



RULE-MAKING ORDER
(RCW 34.05.360)

CR-103 (10/1/89)

Agency: Department of Agriculture

- Permanent Rule
 Emergency Rule

(1) Date of adoption: 11-18-92

(2) Purpose: Establish fees and payment requirements for the inspection and testing of weighing or measuring instruments or devices. Establish reporting requirements for City sealers. Establish requirements for railroad scale testing.

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

Repealed: WAC 16-674-002 WAC 16-674-020
Amended: WAC 16-674-010
Suspended: None

(4) Authority for adoption:

Statute: Laws of 1992, Chapter 237, Sections 7 and 12
Other Authority: None

(5.1) **PERMANENT RULE ONLY**

Pursuant to notice filed as WSR _____ on _____ (date).

Describe any changes other than editing from proposed to adopted version:

(5.2) **EMERGENCY RULE ONLY**

Pursuant to 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: The Weights and Measures Program serves both business and consumers by identifying inaccurate weighing, measuring and counting devices and taking them out of service until they are repaired or replaced. Department management has been attempting to work with various interest groups on the correct level of fees. This emergency rule lengthens the timetable to complete the work necessary. The Weights and Measures Program is dependent upon the revenue from inspection fees to fund the majority of its program.

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

Yes No If yes, explain:

(6) Effective date of rule:

Permanent Rules

Emergency Rules

- 31 days after filing Immediately
 Other (specify) _____ * Later (specify) _____

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

CODE REVISER USE ONLY

CODE REVISER'S OFFICE
STATE OF WASHINGTON
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NOV 18 1992

11:48
92-23-070

NAME (TYPE OR PRINT)

C. Alan Pettibone

SIGNATURE

TITLE

Director

DATE

11-18-92

AMENDATORY SECTION (Amending Order 1145, filed 2/27/70, effective 4/1/70)

WAC 16-674-010 Exemptions (~~((FROM SEALING OR MARKING AND/OR ANNUAL RETESTING OF WEIGHTS AND MEASURES DEVICES))~~) and definitions. (1) The ((weights and measures)) weighing or measuring instruments or devices listed below shall be specifically exempted from the sealing or marking inspection and testing requirements of ((section 25, chapter 67, laws of 1969)) RCW 19.94.250 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 ((weights and measures)) weighing or measuring instruments or devices listed below shall be specifically exempted from ((the annual retesting requirement of sections 20 and 21, chapter 67, Laws of 1969 and shall be retested only as required by the director)) 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 shall apply to this chapter.

NEW SECTION

WAC 16-674-060 Inspection and testing fees. The following fees shall be charged for the inspection and testing of weighing or measuring instruments or devices included in this fee schedule:

- (1) Weighing devices:
 - (a) Small scales "zero to four hundred pounds capacity".....\$ 12.00
 - (b) Intermediate scales "four hundred and one pounds to five thousand pounds capacity".....\$ 50.00

(c) Large scales "over five thousand pounds capacity".....	\$ 105.00
(d) Large scales with supplemental devices.....	\$ 125.00
(e) Railroad track scales.....	\$ 800.00
(2) Liquid fuel metering devices:	
(a) Motor fuel meters with flows of less than twenty gallons per minute.....	\$ 12.00
(b) Motor fuel meters with flows of more than twenty but not more than one hundred and fifty gallons per minute.....	\$ 40.00
(c) Motor fuel meters with flows over one hundred and fifty gallons per minute.....	\$ 50.00
(3) Liquid petroleum gas meters:	
(a) With one inch diameter or smaller dispensers that are not compensated for temperature variations.....	\$ 50.00
(b) With one inch diameter or smaller dispensers that are compensated for temperature variations.....	\$ 50.00
(c) With greater than one inch diameter dispensers that are not compensated for temperature variations.....	\$ 75.00
(d) With greater than one inch diameter dispensers that are compensated for temperature variations.....	\$ 75.00
(4) Fabric meters.....	\$ 12.00
(5) Cordage meters.....	\$ 12.00
(6) Mass flow meters.....	\$ 35.00
(7) Taxi meters.....	\$ 12.00

The fees in this schedule shall only be paid once every two years, except for railroad track scales for which the fee will be paid annually if an annual inspection is performed. The fees to be charged for the inspection of any device used in an agency or institution to which moneys are appropriated by the legislature or of the federal government shall be the same fees as those that are listed above for commercial devices.

NEW SECTION

WAC 16-674-070 Late fees. Payment of inspection fees is due and payable thirty days after billing. A late penalty of one and one half percent per month will be assessed on the unpaid balance of any unpaid billing more than thirty days in arrears after billing.

NEW SECTION

WAC 16-674-080 Fees for federal grain elevator scales. Scales in use in grain elevators which are licensed by the Federal Grain Inspection Service shall be subject to random and necessary inspections. The fees for such inspections shall be thirty-one dollars fifty cents per hour, as adopted under WAC 16.212.060 (15) (d), and shall be payable to the commodity inspection division of the state department of agriculture, which has entered into a cooperative agreement with the Weights and Measures Program.

NEW SECTION

WAC 16-674-090 Fees for railroad track scales. All railroad track scale owners in this state shall provide suitable facilities for testing track scales. Track scale owners shall provide a suitable car or other device or facility to be used in testing track scales. The cost of providing the car, device, or facility shall be equitably and reasonably apportioned by the department among all track scale owners. The car, device, or facility shall be used by the department to test the accuracy of all track scales and the railroad companies shall, without charge, move the car, device, or facility to locations designated by the department.

NEW SECTION

WAC 16-674-100 City sealers report forms prescribed. City sealers are required, as provided in RCW 19.94.280(3), to adopt the fee schedule for weighing or measuring instruments or devices established by the director pursuant to section 6 of Chapter 237, Laws of 1992. On the thirtieth day of each month, city sealers shall remit ten percent of the total fees collected by the city during the preceding month. The fees that the cities must charge are set forth in WAC 16-674-020. These fees shall only be charged once every two years for each device inspected and approved. The following form shall be completed and returned with the city's payment.

City _____ Month _____ Year _____

WEIGHING AND MEASURING DEVICES INSPECTED AND APPROVED

	<u>No.</u>	<u>Fees Collected</u>	<u>10% to State</u>
Small scales zero to 400 lbs. capacity	_____	_____	_____
Intermediate scales 401 to 5,000 lbs.	_____	_____	_____
Large scales over 5,000 lbs. capacity	_____	_____	_____
Large scales with supplemental devices	_____	_____	_____
Railroad track scales	_____	_____	_____
Motor fuel meters w/flow < 20 gal./min.	_____	_____	_____
Motor fuel meters w/flow > 20 gal./min. and < 100 gal./min.	_____	_____	_____
Motor fuel meters w/flow >100 gal./min.	_____	_____	_____
LPG meters w/ 1 inch or smaller disp. not compensated for temperature var.	_____	_____	_____

LPG meters w/ 1 inch or smaller disp.
that are compensated for temp. var.

LPG meters w/ > 1 inch disp. not
compensated for temperature var.

LPG meters w/ > 1 inch dis. that are
compensated for temperature var.

Fabric meters

Cordage meters

Mass flow meters

Taxi meters

TOTAL TO BE PAID TO STATE

Please make your check payable to the State Department of Agriculture and mail it to P. O. Box 42560, Olympia, WA, 98504-2560. Thank you.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 16-674-002 Promulgation.

WAC 16-674-020 Disposition of condemned and confiscated weights and measures.