



# RULE-MAKING ORDER

(RCW 34.05.360)

CR-103 (7/22/01)

Agency: Agriculture *22 36*

- Permanent Rule
- Emergency Rule
- Expedited Rule Making

(1) Date of adoption: July 18, 2002

(2) Purpose: This rule will be given a new title and amended to clarify weighmaster licensing and operating requirements. The changes will update exemptions for certain weighing or measuring devices or instruments. A change will be made to require the registration of weighing and measuring devices when the device is first placed into commercial use. Three sections regarding fees for inspections, tests, grain elevator scale tests and railroad track scales will be repealed. These repealed sections will be modified and moved to Chapter 16-675 WAC. In this process, the fees will be increased within the fiscal growth factor for FY 03. The text will be amended to clear and readable format and updated to conform to current standards.

(3) Citation of existing rules affected by this order:

- Repealed: WAC 16-674-065, WAC 16-674-080, WAC 16-674-090
- Amended: WAC 16-674-010, WAC 16-674-030, WAC 16-674-040, WAC 16-674-095
- Suspended:

(4) Statutory authority for adoption: RCW 19.94.010, RCW 19.94.190 and RCW 15.18.410

Other Authority:

PERMANENT RULE ONLY (Including Expedited Rule Making)

Adopted under notice filed as WSR 02-12-128 on June 5, 2002.

Describe any changes other than editing from proposed to adopted version: none

EMERGENCY RULE ONLY

Under RCW 34.05.350 the agency for good cause finds:

- (a) That immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.
- (b) That state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this finding:

(5.3) Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?:

- Yes  No If Yes, explain: Fee increases are within the fiscal growth factor for FY03.

(6) Effective date of rule:

Permanent Rules

- 31 days after filing
- Other (specify) \_\_\_\_\_\*

Emergency Rules

- Immediately
- Later (specify) \_\_\_\_\_

\*If less than 31 days after filing, specific finding in 5.3 under RCW 34.05.380(3) is required

Name (Type or Print)  
Valoria Loveland

Signature  
*Valoria Loveland*

Title  
Director

Date  
July 18, 2002  
July 22, 2002

CODE REVISER USE ONLY

DATE RECORDED: \_\_\_\_\_

FILED: \_\_\_\_\_

JUL 22 2002

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WSR 02-15-14/31 PM

*62*

(COMPLETE REVERSE SIDE)

**Note: If any category is left blank, it will be calculated as zero.  
No descriptive text.**

Count by whole WAC sections only, from the WAC number through the history note.  
A section may be counted in more than one category.

**The number of sections adopted in order to comply with:**

<b>Federal statute:</b>	New	Amended	Repealed
<b>Federal rules or standards:</b>	New	Amended	Repealed
<b>Recently enacted state statutes:</b>	New	Amended	Repealed

**The number of sections adopted at the request of a nongovernmental entity:**

New	Amended	Repealed
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**The number of sections adopted in the agency's own initiative:**

New	<u>1</u>	Amended	<u>4</u>	Repealed	<u>3</u>
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**The number of sections adopted in order to clarify, streamline, or reform agency procedures:**

New	<u>1</u>	Amended	<u>4</u>	Repealed	<u>3</u>
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**The number of sections adopted using:**

<b>Negotiated rule making:</b>	New	Amended	Repealed			
<b>Pilot rule making:</b>	New	Amended	Repealed			
<b>Other alternative rule making:</b>	New	<u>1</u>	Amended	<u>4</u>	Repealed	<u>3</u>

Chapter 16-674 WAC

WEIGHTS AND MEASURES-- ((SEALING, MARKING, RETESTING DEVICES))  
EXEMPTIONS, WEIGHMASTERS AND DEVICE REGISTRATION

AMENDATORY SECTION (Amending WSR 96-01-040, filed 12/13/95, effective 1/13/96)

**WAC 16-674-010 Exemptions and definitions.** (1) The weighing or measuring instruments or devices listed below (~~shall be specifically~~) are exempted from the sealing or marking inspection and testing requirements of (~~section 2, chapter 355, Laws of 1995~~) RCW 19.94.163, because they are of such character or size that such sealing or marking (~~inspection and testing~~) would be inappropriate, impractical, or damaging to the apparatus in question:

- (a) Measure containers
- (b) Milk bottles
- (c) Lubricating oil bottles
- (d) Berry baskets and boxes.

(2) (~~The classes of weighing or measuring instruments or devices listed below shall be specifically exempted from section 6, of chapter 237, Laws of 1992 because they are of such character that periodic testing is unnecessary to ensure continued accuracy:~~

- (a) ~~Vehicle tanks used as measures\*~~
- (b) ~~Farm milk tanks\*~~
- (c) ~~Liquid measures\*~~
- (d) ~~Glass graduates~~
- (e) ~~Measures containers~~
- (f) ~~Milk bottles~~
- (g) ~~Lubricating oil bottles~~
- (h) ~~Linear measures\*~~
- (i) ~~Dry measures\*~~
- (j) ~~Berry baskets and boxes.~~

\*Whenever an item of this class is damaged, repaired or modified in any way that affects the accuracy of measurement, it shall not thereafter be used for measurement until it has been officially inspected and reapproved.

