

SECOND REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 2141
97TH GENERAL ASSEMBLY

Reported from the Committee on Transportation and Infrastructure, May 12, 2014, with recommendation that the Senate Committee Substitute do pass.

6404S.06C

TERRY L. SPIELER, Secretary.

AN ACT

To repeal sections 142.803, 142.869, 323.010, 323.025, 323.050, 413.225, and 413.226, RSMo, and to enact in lieu thereof seven new sections relating to alternative motor fuel, with an effective date and an existing penalty provision.

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

Section A. Sections 142.803, 142.869, 323.010, 323.025, 323.050, 413.225, 2 and 413.226, RSMo, are repealed and seven new sections enacted in lieu thereof, 3 to be known as sections 142.803, 142.869, 323.010, 323.025, 323.050, 413.225, and 4 413.226, to read as follows:

142.803. 1. A tax is levied and imposed on all motor fuel used or 2 consumed in this state as follows:

3 (1) Motor fuel, seventeen cents per gallon;

4 (2) Alternative fuels, not subject to the decal fees as provided in section 5 142.869, with a power potential equivalent of motor fuel. In the event alternative 6 fuel, which is not commonly sold or measured by the gallon, is used in motor 7 vehicles on the highways of this state, the director is authorized to assess and 8 collect a tax upon such alternative fuel measured by the nearest power potential 9 equivalent to that of one gallon of regular grade gasoline. The determination by 10 the director of the power potential equivalent of such alternative fuel shall be 11 prima facie correct;

12 (3) Aviation fuel used in propelling aircraft with reciprocating engines, 13 nine cents per gallon as levied and imposed by section 155.080 to be collected as 14 required under this chapter;

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

15 **(4) Compressed natural gas fuel, five cents per gasoline gallon**
16 **equivalent until December 31, 2019, eleven cents per gasoline gallon**
17 **equivalent from January 1, 2020 until December 31, 2024, and then**
18 **seventeen cents per gasoline gallon equivalent thereafter. The gasoline**
19 **gallon equivalent and method of sale for compressed natural gas shall**
20 **be as published by the National Institute of Standards and Technology**
21 **in Handbooks 44 and 130, and supplements thereto or revisions thereof.**
22 **In the absence of such standard or agreement, the gasoline gallon**
23 **equivalent and method of sale for compressed natural gas shall be**
24 **equal to five and sixty-six-hundredths pounds of compressed natural**
25 **gas. All applicable provisions contained in this chapter governing**
26 **administration, collections, and enforcement of the state motor fuel tax**
27 **shall apply to the tax imposed on compressed natural gas, including but**
28 **not limited to licensing, reporting, penalties, and interest;**

29 **(5) Liquefied natural gas fuel, five cents per diesel gallon**
30 **equivalent until December 31, 2019, eleven cents per diesel gallon**
31 **equivalent from January 1, 2020 until December 31, 2024, and then**
32 **seventeen cents per diesel gallon equivalent thereafter. The diesel**
33 **gallon equivalent and method of sale for liquefied natural gas shall be**
34 **as published by the National Institute of Standards and Technology in**
35 **Handbooks 44 and 130, and supplements thereto or revisions thereof.**
36 **In the absence of such standard or agreement, the diesel gallon**
37 **equivalent and method of sale for liquefied natural gas shall be equal**
38 **to six and six-hundredths pounds of liquefied natural gas. All**
39 **applicable provisions contained in this chapter governing**
40 **administration, collections, and enforcement of the state motor fuel tax**
41 **shall apply to the tax imposed on liquefied natural gas, including but**
42 **not limited to licensing, reporting, penalties, and interest;**

43 **(6) If a natural gas, compressed natural gas, or liquefied natural**
44 **gas connection is used for fueling motor vehicles and for another use,**
45 **such as heating, the tax imposed by this section shall apply to the**
46 **entire amount of natural gas, compressed natural gas, or liquefied**
47 **natural gas used unless an approved separate metering and accounting**
48 **system is in place.**

49 **2. All taxes, surcharges and fees are imposed upon the ultimate consumer,**
50 **but are to be precollected as described in this chapter, for the facility and**
51 **convenience of the consumer. The levy and assessment on other persons as**

52 specified in this chapter shall be as agents of this state for the precollection of the
53 tax.

