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5 Strike everything after the enacting clause and insert the  
6 following:

7 "Sec. 1. RCW 19.94.010 and 1992 c 237 s 3 are each amended to read  
8 as follows:

9 (1) Unless the context clearly requires otherwise, the definitions  
10 in this section apply throughout this chapter and to any rules adopted  
11 pursuant to this chapter.

12 (a) "City" means a first class city with a population of over fifty  
13 thousand persons.

14 (b) "City sealer" means the person duly authorized by a city to  
15 enforce and administer the weights and measures program within such  
16 city and any duly appointed deputy sealer acting under the instructions  
17 and at the direction of the city sealer.

18 (c) "Commodity in package form" means a commodity put up or  
19 packaged in any manner in advance of sale in units suitable for either  
20 wholesale or retail sale, exclusive, however, of an auxiliary shipping  
21 container enclosing packages that individually conform to the  
22 requirements of this chapter. An individual item or lot of any  
23 commodity not in packaged form, but on which there is marked a selling  
24 price based on established price per unit of weight or of measure,  
25 shall be construed to be a commodity in package form.

26 (d) "Consumer package" or "package of consumer commodity" means a  
27 commodity in package form that is customarily produced or distributed  
28 for sale through retail sales agencies or instrumentalities for  
29 consumption by persons, or used by persons for the purpose of personal  
30 care or in the performance of services ordinarily rendered in or about  
31 a household or in connection with personal possessions.

32 (e) "Cord" means the measurement of wood intended for fuel or pulp  
33 purposes that is contained in a space of one hundred twenty-eight cubic  
34 feet, when the wood is ranked and well stowed.

35 (f) "Department" means the department of agriculture of the state  
36 of Washington.

1 (g) "Director" means the director of the department or duly  
2 authorized representative acting under the instructions and at the  
3 direction of the director.

4 (h) "Fish" means any waterbreathing animal, including shellfish,  
5 such as, but not limited to, lobster, clam, crab, or other mollusca  
6 that is prepared, processed, sold, or intended for sale.

7 (i) "Net weight" means the weight of a commodity excluding any  
8 materials, substances, or items not considered to be part of such  
9 commodity. Materials, substances, or items not considered to be part  
10 of a commodity shall include, but are not limited to, containers,  
11 conveyances, bags, wrappers, packaging materials, labels, individual  
12 piece coverings, decorative accompaniments, and coupons.

13 (j) "Nonconsumer package" or "package of nonconsumer commodity"  
14 means a commodity in package form other than a consumer package and  
15 particularly a package designed solely for industrial or institutional  
16 use or for wholesale distribution only.

17 (k) "Meat" means and shall include all animal flesh, carcasses, or  
18 parts of animals, and shall also include fish, shellfish, game,  
19 poultry, and meat food products of every kind and character, whether  
20 fresh, frozen, cooked, cured, or processed.

21 (l) "Official seal of approval" means the uniform seal or  
22 certificate issued by the director or city sealer which indicates that  
23 a weights and measures standard or a weighing or measuring instrument  
24 or device conforms with the specifications, tolerances, and other  
25 technical requirements adopted in RCW 19.94.195.

26 (m) "Person" means any individual, receiver, administrator,  
27 executor, assignee, trustee in bankruptcy, trust, estate, firm,  
28 copartnership, joint venture, club, company, business trust,  
29 corporation, association, society, or any group of individuals acting  
30 as a unit, whether mutual, cooperative, fraternal, nonprofit, or  
31 otherwise.

32 (n) "Poultry" means all fowl, domestic or wild, that is prepared,  
33 processed, sold, or intended or offered for sale.

34 (o) "Service agent" means a person who for hire, award, commission,  
35 or any other payment of any kind, installs, inspects, checks, adjusts,  
36 repairs, reconditions, or systematically standardizes the graduations  
37 of a weighing or measuring instrument or device.

38 (p) "Ton" means a unit of two thousand pounds avoirdupois weight.

1 (q) "Weighing or measuring instrument or device" means any  
2 equipment or apparatus used commercially to establish the size,  
3 quantity, capacity, count, extent, area, heaviness, or measurement of  
4 quantities, things, produce, or articles for distribution or  
5 consumption, that are purchased, offered or submitted for sale, hire,  
6 or award on the basis of weight, measure or count, including any  
7 accessory attached to or used in connection with a weighing or  
8 measuring instrument or device when such accessory is so designed or  
9 installed that its operation affects, or may effect, the accuracy or  
10 indication of the device. This definition shall be strictly limited to  
11 those weighing or measuring instruments or devices governed by Handbook  
12 44 as adopted under RCW 19.94.195.

13 (r) "Weight" means net weight as defined in this section.

14 (s) "Weights and measures" means the recognized standards or units  
15 of measure used to indicate the size, quantity, capacity, count,  
16 extent, area, heaviness, or measurement of any consumable commodity.

17 (t) "Secondary weights and measures standard" means ~~((any object))~~  
18 the physical standards that are traceable to the primary standards  
19 through comparisons, used by the director, a city sealer, or a service  
20 agent that under specified conditions defines or represents a  
21 recognized weight or measure during the inspection, adjustment,  
22 testing, or systematic standardization of the graduations of any  
23 weighing or measuring instrument or device.

24 (2) The director shall prescribe by rule other definitions as may  
25 be necessary for the implementation of this chapter.

