

FINAL BILL REPORT

2SHB 1524

C 355 L 95

Synopsis as Enacted

Brief Description: Changing weights and measures regulations.

Sponsors: House Committee on Appropriations (originally sponsored by Representatives Chandler, Mastin and McMorris).

House Committee on Agriculture & Ecology

House Committee on Appropriations

Senate Committee on Agriculture & Agricultural Trade & Development

Senate Committee on Ways & Means

Background: In general, all weighing or measuring instruments or devices used for commercial purposes in this state must be inspected and tested for accuracy by the Department of Agriculture or by a city sealer. They must be inspected and tested at least once every two years. Instruments and devices that conform to the applicable standards and requirements are considered to be "correct." Those that do not are considered to be "incorrect."

An instrument or device found to be incorrect may not be used again commercially until it has been officially re-examined and found to be correct. It may be repaired or adjusted by a private service agent. A private service agent, however, lacks authority to provide the official inspection necessary to return a previously rejected instrument or device to commercial use.

An inspection fee may be charged only for an instrument or device approved as correct. Before an inspection fee or amended fee is set, the director must consult a Weights and Measures Fee Task Force.

The weights and measures statutes are nonexclusive and do not affect any other remedy available at law.

Summary:

Annual Registration Fee Rather Than Inspection Fee. A weighing or measuring instrument or device used for commercial purposes outside of a city with a weights and measures program must be registered annually with the Department of Agriculture. If its use is in a city with a weights and measures program, the

instrument or device must be registered with the city if the city establishes a registration fee.

The fee for registering most small instruments or devices with the state is \$5. The registration fees for other devices, except railroad track scales, range from \$10 to \$52. The registration fee for railroad track scales is \$800. A city with a city sealer may charge a registration fee that is no greater than the comparable fee for registering the use of the instrument or device with the state. Registration with the state is accomplished and registration fees are paid through the Department of Licensing's master license system.

In general, the authority of the department or a city sealer to charge inspection fees is repealed. The department and city sealers are authorized to charge fees for conducting inspections that are specifically requested by the owner of an instrument of device, on a fee-for-service basis.

Biennial Inspections No Longer Required. State law no longer requires instruments and devices in the private sector to be inspected and tested biennially. Instead, the department and city sealers test and inspect instruments and devices to ensure that the weights and measures laws are enforced.

Rejection of Instruments. An instrument or device is not to be rejected (i.e., officially required to be removed from commercial service) if it is incorrect to the economic benefit of the customer. A rejected instrument or device may be returned to commercial service following an inspection by a registered service agent, not just the department or a city sealer as under current law.

Registration of Service Agents. To have the authority to return a rejected instrument or device to commercial use, a private service agent must be registered annually with the department. Information required to be submitted for a registration certificate is specified; the director may require additional information. The registration fee is \$80. The circumstances under which the department may refuse to issue a certificate or suspend or revoke a certificate are specified.

Price Verification Devices. An examination procedure for price verification is established for devices such as scanners. Certain recommendations made at the national level for examining these devices are adopted by reference. If these are modified when procedures are adopted by the National Institute of Standards and Technology or if they are subsequently modified by the institute, the department may adopt the revisions. Scanner screens installed in retail establishments after January 1, 1996, must be visible to customers in the check-out line.

Penalties. An owner's failure to register an instrument or device that must be registered subjects the owner to a civil penalty of \$50 for each such unregistered

device. A schedule of civil penalties is established for instruments and devices found to be incorrect to the detriment of the customer. Civil penalties collected under the weights and measures law are deposited in the general fund. It is a violation of these laws knowingly to place back into commercial service a rejected weighing or measuring instrument or device that is incorrect.

Other. The department is directed to establish fees to recover at least 75 percent of the costs of services performed by its metrology lab. Monies collected under the weighmaster laws are deposited in the Weights and Measures Account. This account is placed within the Agricultural Local Fund and is not subject to appropriation. The account may be used for enforcing and implementing the weights and measures law, not just for inspections and testing. Biennial reports are required regarding revenues generated under these laws. A task force is to be established to examine the issue of civil and criminal penalties for weights and measures violations and the disclosure of these penalties to the media. The task force is to submit recommendations to the law and justice committees of the Legislature by November 30, 1995. This bill is prospective in nature only.

Votes on Final Passage:

House	77	20	
Senate	48	0	
House			(House refused to concur)
Senate			(Senate receded)
Senate	46	0	(Senate amended)
House	94	0	(House concurred)

Effective: July 23, 1995

July 1, 1995 (Sections 2-6 and 8-25)

January 1, 1996 (Sections 1 and 7)