142.869. 1. The tax imposed by this chapter shall not apply to passenger
2 motor vehicles, buses as defined in section 301.010, or commercial motor vehicles
3 registered in this state which are powered by alternative fuel, and for which a
4 valid decal has been acquired as provided in this section, **provided that sales**
5 **made to alternative fueled vehicles powered by compressed natural gas**
6 **or liquefied natural gas that do not meet the requirements of**
7 **subsection 3 of this section shall be taxed exclusively pursuant to**
8 **subdivisions (4) and (5) of subsection 1 of section 142.803,**
9 **respectively.** The owners or operators of such motor vehicles shall, in lieu of
10 the tax imposed by section 142.803, pay an annual alternative fuel decal fee as
11 follows: seventy-five dollars on each passenger motor vehicle, school bus as
12 defined in section 301.010, and commercial motor vehicle with a licensed gross
13 vehicle weight of eighteen thousand pounds or less; one hundred dollars on each
14 motor vehicle with a licensed gross weight in excess of eighteen thousand pounds
15 but not more than thirty-six thousand pounds used for farm or farming
16 transportation operations and registered with a license plate designated with the
17 letter "F"; one hundred fifty dollars on each motor vehicle with a licensed gross
18 vehicle weight in excess of eighteen thousand pounds but less than or equal to
19 thirty-six thousand pounds, and each passenger-carrying motor vehicle subject to
20 the registration fee provided in sections 301.059, 301.061 and 301.063; two
21 hundred fifty dollars on each motor vehicle with a licensed gross weight in excess
22 of thirty-six thousand pounds used for farm or farming transportation operations
23 and registered with a license plate designated with the letter "F"; and one
24 thousand dollars on each motor vehicle with a licensed gross vehicle weight in
25 excess of thirty-six thousand pounds. Notwithstanding provisions of this section
26 to the contrary, motor vehicles licensed as historic under section 301.131 which
27 are powered by alternative fuel shall be exempt from both the tax imposed by this
28 chapter and the alternative fuel decal requirements of this section.

29 2. Except interstate fuel users and vehicles licensed under a reciprocity
30 agreement as defined in section 142.617, the tax imposed by section 142.803 shall
31 not apply to motor vehicles registered outside this state which are powered by
32 alternative fuel **other than compressed natural gas and liquefied natural**
33 **gas**, and for which a valid temporary alternative fuel decal has been acquired as
34 provided in this section. The owners or operators of such motor vehicles shall, in

35 lieu of the tax imposed by section 142.803, pay a temporary alternative fuel decal
36 fee of eight dollars on each such vehicle. Such decals shall be valid for a period
37 of fifteen days from the date of issuance and shall be attached to the lower
38 right-hand corner of the front windshield on the motor vehicle for which it was
39 issued. Such decal and fee shall not be transferable. All proceeds from such
40 decal fees shall be deposited as specified in section 142.345. Alternative fuel
41 dealers selling such decals in accordance with rules and regulations prescribed
42 by the director shall be allowed to retain fifty cents for each decal fee timely
43 remitted to the director.

