



**RULE-MAKING ORDER**  
(RCW 34.05.360)

**CR-103** (10/1/89)

Agency: Agriculture

- Permanent Rule  
 Emergency Rule

(1) Date of adoption: July 1, 1992

(2) Purpose:  
To establish fees for the inspection of weighing and measuring and counting devices.

(3) Citation of existing rules affected by this order:  
Repealed: WAC 16-674-002  
Amended: WAC 16-674-010, WAC 16-674-020, WAC 16-674-030, WAC 16-674-030  
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 will become dependent upon the revenue to be derived from inspection fees to fund the majority of its program beginning July 1, 1992. It is essential for the survival of the program that the collection of fees begins on July 1, 1992. The 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.

(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:

<b>Permanent Rules</b>	<b>Emergency Rules</b>
<input type="checkbox"/> 31 days after filing	<input checked="" type="checkbox"/> Immediately
<input type="checkbox"/> Other (specify) _____ *	<input type="checkbox"/> Later (specify) _____

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

CODE REVISOR USE ONLY  
STATE OF WASHINGTON  
FILED

JUL 01 1992

TIME: 11:05 AM  
WSR: 92-14-122

NAME (TYPE OR PRINT)  
Mike Willis

SIGNATURE  
*Mike Willis*

TITLE  
Assistant Director

DATE  
7/1/92

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)) DEFINITIONS. ((1) The weights and measures listed below shall be specifically exempted from the sealing or marking requirements of section 257, chapter 67, laws of 1969:

- (a) Measure containers
- (b) Milk bottles
- (c) Lubricating oil bottles
- (d) Berry baskets and boxes.

(2) The weights and measures listed below shall be specifically exempted from the annual retesting requirements of sections 20 and 21, chapter 67, laws of 1969, and shall be retested only as required by the director:

- (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.) The following definitions shall apply to this chapter in addition to the definitions contained in chapter 19.94 RCW:

(1) "Small scale" shall mean any device used to weigh any commodity or product with a weighing capacity of one hundred pounds or less.

(2) "Large scale" shall mean any device used to weigh any commodity or product with a weighing capacity of more than one hundred pounds. This definition shall include scales over which trucks are weighed for the purpose of determining the empty weight of the truck and any trailers and the gross weight of the truck and any trailers after any product or commodity has been loaded into the truck and any trailers. This definition shall specifically exclude railroad track scales.

(3) "Commercial device" means any weighing, measuring, or counting device which is used in commercial transactions in which money or something else of value is exchanged for the purchase or sale of any commodity, product, service, or thing.

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

WAC 16-674-020 ((DISPOSITION-OF--CONDEMNED--AND--CONFISCATED WEIGHTS--AND--MEASURES)) FEES. ((Commercial weights and measures or weighing and measuring devices that have been found to be incorrect and in the best judgment of the director or his duly appointed representative are not susceptible of satisfactory repair may be confiscated as provided in chapter 67, laws of 1969, and taken into his possession. Such devices shall be held for a period of sixty days from the date of confiscation and at the expiration of this period of time if no action at law or suit in equity has been brought for the recovery of such devices they may be destroyed.) The following fees shall be charged for the inspection and testing of weighing, measuring and counting commercial devices included in this fee schedule. If a

device is moved and requires reinspection and retesting, it shall be considered a different device and subject to this fee schedule again.

<u>Small scales.....</u>	<u>\$ 8.00</u>
<u>Liquid propane gas meters.....</u>	<u>\$ 35.00</u>
<u>Large scales.....</u>	<u>\$ 70.00</u>
<u>Motor fuel pump meters.....</u>	<u>\$ 8.00</u>
<u>Rack meters.....</u>	<u>\$ 35.00</u>
<u>Oil delivery trucks.....</u>	<u>\$ 26.00</u>
<u>Taxi meters.....</u>	<u>\$ 8.00</u>
<u>Railroad track scales.....</u>	<u>\$650.00</u>
<u>Fabric meters.....</u>	<u>\$ 8.00</u>

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.

AMENDATORY SECTION (Amending Order 2091, filed 7/25/91, effective 8/25/91)

WAC 16-674-030 ((WEIGHMASTER--LICENSE)) PAYMENT OF INSPECTION FEES. ((Weighmaster-licenses-issued-under-REW-15.00-460-shall-expire-on-June-30th-following-the-date-of-issuance)) Payment of inspection fees is due and payable thirty days after billing. A late penalty of one and one-half percent may be assessed on any unpaid balance more than thirty days in arrears.

AMENDATORY SECTION (Amending Order 2091, filed 7/25/91, effective 8/25/91)

WAC 16-674-040 ((WEIGHMASTER--LICENSE--LATE--RENEWAL--PENALTY)) GRAIN ELEVATOR SCALES--INSPECTION--FEES. ((1) Renewal-applications for-weighmaster-licenses-issued-under-chapter-15.00-REW-not-filed-by-July-of-any-one-year-are-subject-to-a-penalty-as-provided-by-REW-15.90-470.

(2) Nothing herein shall be construed to limit the department's ability, as otherwise provided by law, to deny a license, to condition license renewal, or to enforce violations of applicable laws, subsequent to the expiration of a license.) 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 16-674-050<sup>5</sup> DISPOSITION OF CONDEMNED AND CONFISCATED WEIGHTS AND MEASURES. Commercial weights and measures or weighing and measuring devices that have been found to be incorrect and in the best judgment of the director or his duly appointed representative are not susceptible of satisfactory repair may be confiscated as provided in chapter 67, Laws of 1969, and taken into his possession. Such devices shall be held for a period of sixty days from the date of confiscation and at the expiration of this period of time if no action at law or suit in equity has been brought for the recovery of such devices they may be destroyed.

NEW SECTION

WAC 16-674-060 WEIGHMASTER LICENSE. Weighmaster licenses issued under RCW 15.80.460 shall expire on June 30th following the date of issuance.

NEW SECTION

WAC 16-674-070 WEIGHMASTER LICENSE--LATE RENEWAL PENALTY. (1) Renewal applications for weighmaster licenses issued under chapter 15.80 RCW not filed by July of any one year are subject to a penalty as provided by RCW 15.80.470.

(2) Nothing herein shall be construed to limit the department's ability, as otherwise provided by law, to deny a license, to condition license renewal, or to enforce violations of applicable laws, subsequent to the expiration of a license.

NEW SECTION

WAC 16-674-080 WEIGHER LICENSE. Weigher licenses issued under RCW 15.90.500 shall expire on June 30th following the date of issuance.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 16-674-002 PROMULGATION.