

FIRST REGULAR SESSION

SENATE BILL NO. 373

97TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR MUNZLINGER.

Read 1st time February 25, 2013, and ordered printed.

TERRY L. SPIELER, Secretary.

1740S.01I

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Section A. Sections 323.100 and 413.225, RSMo, are repealed and two new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. 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, and annually thereafter, the director shall ascertain the total**
15 **expenses for administering this section and shall set the testing fee at**
16 **a rate to cover the expenses for the ensuing year.**

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

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

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:

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

19 (2) From August 28, 1994, until the next January first, all scale test fees
20 shall be charged as follows:

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

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

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

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

35 (e) Railroad scales shall be fifty dollars each;

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

38 (g) Participation in on-site field evaluations of devices for National Type

39 Evaluation Program certification and all tests of in-motion scales including but
40 not limited to vehicle, railroad and belt conveyor scales will be charged at the
41 rate of thirty dollars per hour, plus mileage from the inspector's official domicile
42 to and from the inspection site. The time shall begin when the state inspector
43 performing the inspection arrives at the site to be inspected and shall end when
44 the final report is signed by the owner/operator and the inspector departs;

45 (3) From August 28, 1994, until the next January first, certification of
46 taximeters shall be five dollars per meter; timing devices, five dollars per device;
47 fabric-measuring devices, wire- and cordage-measuring devices, five dollars per
48 device; milk for quantity determination, twenty-five dollars per plant inspected;

49 (4) From August 28, 1994, until the next January first, certification of
50 vehicle tank meters shall be twenty-five dollars each for the initial test and fifty
51 dollars for each subsequent test in the same calendar year;

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

69 2. On the first day of January, 1995, and each year thereafter, the director
70 of agriculture shall ascertain the total receipts and expenses for the testing of
71 weighing and measuring devices referred to in subdivisions (2), (3), (4) and (5) of
72 subsection 1 of this section and shall fix the fees or rate per hour for such
73 weighing and measuring devices to derive revenue not more than the total cost
74 of the operation, but such fees shall not be fixed in amounts less than the

75 amounts contained in subdivisions (2), (3), (4) and (5) of subsection 1 of this
76 section.

77 3. Except as indicated in paragraphs (b), (c), and (f) of subdivision (2) and
78 subdivisions (4) and (5) of subsection 1, retests for any device within the same
79 calendar year will be charged at the same rate as the initial test. Devices being
80 retested in the same calendar year as a result of rejection and repair are exempt
81 from the requirements of this subsection.

82 4. All device inspection fees shall be paid within thirty days of the
83 issuance of the original invoice. Any fee not paid within ninety days after the
84 date of the original invoice will be cause for the director to deem the device as
85 incorrect and it may be condemned and taken out of service, and may be seized
86 by the director until all fees are paid.

87 5. No fee provided for by this section shall be required of any person
88 owning or operating a moisture-measuring device or instrument who uses such
89 device or instrument solely in agricultural or horticultural operations on such
90 person's own land, and not in performing services, whether with or without
91 compensation, for another person.

Bill ✓

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