~~(3))~~ Unless the context clearly requires otherwise, the definitions provided for in chapter 19.94 RCW and in this section shall apply to this chapter.

(a) "Commercial weighing or measuring device" shall be construed to include any weighing or measuring device commercially used or employed in establishing the size, quantity, extent, area, or measurement of quantities, things, produce, or articles for distribution or consumption, purchased, offered, or submitted for sale, hire, or award, or in computing any basic charge or payment for services rendered on the basis of weight or measure. It shall also include any accessory attached to or used in connection with a commercial weighing or measuring device when such accessory is so designed or installed that its operation affects the accuracy of the device.

(b) "Owner" shall be construed to mean the individual or business actually using a weighing or measuring device for commercial purposes, regardless of who is the legal owner or lien holder of such device.

AMENDATORY SECTION (Amending Order 2091, filed 7/25/91, effective 8/25/91)

**WAC 16-674-030 Weighmaster license issuance, expiration and fees.** (1) Weighmaster licenses issued under RCW 15.80.460 shall expire on June 30th following the date of issuance.

(2) Upon expiration, suspension or revocation of the license, the weighmaster must surrender their impression seal to the director or his representative within ten days if they do not renew their license, if their license is suspended or if their license is revoked. The seal may be surrendered by sending the seal to the department or by surrendering the seal to the director or his duly appointed representative.

(3) Businesses or individuals applying to renew their license or applying for their initial license with the department must have a current bond in the amount of one thousand dollars and that bond must remain in force and effect for not less than the entire licensing period.

(4) Weighing and measuring devices used by weighmasters are considered to be in commercial use and must be registered. Registrations are accomplished through the department of licensing as part of the master license service under chapter 19.02 RCW.

(5) Proof of a scale test within the last twelve months must be submitted with the application.

(6) Applications must be submitted with proper fees.

(7) Fees for weighmasters are as follows:

Item	Fee
Annual application	\$ 20.00
Each weigher	\$ 5.00
Each seal rental	\$ 5.00
Replacement seal	\$ 25.00
Late renewal penalty	50% of total renewal fee

(8) Applications received without subsections (3), (4), (5) and (6) of this section will be considered incomplete applications and will be returned to the applicant.

AMENDATORY SECTION (Amending Order 2091, filed 7/25/91, effective 8/25/91)

**WAC 16-674-040 Weighmaster license--Late renewal penalty.**

(1) Renewal applications for weighmaster licenses issued under chapter 15.80 RCW not filed by July 1st of any one year are subject to a penalty of fifty percent of the renewal fee as provided by RCW 15.80.470.

(2) Nothing herein shall be construed to limit the department's ability, as otherwise provided by law, to deny a license, to condition license renewal, or to enforce violations of applicable laws, subsequent to the expiration of a license.

NEW SECTION

**WAC 16-674-055 Weighing and measuring devices.** (1) Weighing and measuring devices used by weighmasters must meet all legal requirements for commercial weighing and measuring devices.

(2) Effective September 1, 2002, weighmaster scales must be tested not less than every twelve months and must conform to the tolerances and specifications in the edition of NIST Handbook 44, "*Specifications, Tolerances, and Other Technical Requirements for Weighing and Measuring Devices*," adopted by the department in chapter 16-662 WAC. Inspections must be performed by either service agents registered with the department or by the department. The department is under no obligation to provide this inspection service.

(3) A legible copy of the current scale inspection and current master business license must be maintained at the same site as the scale and must be immediately made available to the director or his representative upon request.



**WAC 16-674-095 Device registration.** (1) All weighing or measuring devices used for commercial purposes in the state shall be registered annually. Devices in commercial use within a city having a city sealer and a weights and measures program that has adopted registration fees shall be registered with the city. Devices used commercially outside of such city shall register with the department. If the commercial use of the device is within such city that has not adopted fees, the device shall be registered with the department.

(2) The device registration fees established in RCW 19.94.175 shall apply unless a city jurisdiction has adopted separate registration fees for devices used within its jurisdiction. Cities may establish separate annual registration fees for devices within city jurisdictions; however, they may not exceed the fees in RCW 19.94.175 for registering the use of a similar instrument or device. Payment of the device registration fee constitutes registration. Cities shall notify the department of agriculture regarding the adoption of fee levels and any changes in fees.

(3) All device registrations with the department shall be accomplished as part of the department of licensing, master license system under chapter 19.02 RCW. Devices shall be initially registered at the time the owner applies for a master license for a new business or (~~at the first renewal of the license that occurs after~~) when the device is first placed into commercial use. Device registrations with a city may be accomplished through the master licensing system with a letter of request for implementation assistance from the city to the department of agriculture.

(4) The department of licensing shall remit to the department of agriculture all registration fees collected less reasonable collection expenses. The department of agriculture shall forward to the city that portion of fees attributable to city registrations.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 16-674-065	Special inspection and testing fees.
WAC 16-674-080	Fees for federal grain elevator scales.
WAC 16-674-090	Fees for railroad track scales.