

HOUSE BILL NO. 95

INTRODUCED BY G. MATTHEWS

BY REQUEST OF THE DEPARTMENT OF COMMERCE

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE LICENSURE OF WEIGHING AND MEASURING DEVICES; REQUIRING THE DEPARTMENT TO ESTABLISH FEES FOR WEIGHING DEVICES BASED ON RATED CAPACITY BY RULE; REQUIRING THAT A NEW OWNER OF A PREVIOUSLY LICENSED MEASURING DEVICE REAPPLY FOR A LICENSE AND PAY THE APPLICABLE LICENSING FEES; AND AMENDING SECTIONS 30-12-203 AND 82-15-105, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 30-12-203, MCA, is amended to read:

"30-12-203. Licensing of weighing devices. (1) A person may not knowingly operate or use an unlicensed weighing device in trade or commerce for ascertaining the weight of any commodity.

(2) A license must be obtained by making application to the department upon blank forms to be provided by the division bureau of weights and measures. Each license must require at least one inspection per year.

(3) An application must be accompanied by the proper fee as established by this section except that fees may be paid by credit card and may be discounted for payment processing charges paid by the department to a third party.

WEIGHING DEVICES

Capacity — Fees

499 pounds or less — \$ 12.00

500 pounds through 1,999 pounds — 20.00

2,000 pounds through 7,999 pounds — 40.00

8,000 pounds through 60,000 pounds — 100.00

60,001 pounds or more — 175.00 The department shall adopt rules establishing license fees based on the rated capacity of the weighing device commensurate with costs. The fees may be paid by credit card and may be discounted for payment processing charges paid by the department to a third party.



1 (4) The capacity of a weighing device must be determined by the manufacturer's rated capacity.

2 (5) ~~(a) All licenses must be~~ Licenses administered according to the provisions of Title 30, chapter  
 3 16, part 3, are annual and expire on the anniversary date established by rule by the board of review  
 4 established in 30-16-302. There is an additional charge of 50% of the license fee on all license fees that  
 5 are not paid within 60 days of the licensee's anniversary date. If the fee is not paid, the equipment must  
 6 be sealed and removed from service by the department. It is unlawful for anyone to use equipment  
 7 removed from service until all fees have been paid.

8 ~~(6)~~ (b) Licenses administered by the bureau of weights and measures are annual with the license  
 9 year beginning January 1 and ending December 31. A late renewal fee equal to 50% of the renewal  
 10 license fee established in subsection (3) must be assessed if the fee is not paid before the first day of the  
 11 sixth month of the year in which the license fee is due July 1 of the current license year. A person failing  
 12 to pay the renewal license fee before the first day of the sixth month of the year in which the license fee  
 13 is due July 1 of the current license year forfeits the right to use the weighing device for that year, and it  
 14 must be taken out of service by the ~~division~~ bureau of weights and measures until the renewal fee and late  
 15 renewal fee are paid.

16 ~~(7)~~(6) The fees provided for in this section must be deposited to in the state special revenue fund  
 17 of the department for use in the administration and enforcement of this part."

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19 **Section 2.** Section 82-15-105, MCA, is amended to read:

20 **"82-15-105. Licenses and fees -- status of license on transfer of ownership.** (1) A petroleum  
 21 dealer or liquefied petroleum dealer may not do business in this state until licensed by the ~~department~~  
 22 bureau of weights and measures. The license must be obtained by the dealer by making application to the  
 23 ~~department upon blank forms provided by the department~~ bureau of weights and measures. A dealer who  
 24 has not been issued a license and who is found selling, offering for sale, delivering, or distributing  
 25 petroleum products shall upon conviction be punished as provided by this part.

26 (2) The department shall adopt rules establishing license fees based ~~upon~~ on the rated capacity  
 27 of the measuring devices used by the dealer device commensurate with costs. The fees may be paid by  
 28 credit card and may be discounted for payment processing charges paid by the department to a third party.  
 29 ~~The fees must be deposited in the state special revenue fund of the department for use in administering~~  
 30 ~~and enforcing this part.~~