44 **3. Owners or operators of passenger motor vehicles, buses as**
45 **defined in section 301.010, or commercial motor vehicles registered in**
46 **this state which are powered by compressed natural gas or liquefied**
47 **natural gas who have installed a compressed natural gas fueling station**
48 **or liquefied natural gas fueling station used solely to fuel the motor**
49 **vehicles they own or operate as of December 31, 2015, may continue to**
50 **apply for and use the alternative fuel decal in lieu of paying the tax**
51 **imposed under subdivisions (4) and (5) of subsection 1 of section**
52 **142.803. Owners or operators of compressed natural gas fueling**
53 **stations or liquefied natural gas fueling stations whose vehicles bear**
54 **an alternative fuel decal shall be prohibited from selling or providing**
55 **compressed natural gas or liquefied natural gas to any motor vehicle**
56 **they do not own or operate. Owners or operators of motor vehicles**
57 **powered by compressed natural gas or liquefied natural gas bearing an**
58 **alternative fuel decal after January 1, 2016 that decline to renew the**
59 **alternative fuel decals for such motor vehicles shall no longer be**
60 **eligible to apply for and use alternative fuel decals under this**
61 **subsection. Any compressed natural gas or liquefied natural gas**
62 **obtained at any fueling station not owned by the owner or operator of**
63 **the motor vehicle bearing an alternative fuel decal shall be subject to**
64 **the tax under subdivisions (4) and (5) of subsection 1 of section 142.803.**

65 **4.** The director shall annually, on or before January thirty-first of each
66 year, collect or cause to be collected from owners or operators of the motor
67 vehicles specified in subsection 1 of this section the annual decal
68 fee. Applications for such decals shall be supplied by the department of revenue.
69 In the case of a motor vehicle which is not in operation by January thirty-first of
70 any year, a decal may be purchased for a fractional period of such year, and the

71 amount of the decal fee shall be reduced by one-twelfth for each complete month
72 which shall have elapsed since the beginning of such year.

73 [4.] 5. Upon the payment of the fee required by subsection 1 of this
74 section, the director shall issue a decal, which shall be valid for the current
75 calendar year and shall be attached to the lower right-hand corner of the front
76 windshield on the motor vehicle for which it was issued.

77 [5.] 6. The decal fee paid pursuant to subsection 1 of this section for each
78 motor vehicle shall be transferable upon a change of ownership of the motor
79 vehicle and, if the LP gas or natural gas equipment is removed from a motor
80 vehicle upon a change of ownership and is reinstalled in another motor vehicle,
81 upon such reinstallation. Such transfers shall be accomplished in accordance
82 with rules and regulations promulgated by the director.

83 [6.] 7. It shall be unlawful for any person to operate a motor vehicle
84 required to have an alternative fuel decal upon the highways of this state without
85 a valid decal.

86 [7.] 8. No person shall cause to be put, or put, LP gas [or natural gas]
87 into the fuel supply receptacle of a motor vehicle required to have an alternative
88 fuel decal unless the motor vehicle has a valid decal attached to it. Sales of fuel
89 placed in the supply receptacle of a motor vehicle displaying such decal shall be
90 recorded upon an invoice, which invoice shall include the decal number, the motor
91 vehicle license number and the number of gallons placed in such supply
92 receptacle.

93 [8.] 9. Any person violating any provision of this section is guilty of an
94 infraction and shall, upon conviction thereof, be fined five hundred dollars.

95 [9.] 10. Motor vehicles displaying a valid alternative fuel decal are
96 exempt from the licensing and reporting requirements of this chapter.

323.010. For the purposes of this chapter, the following words and phrases
2 shall mean:

3 (1) "Affiliated industry", any person or firm engaged in the manufacturing,
4 assembling, and marketing of appliances, containers, and products used in the
5 propane industry, the interstate or intrastate transportation or storage of
6 propane, the installation or design of propane piping systems, or other such
7 affiliation with the commercial, residential, or agricultural use of propane by
8 consumers in Missouri;

9 (2) "Autogas", propane used solely as the primary motor fuel for
10 internal combustion engines for vehicles in highway use;

