



RULE-MAKING ORDER

(RCW 34.05.360)

CR-103 (7/22/01)

Agency: Agriculture

22 JB

- Permanent Rule
- Emergency Rule
- Expedited Rule Making

(1) Date of adoption: July 18, 2002

(2) Purpose: This rule would increase fees for service within the fiscal growth factor for FY03 in the WSDA Weights and Measures Program, to offset the costs of furnishing the services. The rule title would also be changed to read "Calibration Services, Special Inspection and Testing Fees." The department will move sections currently located in Chapter 16-674 WAC establishing fees for special inspections and tests and fees for railroad track scales to this WAC. When this change is implemented fees established in rule for weights and measures services will be consolidated in a single chapter. 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- Repealed:
- Amended: WAC 16-765-010, WAC 16-675-030, WAC 16-675-040,
- Suspended:

(4) Statutory authority for adoption: RCW 19.94.216, RCW 19.94.315

Other Authority:

PERMANENT RULE ONLY (Including Expedited Rule Making)

Adopted under notice filed as WSR 02-12-129 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

FILED

JUL 22 2002

148 64 102

WSR 02-15-140 (PM)

(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	Amended	Repealed
Federal rules or standards:	New	Amended	Repealed
Recently enacted state statutes:	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>2</u>	Amended	<u>3</u>	Repealed
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The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New	<u>2</u>	Amended	<u>3</u>	Repealed
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The number of sections adopted using:

Negotiated rule making:	New	Amended	Repealed		
Pilot rule making:	New	Amended	Repealed		
Other alternative rule making:	New	<u>2</u>	Amended	<u>3</u>	Repealed

Chapter 16-675 WAC

CALIBRATION SERVICES, SPECIAL INSPECTION AND TESTING FEES

AMENDATORY SECTION (Amending WSR 97-12-024, filed 5/29/97, effective 6/29/97)

WAC 16-675-010 Purpose. The department of agriculture promulgates this chapter to implement the provisions of RCW 19.94.216(1) and 19.94.325(2) which allows the director of the state department of agriculture to establish reasonable fees for inspection, tolerance testing and calibration services performed by the metrology laboratory on weights and measures standards. This chapter also implements the provisions of RCW 19.94.175(3) which allows the director to establish inspection and testing fees for weighing and measuring devices specially requested to be inspected or tested by the device owner.

AMENDATORY SECTION (Amending WSR 98-12-030, filed 5/28/98, effective 6/28/98)

WAC 16-675-030 Condition of submitted weights and measures. Weights and measures standards submitted to the laboratory for tolerance testing or calibration must be in a physical condition that makes them acceptable for the service to be performed. Unacceptable weights and measures standards may be returned to the sender at the sender's expense or, if repairs can be made, these repairs shall be charged at the rate of seventy-five dollars an hour. Effective August 1, 2002, the rate will be \$77.46 per hour. Repair fees shall be charged in addition to any testing or other calibration fees. Repairs will only be done by written agreement between the department and the owner of the weights or measures to be repaired.

AMENDATORY SECTION (Amending WSR 98-12-030, filed 5/28/98, effective 6/28/98)

WAC 16-675-040 Schedule of laboratory fees. The following fees will be charged for services performed by the metrology laboratory of the department:

(1) An hourly fee of seventy-five dollars per hour will be charged for inspection, tolerance testing and calibration services performed at the metrology laboratory.

(2) Inspection, tolerance testing and calibration services performed at other than the metrology laboratory will be charged an hourly rate of seventy-five dollars per hour plus the current mileage and per diem rates established by the office of financial management. Effective August 1, 2002, the hourly rate will be \$77.46 per hour.

(3) There will be a minimum one-half hour charge for any services provided by the laboratory.

NEW SECTION

WAC 16-675-050 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 or his/her representative:

Weighing and Measuring Device		
Device	Fee	Fee Effective August 1, 2002
Small scales "zero to four hundred pounds capacity"	\$15.00	\$15.49
Intermediate scales "four hundred pounds to five thousand pounds capacity"	\$50.00	\$51.64
Large scales "over five thousand pounds capacity"	\$125.00	\$129.11
Large scales with supplemental devices	\$150.00	\$154.93
Railroad track scales	\$1,000.00	\$1,032.90

Weighing and Measuring Device		
Device	Fee	Fee Effective August 1, 2002
Liquid fuel meters with flows of less than twenty gallons per minute	\$15.00	\$15.49
Liquid fuel meters with flows of twenty but not more than one hundred fifty gallons per minute	\$50.00	\$51.64
Fuel meters with flows over one hundred fifty gallons per minute	\$150.00	\$154.93
Liquid petroleum gas meters with one inch diameter or smaller dispensers	\$50.00	\$51.64
Liquid petroleum gas meters with greater than one inch diameter dispensers	\$150.00	\$154.93

(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 \$33.75 per hour for labor and travel time. Effective August 1, 2002, the hourly rate will be \$34.86 per hour. There will be a minimum one-hour charge for these services.

NEW SECTION

WAC 16-675-060 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 railroad 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.