

## 1 SENATE BILL NO. 53

2 INTRODUCED BY M. LANG

3 BY REQUEST OF THE DEPARTMENT OF LABOR AND INDUSTRY

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5 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LAWS RELATING TO WEIGHTS AND MEASURES  
6 FEES COLLECTED BY THE DEPARTMENT OF LABOR AND INDUSTRY; PROVIDING RULEMAKING  
7 AUTHORITY TO THE DEPARTMENT OF LABOR AND INDUSTRY ON FEES FOR WEIGHTS AND  
8 MEASURES; REQUIRING A ONE-TIME-ONLY TRANSFER OF FUNDS; AMENDING SECTIONS 30-12-202  
9 AND 30-12-203, MCA; AND PROVIDING EFFECTIVE DATES."

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

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13 **Section 1.** Section 30-12-202, MCA, is amended to read:

14 **"30-12-202. Specific powers and duties of department -- rules.** (1) The department shall adopt  
15 from time to time reasonable rules for the enforcement of parts 1 through 5, and the rules have the effect of law.

16 These rules may include:

17 (a) schedules of fees for licensing, testing, and certification;18 (b) standards of net weight, measure, or count and reasonable standards of fill for any commodity  
19 in package form;20 (c) rules governing the technical and reporting procedures to be followed and the report and  
21 record forms and marks of approval and rejection to be used by the department in the discharge of its official  
22 duties;23 (d) exemptions from the sealing or marking requirements of 30-12-209 with respect to weights and  
24 measures of a character or size that sealing or marking would be inappropriate, impracticable, or damaging to  
25 the apparatus involved; and

26 (e) rules governing the voluntary registration of service providers and service agencies.

27 (2) The rules described in subsection (1) must include specifications, tolerances, and other

28 technical requirements for weights and measures subject to inspection and testing under 30-12-205, designed

1 to eliminate from use, without prejudice to apparatus that conforms as closely as practicable to the official  
 2 standards, those:

3 (a) that are not accurate;

4 (b) that are not reasonably permanent in their adjustment or will not repeat their indications  
 5 correctly; or

6 (c) that facilitate the perpetration of fraud.

7 (3) The specifications, tolerances, and other technical requirements for commercial weighing and  
 8 measuring devices, together with amendments to the specifications, as recommended by the national institute  
 9 of standards and technology and published in national institute of standards and technology Handbook 44 and  
 10 supplements to that handbook or in any publication revising or superseding Handbook 44, are the  
 11 specifications, tolerances, and other technical requirements for commercial weighing and measuring devices of  
 12 this state, except as specifically modified, amended, or rejected by a rule issued by the department.

13 (4) An apparatus is considered to be "correct" when it conforms to all applicable requirements  
 14 adopted as specified in this section. Other apparatus are considered to be "incorrect".

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16 **Section 2.** Section 30-12-203, MCA, is amended to read:

17 **"30-12-203. Licensing of weighing devices.** (1) A person may not knowingly operate or use an  
 18 unlicensed weighing device in trade or commerce for ascertaining the weight of any commodity.

19 (2) A license must be obtained by applying to the department ~~upon~~on a form provided by the  
 20 department. Each license must require at least one inspection a year.

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

24

~~WEIGHING DEVICES~~

Capacity	Fees
499 pounds or less	\$20
500 pounds through 1,999 pounds	\$33
2,000 pounds through 7,999 pounds	\$64

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