- 11 **(3)** "Commission", the Missouri propane [gas] **safety** commission;
- 12 **[(3)] (4)** "Compressed natural gas" (CNG), a mixture of hydrocarbon
13 gases and vapors, consisting principally of methane in gaseous form that has been
14 compressed for use as a vehicular fuel;
- 15 **[(4)** "Director", the executive director of the commission;]
- 16 **(5)** "Dispensing station", a system of compressors, safety devices,
17 cylinders, piping, fittings, valves, regulators, gauges, relief devices, vents,
18 installation fixtures and other compressed natural gas equipment intended for
19 use in conjunction with motor vehicle fueling by compressed natural gas but does
20 not include a natural gas pipeline located upstream of the inlet of the compressor;
- 21 **(6)** "Liquefied petroleum gas", any material which is composed
22 predominantly of any of the following hydrocarbons, or mixtures of the same:
23 propane, propylene, butanes (normal butane or isobutane), and butylenes;
- 24 **(7)** "Motor vehicle", all vehicles except those operated on rails which are
25 propelled by internal combustion engines and are used or designed for use in the
26 transportation of a person or persons or property;
- 27 **(8)** "Person", any individual, group of individuals, partnership,
28 association, cooperative, corporation, or any other entity;
- 29 **(9)** "Producer", the owner of the propane at the time it is recovered at a
30 manufacturing facility, irrespective of the state where production occurs;
- 31 **(10)** "Propane", propane, butane, mixtures of propane and butane, and
32 liquefied petroleum gas, as defined by the National Fire Protection Association
33 Standard 58 for the storage and handling of liquefied petroleum gases;
- 34 **(11)** "Public member", a member of the commission who is a resident of
35 Missouri, is a user of odorized propane, and is not related by the third degree of
36 consanguinity to any retailer or wholesale distributor of propane;
- 37 **(12)** "Retail marketer", a business engaged primarily in selling propane
38 gas, its appliances, and equipment to the ultimate consumer or to retail propane
39 dispensers;
- 40 **(13)** "Wholesaler" or "reseller", a seller of propane who is not a producer
41 and who does not sell propane to the ultimate consumer.

323.025. 1. There is hereby created within the department of agriculture
2 the "Missouri Propane [Gas] **Safety** Commission", which shall constitute a body
3 corporate and politic, an independent instrumentality exercising essential public
4 functions. The commission shall ensure the administration and enforcement of
5 this chapter and all rules and regulations and orders promulgated

6 thereunder. The powers of the commission shall be vested in nine commissioners,
7 who shall be residents of this state, to be appointed by the governor, by and with
8 the advice and consent of the senate. The commission shall consist of one
9 member representing multistate retail marketers of propane, one member
10 representing wholesalers or resellers of propane, one member from a county of the
11 third classification representing retail marketers of propane, one member who is
12 affiliated with the Mechanical Contractors Association in Missouri, one member
13 affiliated with the Plumbing Industry Council, one member representing an
14 affiliated industry, one member representing the department of agriculture, [one
15 member representing the department of natural resources] **the Missouri state**
16 **fire marshal or his or her designee**, and one public member. The
17 commissioners annually shall elect from among their number a [chairman]
18 **chairperson** and a vice [chairman] **chairperson**, and such other officers as
19 they may deem necessary.

20 2. The commissioners shall serve five-year terms, with each term
21 beginning July first and ending on June thirtieth. However, of the commissioners
22 first appointed, two shall be appointed for a term of two years, two shall be
23 appointed for a term of three years, two shall be appointed for a term of four
24 years, and three shall be appointed for a term of five years. Each commissioner
25 appointed thereafter shall be appointed for a term ending five years from the date
26 of expiration of the term for which his **or her** predecessor was appointed. A
27 person appointed to fill a vacancy prior to the expiration of such a term shall be
28 appointed for the remainder of the term. No commissioner appointed by the
29 governor under this section shall serve more than one full term. For those
30 commissioners first appointed, if such commissioner serves a term less than five
31 years, each shall be eligible to serve one full five-year term. Each commissioner
32 shall hold office for the term of such appointment and until such successor has
33 been appointed and qualified.

34 3. Other than the public member, commission members shall be full-time
35 employees or owners of businesses in the industry or the agency they represent.

