

# HOUSE BILL REPORT

## HB 1856

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*As Reported By House Committee on:  
Revenue*

**Title:** An act relating to weights and measures.

**Brief Description:** Making major changes to the weights and measures statutes.

**Sponsor(s):** Representatives Wang and Holland; by request of Department of Agriculture and Office of Financial Management.

**Brief History:**

Reported by House Committee on:  
Revenue, March 8, 1991, DPS.

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**HOUSE COMMITTEE ON  
REVENUE**

**Majority Report:** *That Substitute House Bill No. 1856 be substituted therefor, and the substitute bill do pass.*  
Signed by 8 members: Representatives Wang, Chair; Fraser, Vice Chair; Appelwick; Belcher; Day; Leonard; Phillips; and Rust.

**Minority Report:** *Do not pass.* Signed by 6 members: Representatives Holland, Ranking Minority Member; Wynne, Assistant Ranking Minority Member; Brumsickle; Morris; Morton; and Silver.

**Staff:** Melissa Pailthorp (786-7118).

**Background:** The accuracy of weights and measures used in commerce is monitored by the Department of Agriculture. Weights and measures include all instruments and devices for weighing and measuring, including grocery store scales, gas pumps, taxi cab meters, and meat scales.

The director of the Department of Agriculture is responsible for the accuracy of weights and measures. The standards by which weights and measures are tested and inspected are established by the National Bureau of Standards. These standards detail both the schedule for inspection and the testing procedure of weighing and measuring devices. The schedule can require annual inspection, or more or less frequent inspections, depending upon the type of device.

Cities may appoint a "city sealer," an inspector, who tests and certifies weights and measures. City sealers are supervised by the director of the Department of Agriculture. Funding for city weights and measures testing and inspection programs are provided by the city.

The state weights and measures program is funded by the State General Fund. However, funds to support the testing of track scales, used in the weighing and measuring of rail cargo, are collected from track scale owners. The department may prescribe and collect fees to cover all costs for the inspection and testing of track scales.

**Summary of Substitute Bill:** All weighing and measuring devices and instruments used in commerce must be licensed by the Department of Agriculture. The director of the Department of Agriculture is authorized to adopt by rule a schedule of license fees for each type or class of measuring devices.

License fees will be set to cover the costs of the weights and measures program and will be collected statewide. Cities that conduct inspections will be reimbursed an amount equal to the license fees for inspections, less an administrative cost not to exceed 10 percent.

Licenses may be subject to annual renewal as prescribed by departmental rule. The department will establish an application and license system to carry out the program.

Persons selling firewood must obtain a license from the Department of Agriculture. These licenses require annual renewal. The director will establish by rule both the license fee and penalty for late renewal.

Moneys received by the department are deposited into the agricultural local fund. Non-compliance is considered a civil offense and a penalty not to exceed \$500 per violation may be charged. A late fee of 1.5 percent per month will be assessed on the unpaid balance of license charges more than 30 days overdue.

**Substitute Bill Compared to Original Bill:** The definition of "firewood seller" and the firewood seller license requirement are removed. The authority of the director of the Department of Agriculture to adopt further definitions by rule is deleted. An appropriated weights and measures fund is established and all moneys received from the weights and measures program are deposited in this account.

**Fiscal Note:** Available.

**Effective Date of Substitute Bill:** The bill contains an emergency clause and takes effect July 1, 1991.

**Testimony For:** The weights and measures program provides basic services important to all consumers. It is an underfunded program in need of a stable, established funding mechanism. The license fees would provide adequate funds to run the program properly.

**Testimony Against:** The proposed license fees are an excuse for increasing taxes. License fees will be charged regardless of whether an inspection takes place. The license fee costs will be passed on to the consumer as higher prices. The current number of inspections is adequate; inaccuracy of weights and measures in commerce is not a problem.

**Witnesses:** Mike Schwisow, Dept. of Agriculture (in favor); Dave Gerdts, L.P. Gas Association (opposed); Bill Spicer, Albertson's (opposed); Mike Matson, Associated Grocers Inc. (opposed); and Randy Durham, Washington Retailers Association (opposed).