calibration, the expenses for**

95 administering this section for the previous calendar year, any proposed
96 change to the laboratory fee structure, and estimated expenses for
97 administering this section during the ensuing year. The proposed
98 change to the laboratory fee structure shall not yield revenue greater
99 than the total cost of administering this section during the ensuing
100 year.

101 4. Beginning August 28, 2013, and each year thereafter, the
102 director of the department of agriculture shall publish the laboratory
103 fee schedule on the departmental website. The website shall be
104 updated within thirty days of a change in the laboratory fee schedule
105 set forth in this section.

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

110 [4.] 6. All device inspection fees shall be paid within thirty days of the
111 issuance of the original invoice. Any fee not paid within ninety days after the
112 date of the original invoice will be cause for the director to deem the device as
113 incorrect and it may be condemned and taken out of service, and may be seized
114 by the director until all fees are paid.

115 [5.] 7. No fee provided for by this section shall be required of any person
116 owning or operating a moisture-measuring device or instrument who uses such
117 device or instrument solely in agricultural or horticultural operations on such
118 person's own land, and not in performing services, whether with or without
119 compensation, for another person.

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