36 4. Notwithstanding the provisions of any other law to the contrary:

37 (1) No officer or employee of this state shall be deemed to have forfeited
38 or shall forfeit such office or employment by reason of his acceptance of
39 membership on the commission or such service to the commission;

40 (2) It shall not constitute a conflict of interest for [a director, officer, or]
41 **an** employee of any company selling propane at retail or wholesale, or engaged

42 in the manufacture, sale, installation, or distribution of propane-use equipment,
43 the contracting of propane piping systems, or in the transportation, storage, or
44 marketing of propane, or any other firm, person, or corporation, to serve as a
45 member of the commission, provided such trustee, director, officer, or employee
46 shall abstain from deliberation, action, and vote by the commission in each
47 instance where the business affiliation or public office association of any such
48 trustee, director, officer, or employee is involved.

49 5. Commissioners shall receive no compensation for the performance of
50 their duties under this section, but each commissioner shall be reimbursed from
51 the funds of the commission for his or her actual and necessary expenses incurred
52 in carrying out his or her official duties.

53 6. Meetings shall be held at the call of the [chairman] **chairperson** or
54 whenever two commissioners so request. Five commissioners of the commission
55 shall constitute a quorum, and any action taken by the commission under the
56 provisions of this chapter may be authorized by resolution approved by a
57 majority, but not less than four of the commissioners present at any regular or
58 special meeting. No vacancy in the membership of the commission shall impair
59 the right of a quorum to exercise all the rights and perform all the duties of the
60 commission.

61 7. The commissioners shall employ an executive director. The executive
62 director also shall serve as the secretary for the commission and shall administer,
63 manage, and direct the affairs and business of the commission, subject to the
64 policies, control, and direction of the commissioners. The commission may employ
65 technical experts and such other officers, agents, and employees as deemed
66 necessary, and may fix their qualifications, duties, and compensation.

67 8. The secretary shall keep a record of the proceedings of the commission
68 and shall be custodian of all books, documents, and papers filed with the
69 commission and of its minute book and seal. The secretary shall have the
70 authority to cause to be made copies of all minutes and other records and
71 documents of the commission and to give certificates, under the seal of the
72 commission, to the effect that such copies are true copies, and all persons dealing
73 with the commission may rely upon such certificates. Resolutions of the persons
74 dealing with the commission need not be published or posted unless the
75 commission shall so direct.

76 9. Before entering into his or her duties, each commissioner of the
77 commission shall execute a surety bond for fifty thousand dollars, and the

78 **executive** director shall execute a surety bond for one hundred thousand dollars
79 or, in lieu thereof, the [chairman] **chairperson** of the commission shall execute
80 a blanket bond covering all members, the **executive** director, and the employees
81 or other officers of the commission. Each surety bond shall be conditioned on the
82 faithful performance of the duties of the office or offices covered, shall be executed
83 by a surety company authorized to transact business in this state as surety, shall
84 be approved by the attorney general, and shall be filed in the office of the
85 secretary of state. The cost of each such bond shall be paid by the commission.

86 10. At the beginning of each fiscal year, the commission shall prepare and
87 submit for public comment a budget plan, including the probable costs of all
88 programs, projects, and contracts and a recommended rate of assessment as may
89 be necessary to cover such costs. Publication of the proposed budget in the
90 Missouri Register for at least thirty days shall constitute appropriate public
91 notice. The commission shall approve or modify the budget following the public
92 comment period.

93 11. The commission shall, following the close of each fiscal year, submit
94 an annual report of its activities for the preceding year to the department of
95 agriculture, the governor, and the general assembly. Each report shall set forth
96 a complete operating and financial statement for the commission during the fiscal
97 year it covers. At least once in each year, an independent certified public
98 accountant shall audit the books and accounts of the commission.

