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1	SENATE BILL NO. 53		
2	INTRODUCED BY M. LANG		
3	BY REQUEST OF THE DEPARTMENT OF LABOR AND INDUSTRY		
4			
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:		
12			
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 <u>licensing</u> , 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		



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

- (a) that are not accurate;
- 4 (b) that are not reasonably permanent in their adjustment or will not repeat their indications
 5 correctly; or
 - (c) that facilitate the perpetration of fraud.
 - (3) The specifications, tolerances, and other technical requirements for commercial weighing and measuring devices, together with amendments to the specifications, as recommended by the national institute of standards and technology and published in national institute of standards and technology Handbook 44 and supplements to that handbook or in any publication revising or superseding Handbook 44, are the specifications, tolerances, and other technical requirements for commercial weighing and measuring devices of this state, except as specifically modified, amended, or rejected by a rule issued by the department.
 - (4) An apparatus is considered to be "correct" when it conforms to all applicable requirements adopted as specified in this section. Other apparatus are considered to be "incorrect"."

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Section 2. 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 applying to the department <u>upon-on</u> a form provided by the department. Each license must require at least one inspection a 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.

24 WEIGHING DEVICES

25	Capacity	Fees
26	499 pounds or less	\$20
27	500 pounds through 1,999 pounds	\$33
28	2,000 pounds through 7,999 pounds	\$64



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1	8,000 pounds through 60,000 pounds				
2	60,001 pounds or more \$280				
3	(4)	The capacity of a weighing device must be determined by the manufacturer's ra	ted capacity.		
4	(5)	(a) All licenses are annual and, except for those described in subsection (5)(b),	expire on the		
5	anniversary date established by rule by the board of review established in 30-16-302.				
6	(b)	Licenses for on-farm scales expire at the end of the calendar year.			
7	(6)	(a) A late renewal fee equal to 50% of the renewal license fee established in sul	osection (3)		
8	must be assessed if the fee is not paid:				
9	(i)	for on-farm scales, before the first day of the sixth month of the year in which the	e license fee is		
10	due; or				
11	(ii)	for all other licenses, within 60 days of the anniversary date.			
12	(b)	If the fee is not paid by the respective due date listed in subsection (6)(a), the w	eighing device		
13	may be sealed and removed from service by the department.				
14	(c)	A person may not use a weighing device that has been removed from service o	r break the seal		
15	on a device removed from service until all fees have been paid.				
16	(7)	The fees must be deposited to the state special revenue fund of the department	for use in the		
17	administration and enforcement of this part."				
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19	NEW	SECTION. Section 3. Transfer of funds. Before June 30, 2023, the departmen	t shall transfer		
20	not more than	\$2.3 million from fees collected pursuant to 50-60-104 into the fund designated in	30-12-203(7).		
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22	NEW	SECTION. Section 4. Effective dates. (1) Except as provided in subsection (2).	[this act] is		
23	effective January 1, 2024.				
24	(2)	[Section 3] and this section are effective on passage and approval.			
25		- END -			

