

SENATE BILL REPORT

SB 5785

AS OF APRIL 18, 1991

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

SPONSORS: Senators McDonald, Craswell and Niemi; by request of Department of Agriculture and Office of Financial Management.

SENATE COMMITTEE ON WAYS & MEANS

Staff: Terry Wilson (786-7715)

Hearing Dates: April 17, 1991

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 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.

Cities over 50,000 in population are required to appoint a "city sealer" who tests and certifies weights and measures. City sealers are supervised by the Director 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:

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

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

License fees are to be established 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.

Moneys received by the department are deposited into the agricultural local fund. Noncompliance 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 shall be assessed on the unpaid balance of license charges more than 30 days overdue.

Appropriation: none

Revenue: none

Fiscal Note: requested April 17, 1991

Effective Date: July 1, 1991

TESTIMONY FOR: None

TESTIMONY AGAINST:

There is much self testing and self regulation. The bill is broad and could apply to many more devices than are currently tested. It is not known what devices the department would license. The general fund should pay the cost because it is in the interest of consumers to have accurate scales. This is not a fee for service but an increased tax that will be passed along to consumers. The amount of the fees that would be imposed is unknown. This needs to be studied over the interim.

TESTIFIED: Jim Bolt, WA Food Dealers Assn. (con); Randy Durham, WRA (con)