99 12. The commission shall have the power necessary to:

100 (1) Sue and be sued in its own name;

101 (2) Have an official seal and alter the same at pleasure;

102 (3) Have perpetual succession;

103 (4) Maintain an office at such place or places within this state as the
104 commission may designate;

105 (5) Conduct hearings and mediate disputes arising from the enforcement
106 of this chapter;

107 (6) Disperse funds for its lawful activities and fix salaries and wages of
108 its employees; and

109 (7) Exercise all powers necessary or convenient to accomplish its purposes.

110 13. The commission shall have the following duties:

111 (1) Develop comprehensive plans and programs for the prevention, control
112 and abatement of propane-related accidents in Missouri;

113 (2) Mandate a comprehensive certification training program based on the

114 department of agriculture's existing liquified petroleum gas certification and
115 training program;

116 (3) Promulgate by rule by August 28, 2010, a statewide code for the
117 installation of propane-related equipment;

118 (4) Advise, consult, and cooperate with other agencies of the state, the
119 federal government, other states, and interstate agencies, as well as with affected
120 groups, political subdivisions, and industries in furtherance of the purposes of
121 this chapter;

122 (5) Accept gifts, contributions, donations, loans and grants from the
123 federal government and from other sources, public or private, for carrying out any
124 of its functions. Such funds shall not be expended for other than the purposes for
125 which provided;

126 (6) Exercise general supervision of the administration and enforcement
127 of this chapter and all rules, regulations, and orders promulgated hereunder;

128 (7) Suspend any registration filed under this chapter granted to persons
129 or companies doing business under the requirements of this chapter, if such
130 registrant is in violation of any provision of this chapter;

131 (8) Represent the state of Missouri in all matters pertaining to this
132 chapter, including negotiation of interstate compact agreements;

133 (9) To do any act necessary or convenient to the exercise of the powers
134 granted by or reasonably implied from the provisions of this chapter.

135 14. The director may make such investigations as the director deems
136 necessary to carry out effectively the director's responsibilities under this chapter
137 or to determine whether a person has engaged or is engaging in acts or practices
138 that constitute a violation of any provision of this chapter or of any regulation or
139 plan issued under this chapter. For the purpose of any investigation, the
140 **[director] administrator** is empowered to administer oaths and affirmations,
141 subpoena witnesses, compel their attendance, take evidence, and require the
142 production of books, papers, and documents which are relevant to the
143 inquiry. Such attendance of witnesses and the production of any such records
144 may be required from any place in this state. In case of contumacy by or refusal
145 to obey a subpoena issued to any person, the director may seek enforcement
146 thereof in the circuit court of proper venue.

147 15. The Missouri propane **[gas] safety** commission is hereby authorized
148 to regulate the inspection of and provide specifications for propane as provided
149 in this section.

150 16. A commissioner shall be removed from office by the governor for
151 misfeasance, malfeasance, or willful neglect of duty or other cause after notice
152 and public hearing, unless such notice or hearing shall be expressly waived in
153 writing.

154 17. The director or any designated employee shall have free access, during
155 reasonable hours, to any premises in the state where an installation covered by
156 this chapter is being constructed, or is being installed, for the purpose of
157 ascertaining whether said installation is being constructed and installed in
158 accordance with the applicable provisions.

 323.050. No city, town, village, fire district, **county**, or other political
2 subdivision shall adopt or enforce any ordinance or regulation in conflict with the
3 provisions of this chapter, or with the regulations promulgated under section
4 323.020. Nothing in this section shall prohibit any political subdivision from
5 establishing a licensing requirement for persons relating to the installation,
6 repair, replacement, or maintenance of [liquified] **liquefied** petroleum gas and
7 all other fuel gas piping systems.

 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;
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 fuel**
14 **for vehicle use.**

15 **2. The provisions of sections 413.005 to 413.229 shall apply to the**
16 **following commercial weighing and measuring equipment used for**
17 **measuring and ascertaining the quantity of gas, electricity, or fuel for**
18 **vehicle use:**

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

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

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

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

Section B. Section A of this act shall become effective January 1, 2016.

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