



RULE-MAKING ORDER

R-103 (June 2004) (Implements RCW 34.05.360)

Agency: Washington State Department of Agriculture (WSDA)

- Permanent Rule**
 Emergency Rule

Effective date of rule:

Permanent Rules

- 31 days after filing.
 Other (specify) _____ (If less than 31 days after filing, a specific finding under RCW 34.05.380(3) is required and should be stated below)

Effective date of rule:

Emergency Rules

- Immediately upon filing.
 Later (specify) _____

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

- Yes No If Yes, explain:

Purpose: This rulemaking order amends chapter 16-675 WAC by: (1) increasing the fees charged by the metrology laboratory for inspection, tolerance testing and calibration of weighing and measuring standards above the OFM fiscal growth factor; (2) increasing the fees charged for the inspection and testing of weighing or measuring devices when requested by the device owner within the OFM fiscal growth factor for fiscal year 2005 (3.03%); and (3) rewriting the language using a format that makes the rule easier to use and understand.

Citation of existing rules affected by this order:

Repealed: WAC 16-675-010, 16-675-020, 16-675-030, 16-675-040, 16-675-050, and 16-675-060.
 Amended:
 Suspended:

Statutory authority for adoption: Chapters 19.94 & 34.05 RCW

Other authority :

PERMANENT RULE ONLY (Including Expedited Rule Making)

Adopted under notice filed as WSR 04-19-122 on September 21, 2004.
 Describe any changes other than editing from proposed to adopted version: None

If a preliminary cost-benefit analysis was prepared under RCW 34.05.328, a final cost-benefit analysis is available by contacting: N/A

Name: _____ phone () _____
 Address: _____ fax () _____
 e-mail _____

EMERGENCY RULE ONLY

Under RCW 34.05.350 the agency for good cause finds:

- 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.
 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:

Date adopted: November 10, 2004

NAME (TYPE OR PRINT)
 Valoria H. Loveland

SIGNATURE

TITLE
 Director, WSDA

CODE REVISER USE ONLY

SEARCHED _____ INDEXED _____
 SERIALIZED _____ FILED _____
 APR 23 2004
 4:31
 04-23-043

(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:

Federal statute:	New	0	Amended	0	Repealed	0
Federal rules or standards:	New	0	Amended	0	Repealed	0
Recently enacted state statutes:	New	2	Amended	0	Repealed	0

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

	New	0	Amended	0	Repealed	0
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The number of sections adopted in the agency's own initiative:

	New	5	Amended	0	Repealed	6
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The number of sections adopted in order to clarify, streamline, or reform agency procedures:

	New	7	Amended	0	Repealed	6
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The number of sections adopted using:

Negotiated rule making:	New	0	Amended	0	Repealed	0
Pilot rule making:	New	0	Amended	0	Repealed	0
Other alternative rule making:	New	7	Amended	0	Repealed	6

NEW SECTION

WAC 16-675-015 What is the purpose of this chapter? The purpose of this chapter is to implement:

(1) RCW 19.94.216(1) and 19.94.325(2), which allows the director of the Washington state department of agriculture to establish reasonable fees for inspection, tolerance testing and calibration services performed on weights and measures standards by the metrology laboratory; and

(2) RCW 19.94.175(3), which allows the director to establish fees for inspecting and testing weighing and measuring devices when the inspections and tests are specifically requested by the device's owner.

NEW SECTION

WAC 16-675-025 What definitions apply to this chapter? The following definitions apply to this chapter.

"Calibration" means the comparison of a measurement standard or instrument with another standard or instrument to detect, correlate, report, or eliminate, by adjustment, any inaccuracy of the compared standard or instrument.

"Department" means the Washington state department of agriculture (WSDA).

"Director" means the director of the department or the director's designated representative.

"Laboratory" means the metrology laboratory operated by the department.

"Tolerance testing" means a measurement operation performed to determine whether the actual value of a standard, artifact, or instrument is within a permitted tolerance of its nominal value.

NEW SECTION

WAC 16-675-035 What condition must your weights and measures standards be in when they are submitted to the laboratory for testing or calibration? Weights and measures standards submitted to the laboratory for tolerance testing or calibration must be in a physical condition that allows the laboratory to perform the

requested service.

NEW SECTION

WAC 16-675-037 Does the laboratory repair weights and measures standards brought in for testing and calibration? (1) Weights and measures standards, whose physical condition, prevents the laboratory from performing the requested service may be:

- (a) Returned to the sender at the sender's expense; or
 - (b) Repaired, if possible, by the laboratory.
- (2) When possible, the laboratory will make repairs:
- (a) At the rate of one hundred dollars per hour; and
 - (b) Only after a signed written repair agreement between the department and the owner of the weights or measures standard is concluded.

(3) All repair fees charged by the laboratory are in addition to any testing or calibration fees charged by the laboratory.

NEW SECTION

WAC 16-675-045 What fees does the laboratory charge for the services it performs? The metrology laboratory charges the following fees for services performed:

Service Performed	Fee
Inspection, tolerance testing and calibration services performed at the metrology laboratory	\$100.00 per hour
Inspection, tolerance testing and calibration services performed at other than the metrology laboratory	\$100.00 per hour plus mileage and per diem at the rates established by the office of financial management (OFM) when the service is performed
Any service provided by the laboratory	Minimum one-half hour charge

NEW SECTION

WAC 16-675-055 What fees are charged when the inspecting and testing of a weighing or measuring device is specifically requested by the device's owner? The fees in the following table apply to inspecting and testing weighing or measuring devices when the inspection or test is:

(1) Specifically requested by the device's owner or his/her representative; or

(2) Performed on devices used by an agency or institution that receives money from the legislature or the federal government.

Weighing and Measuring Device	Inspection and/or Testing Fee
Small scales "zero to four hundred pounds capacity"	\$15.95 per scale
Intermediate scales "four hundred pounds to five thousand pounds capacity"	\$53.20 per scale
Large scales "over five thousand pounds capacity"	\$133.02 per scale
Large scales with supplemental devices	\$159.62 per scale
Railroad track scales	\$1,064.19 per scale
Liquid fuel meters with flows of less than twenty gallons per minute	\$15.95 per meter
Liquid fuel meters with flows of at least twenty but not more than one hundred fifty gallons per minute	\$53.20 per meter
Fuel meters with flows over one hundred fifty gallons per minute	\$159.62 per meter
Liquid petroleum gas meters with one-inch diameter or smaller dispensers	\$53.20 per meter
Liquid petroleum gas meters with greater than one-inch diameter dispensers	\$159.62 per meter
Inspection services not covered by the above special inspection fees	\$35.91 per hour for labor and travel time (minimum one hour charge)

NEW SECTION

WAC 16-675-065 What requirements apply to testing railroad track scales in Washington state? (1) All railroad track scale owners in Washington state must provide a suitable:

- (a) Facility or facilities for testing track scales;
- (b) Car or other device for testing track scales.

(2) The department must use the car, device, or facility provided to test the accuracy of all track scales.

(3) Track scale owners (railroad companies) must move the car, device, or facility to locations designated by the department without charge.

(4) The cost of providing and maintaining the car, device, or facility must be equitably and reasonably apportioned by the department among all railroad track scale owners.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 16-675-010	Purpose.
WAC 16-675-020	Definitions.
WAC 16-675-030	Condition of submitted weights and measures.
WAC 16-675-040	Schedule of laboratory fees.
WAC 16-675-050	Special inspection and testing fees.
WAC 16-675-060	Fees for railroad track scales.