



RULE-MAKING ORDER
(RCW 34.05.360)

CR-103 (7/23/95)

Agency: Department of Agriculture Permanent Rule
 Emergency Rule
 Expedited Repeal

(1) Date of adoption: December 11, 1995

(2) Purpose: To repeal device inspection fees; to establish commercial device registration procedures for the state using the Department of Licensing, Master License System, and to provide this as an option for city weights and measures jurisdictions; to repeal city weights and measures inspection and fee report forms; to establish "special inspection fees";(con't)

(3) Citation of existing rules affected by this order:
Repealed: WAC 16-674-060, WAC 16-674-070 and WAC 16-674-100
Amended: WAC 16-674-010, WAC 16-674-080 and WAC 16-674-090
Suspended:

(4) Statutory authority for adoption:
Other authority: Section 1,2,3,4,9,10,15 & 16, Chapter 355 Laws of 1995

PERMANENT RULE ONLY
 Adopted under notice filed as WSR 95.21.098 on October 18, 1995 (date).
 Describe any changes other than editing from proposed to adopted version:

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:

EXPEDITED REPEAL ONLY
 Under Preproposal Statement of Inquiry filed as WSR _____ on _____ (date).

(5.3) Any other findings required by other provisions of law as precondition to adoption of 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
FILED

DEC 13 1995

TIME: 12:30
 WSR 96-01-040

NAME (TYPE OR PRINT)
Jim Jesernig

SIGNATURE
Jim Jesernig

TITLE Director DATE 12/11/95

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	_____	Amended	_____	Repealed	_____
Federal rules or standards:	New	_____	Amended	_____	Repealed	_____
Recently enacted* state statutes:	New	<u>3</u>	Amended	_____	Repealed	<u>3</u>

*(current calendar year)

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

New _____ Amended _____ Repealed _____

The number of sections adopted on the agency's own initiative:

New _____ Amended 3 Repealed _____

The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New 3 Amended 3 Repealed 3

The number of sections adopted using:

Negotiated rule making:	New	_____	Amended	_____	Repealed	_____
Pilot rule making:	New	_____	Amended	_____	Repealed	_____
Other alternative rule making:	New	<u>3</u>	Amended	<u>3</u>	Repealed	<u>3</u>

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(2) Purpose (continued)

to establish annual service agent registration under WSDA; and to clarify selected language, as required.

AMENDATORY SECTION (Amending WSR 93-03-079, filed 1/19/93, effective 2/19/93)

WAC 16-674-010 Exemptions and definitions. (1) The weighing or measuring instruments or devices listed below shall be specifically exempted from the sealing or marking inspection and testing requirements of (~~RCW 19.94.250~~) section 2, chapter 355, Laws of 1995, 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.

NEW SECTION

WAC 16-674-065 Special inspection and testing fees. (1) The following fees shall be charged for the inspection and testing of weighing or measuring instruments or devices specially requested to be inspected or tested by the device owner:

- (a) Weighing devices:
 - (i) Small scales "zero to four hundred pounds capacity" \$15.00
 - (ii) Intermediate scales "four hundred pounds to five thousand pounds capacity" \$50.00
 - (iii) Large scales "over five thousand pounds capacity" \$125.00
 - (iv) Large scales with supplemental devices \$150.00
- (b) Railroad track scales \$1,000.00
- (c) Liquid fuel metering devices:
 - (i) Fuel meters with flows of less than twenty gallons per minute \$15.00
 - (ii) Fuel meters with flows of twenty but not more than one hundred fifty gallons per minute \$50.00
 - (iii) Fuel meters with flows over one hundred fifty gallons per minute \$150.00
- (d) Liquid petroleum gas meters:
 - (i) With one inch diameter or smaller dispensers \$50.00
 - (ii) With greater than one inch diameter dispensers \$150.00

(2) 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.

(3) For inspection services not covered under the above special inspection fee schedule, the department shall charge a fee of thirty-three dollars seventy-five cents per hour for labor and travel time.

AMENDATORY SECTION (Amending WSR 93-03-079, filed 1/19/93, effective 2/19/93)

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~~) thirty-three dollars seventy-five cents per hour, as adopted under WAC 16-212-060 (15) (d), and shall be payable to the (~~commodity inspection~~) laboratory services division of the state department of agriculture, which has entered into a cooperative agreement with the weights and measures program.

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 and maintaining 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 16-674-092 Service agent registration. (1) Any service agent who intends to provide the examination that permits a commercial weighing or measuring device to be placed back into commercial service shall register with the department. Requests for an initial registration or renewal shall be submitted on a form provided by the department and shall include a fee in the amount of eighty dollars per individual as per section 16, chapter 355, Laws of 1995.

(2) The department shall issue an official registration certificate for each individual whose application is approved. For requests that are denied, the department will provide reasons, in writing, for the denial and refund any payments made by the individual in connection with the request. Official service agent registration certificates are valid for a period of one year from time of registration.

NEW SECTION

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 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 16-674-060 Inspection and testing fees.

WAC 16-674-070 Late fees.

WAC 16-674-100 City sealers report forms prescribed.