

SECOND REGULAR SESSION

# SENATE BILL NO. 920

97TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR MUNZLINGER.

Read 1st time February 25, 2014, and ordered printed.

TERRY L. SPIELER, Secretary.

5905S.02I

## AN ACT

To repeal sections 413.225 and 413.226, RSMo, and to enact in lieu thereof two new sections relating to vehicle fueling devices.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

Section A. Sections 413.225 and 413.226, RSMo, are repealed and two new  
2 sections enacted in lieu thereof, to be known as sections 413.225 and 413.226, to  
3 read as follows:

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 the  
6 agriculture protection fund as set forth in section 261.200:

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

16 (2) All device test fees charged shall include, but not be limited to, the  
17 following devices:

18 (a) Small scales;

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

- 19 (b) Vehicle scales;  
20 (c) Livestock scales;  
21 (d) Hopper scales;  
22 (e) Railroad scales;  
23 (f) Monorail scales;  
24 (g) In-motion scales including but not limited to vehicle, railroad and belt  
25 conveyor scales;  
26 (h) Taximeters;  
27 (i) Timing devices;  
28 (j) Fabric-measuring devices;  
29 (k) Wire- and cordage-measuring devices;  
30 (l) Milk for quantity determination; [and]  
31 (m) Vehicle tank meters;  
32 **(n) Compressed natural gas meters;**  
33 **(o) Liquefied natural gas meters;**  
34 **(p) Electrical charging stations; and**  
35 **(q) Hydrogen fuel meters;**  
36 (3) Devices that require participation in on-site field evaluations for  
37 National Type Evaluation Program Certification and all tests of in-motion scales  
38 shall be charged a fee, plus mileage from the inspector's official domicile to and  
39 from the inspection site. The time shall begin when the state inspector  
40 performing the inspection arrives at the site to be inspected and shall end when  
41 the final report is signed by the owner/operator and the inspector departs;  
42 (4) Every person shall register each location of such person's place of  
43 business where devices or instruments are used to ascertain the moisture content  
44 of grains and seeds offered for sale, processing or storage in this state with the  
45 director and shall pay a registration fee for each location so registered and a fee  
46 for each additional device or instrument at such location. Thereafter, by January  
47 thirty-first of each year, each person who is required to register pursuant to this  
48 subdivision shall pay an annual fee for each location so registered and an  
49 additional fee for each additional machine at each location. The fee on newly  
50 purchased devices shall be paid within thirty days after the date of  
51 purchase. Application for registration of a place of business shall be made on  
52 forms provided by the director and shall require information concerning the  
53 make, model and serial number of the device and such other information as the  
54 director shall deem necessary. Provided, however, this subsection shall not apply

55 to moisture-measuring devices used exclusively for the purpose of obtaining  
56 information necessary to manufacturing processes involving plant products. In  
57 addition to fees required by this subdivision, a fee shall be charged for each  
58 device subject to retest.

59         2. On the first day of January, 1995, and each year thereafter, the director  
60 of agriculture shall ascertain the total receipts and expenses for the testing of  
61 weighing and measuring devices referred to in subdivisions (2), (3), and (4) of  
62 subsection 1 of this section and shall fix the fees or rate per hour for such  
63 weighing and measuring devices to derive revenue not more than the total cost  
64 of the operation.

65         3. On the first day of October, 2014, and each year thereafter, the director  
66 of the department of agriculture shall submit a report to the general assembly  
67 that states the current laboratory fees for metrology calibration, the expenses for  
68 administering this section for the previous calendar year, any proposed change  
69 to the laboratory fee structure, and estimated expenses for administering this  
70 section during the ensuing year. The proposed change to the laboratory fee  
71 structure shall not yield revenue greater than the total cost of administering this  
72 section during the ensuing year.

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

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

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

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

413.226. 1. The provisions of sections 413.005 to 413.229 shall not apply  
2 to:

3 (1) Any gas, water or electric meter used or intended to be used for  
4 measuring or ascertaining the quantity of gas or electric current used for light,  
5 heat or power, or the quantity of water, furnished by any person or corporation  
6 to or for the use of any person, **unless such meter is used for charging**  
7 **electric vehicles at a retail location;**

8 (2) Any measuring device used by any person, firm, or corporation selling  
9 at retail or wholesale gasoline, diesel fuel, heating oil, kerosene, or jet fuel subject  
10 to inspection in accordance with chapter 414;

11 (3) Any liquid meter used for the measurement and retail sale of liquefied  
12 petroleum gas or **any meter used for** compressed natural gas subject to  
13 inspection in accordance with chapter 323, **unless such meter dispenses gas**  
14 **for vehicle use.**

15 2. **The provisions of sections 413.005 to 413.229 shall apply to**  
16 **commercial weighing and measuring equipment used for measuring or**  
17 **ascertaining the quantity of gas, electricity, or fuel for vehicle use,**  
18 **including but not limited to:**

19 (1) **Compressed natural gas meters;**

20 (2) **Liquefied natural gas meters;**

21 (3) **Electrical charging stations; and**

22 (4) **Hydrogen fuel meters.**

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