



AN ACT REVISING LAWS RELATING TO WEIGHTS AND MEASURES FEES COLLECTED BY THE DEPARTMENT OF LABOR AND INDUSTRY; PROVIDING RULEMAKING AUTHORITY TO THE DEPARTMENT OF LABOR AND INDUSTRY ON FEES FOR WEIGHTS AND MEASURES; LIMITING THE FEE INCREASE ON A LICENSE FOR A WEIGHING DEVICE; ESTABLISHING REPORTING REQUIREMENTS; REQUIRING A ONE-TIME-ONLY TRANSFER OF FUNDS; AMENDING SECTIONS 30-12-202 AND 30-12-203, MCA; AND PROVIDING EFFECTIVE DATES.

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

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

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

These rules may include:

- (a) schedules of fees for licensing, testing, and certification;
 - (b) standards of net weight, measure, or count and reasonable standards of fill for any commodity in package form;
 - (c) rules governing the technical and reporting procedures to be followed and the report and record forms and marks of approval and rejection to be used by the department in the discharge of its official duties;
 - (d) exemptions from the sealing or marking requirements of 30-12-209 with respect to weights and measures of a character or size that sealing or marking would be inappropriate, impracticable, or damaging to the apparatus involved; and
 - (e) rules governing the voluntary registration of service providers and service agencies.
- (2) The rules described in subsection (1) must include specifications, tolerances, and other

technical requirements for weights and measures subject to inspection and testing under 30-12-205, designed to eliminate from use, without prejudice to apparatus that conforms as closely as practicable to the official standards, those:

- (a) that are not accurate;
- (b) that are not reasonably permanent in their adjustment or will not repeat their indications

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".

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 ~~upon~~on 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.~~

WEIGHING DEVICES

Capacity	Fees
499 pounds or less	\$20
500 pounds through 1,999 pounds	\$33

2,000 pounds through 7,999 pounds	\$64
8,000 pounds through 60,000 pounds	\$165
60,001 pounds or more	\$280

(3) (a) An application must be accompanied by the proper fee, as established by this section and subject to subsection (3)(b), 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

<u>Capacity</u>	<u>Fees</u>
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<u>60,001 pounds or more</u>	<u>\$280</u>

(b) The department may increase fees in subsection (3)(a) every 2 years by rule, provided the fees are commensurate with the cost of issuing a license and the fee increase does not exceed 15%.

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

(5) (a) All licenses are annual and, except for those described in subsection (5)(b), expire on the anniversary date established by rule by the board of review established in 30-16-302.

(b) Licenses for on-farm scales expire at the end of the calendar year.

(6) (a) A late renewal fee equal to 50% of the renewal license fee established in subsection (3) must be assessed if the fee is not paid:

(i) for on-farm scales, before the first day of the sixth month of the year in which the license fee is due; or

(ii) for all other licenses, within 60 days of the anniversary date.

(b) If the fee is not paid by the respective due date listed in subsection (6)(a), the weighing device may be sealed and removed from service by the department.

(c) A person may not use a weighing device that has been removed from service or break the seal on a device removed from service until all fees have been paid.

(7) The fees must be deposited to the state special revenue fund of the department for use in the administration and enforcement of this part.

(8) The department shall report biennially to the economic affairs interim committee in accordance with 5-11-210 concerning license fees and cost increases under this section."

Section 3. Transfer of funds. Before June 30, 2023, the department shall transfer not more than \$2.3 million from fees collected pursuant to 50-60-104 into the fund designated in 30-12-203(7).

Section 4. Effective dates. (1) Except as provided in subsection (2), [this act] is effective January 1, 2024.

(2) [Section 3] and this section are effective on passage and approval.

- END -

I hereby certify that the within bill,
SB 53, originated in the Senate.

Secretary of the Senate

President of the Senate

Signed this _____ day
of _____, 2023.

Speaker of the House

Signed this _____ day
of _____, 2023.

SENATE BILL NO. 53

INTRODUCED BY M. LANG

BY REQUEST OF THE DEPARTMENT OF LABOR AND INDUSTRY

AN ACT REVISING LAWS RELATING TO WEIGHTS AND MEASURES FEES COLLECTED BY THE DEPARTMENT OF LABOR AND INDUSTRY; PROVIDING RULEMAKING AUTHORITY TO THE DEPARTMENT OF LABOR AND INDUSTRY ON FEES FOR WEIGHTS AND MEASURES; LIMITING THE FEE INCREASE ON A LICENSE FOR A WEIGHING DEVICE; ESTABLISHING REPORTING REQUIREMENTS; REQUIRING A ONE-TIME-ONLY TRANSFER OF FUNDS; AMENDING SECTIONS 30-12-202 AND 30-12-203, MCA; AND PROVIDING EFFECTIVE DATES.