26 **Sec. 2.** RCW 19.94.160 and 1992 c 237 s 5 are each amended to read  
27 as follows:

28 Weights and measures standards that are in conformity with the  
29 standards of the United States as have been supplied to the state by  
30 the federal government or otherwise obtained by the state for use as  
31 state weights and measures standards, shall, when the same shall have  
32 been certified as such by the national institute of standards and  
33 technology or any successor organization, be the ~~((state))~~ primary  
34 standards of weight and measure. The state weights and measures  
35 standards shall be kept in a place designated by the director and shall  
36 ~~((not be removed from such designated place except for repairs or for~~  
37 ~~certification. These state weights and measures standards shall be~~  
38 ~~submitted at least once every ten years to the national institute of~~

1 standards and technology or any successor organization for  
2 certification)) be maintained in such calibration as prescribed by the  
3 national institute of standards and technology or any successor  
4 organization.

5 **Sec. 3.** RCW 19.94.175 and 1992 c 237 s 7 are each amended to read  
6 as follows:

7 (1) ~~((The department shall establish reasonable, biennial~~  
8 ~~inspection and testing fees for each type or class of weighing or~~  
9 ~~measuring instrument or device required to be inspected and tested~~  
10 ~~under this chapter. These inspection and testing fees shall be~~  
11 ~~equitably prorated within each such type or class and shall be limited~~  
12 ~~to those amounts necessary for the department to cover, to the extent~~  
13 ~~possible, the direct costs associated with the inspection and testing~~  
14 ~~of each type or class of weighing or measuring instrument or device.~~

15 (2) ~~Prior to the establishment and each amendment of the fees~~  
16 ~~authorized under this chapter, a weights and measures fee task force~~  
17 ~~shall be convened under the direction of the department. The task~~  
18 ~~force shall be composed of a representative from the department who~~  
19 ~~shall serve as chair and one representative from each of the following:~~  
20 ~~City sealers, service agents, service stations, grocery stores,~~  
21 ~~retailers, food processors/dealers, oil heat dealers, the agricultural~~  
22 ~~community, and liquid propane dealers. The task force shall recommend~~  
23 ~~the appropriate level of fees to be assessed by the department pursuant~~  
24 ~~to subsection (1) of this section, based upon the level necessary to~~  
25 ~~cover the direct costs of administering and enforcing the provisions of~~  
26 ~~this chapter and to the extent possible be consistent with fees~~  
27 ~~reasonably and customarily charged in the private sector for similar~~  
28 ~~services.~~

29 (3)) The following fees shall be charged for the inspection and  
30 testing of weighing or measuring instruments or devices required to be  
31 inspected and tested under this chapter:

- 32 (a) Weighing devices:
- 33 (i) Small scales "zero to four hundred pounds  
34 capacity" . . . . . \$ 12.00
- 35 (ii) Intermediate scales "four hundred one pounds to  
36 five thousand pounds capacity" . . . . . \$ 50.00
- 37 (iii) Large scales "over five thousand pounds  
38 capacity" . . . . . \$ 105.00

1	(iv)	<u>Large scales with supplemental devices . . . . .</u>	<u>\$ 125.00</u>
2	(v)	<u>Railroad track scales . . . . .</u>	<u>\$ 800.00</u>
3	(b)	<u>Liquid fuel metering devices:</u>	
4	(i)	<u>Motor fuel meters with flows of less than twenty</u>	
5		<u>gallons per minute . . . . .</u>	<u>\$ 12.00</u>
6	(ii)	<u>Motor fuel meters with flows of more than twenty</u>	
7		<u>but not more than one hundred fifty gallons per</u>	
8		<u>minute . . . . .</u>	<u>\$ 40.00</u>
9	(iii)	<u>Motor fuel meters with flows over one hundred</u>	
10		<u>fifty gallons per minute . . . . .</u>	<u>\$ 50.00</u>
11	(c)	<u>Liquid petroleum gas meters:</u>	
12	(i)	<u>With one inch diameter or smaller dispensers</u>	
13		<u>that are not compensated for temperature</u>	
14		<u>variations . . . . .</u>	<u>\$ 50.00</u>
15	(ii)	<u>With one inch diameter or smaller dispensers</u>	
16		<u>that are compensated for temperature</u>	
17		<u>variations . . . . .</u>	<u>\$ 50.00</u>
18	(iii)	<u>With greater than one inch diameter dispensers</u>	
19		<u>that are not compensated for temperature</u>	
20		<u>variations . . . . .</u>	<u>\$ 75.00</u>
21	(iv)	<u>With greater than one inch diameter dispensers</u>	
22		<u>that are compensated for temperature</u>	
23		<u>variations . . . . .</u>	<u>\$ 75.00</u>
24	(d)	<u>Fabric meters . . . . .</u>	<u>\$ 12.00</u>
25	(e)	<u>Cordage meters . . . . .</u>	<u>\$ 12.00</u>
26	(f)	<u>Mass flow meters . . . . .</u>	<u>\$ 35.00</u>
27	(g)	<u>Taxi meters . . . . .</u>	<u>\$ 12.00</u>

28     ~~(2)~~ The fees authorized under this chapter ~~((may))~~ shall be billed  
29 only after the director or a city sealer has ~~((issued an official seal~~  
30 ~~of approval for a))~~ officially inspected and tested any weighing or  
31 measuring instrument or device ((or a weight or measure standard)).

32     ~~((4) All fees)~~ (3) Any fees assessed under this chapter shall  
33 become due and payable thirty days after billing by the department or  
34 a city sealer. A late penalty of one and one-half percent per month  
35 may be assessed on the unpaid balance more than thirty days in arrears.

36     ~~((5))~~ (4) Fees upon weighing or measuring instruments or devices  
37 within the jurisdiction of the city that are collected under this  
38 section by city sealers shall be deposited into the general fund, or  
39 other account, of the city as directed by the governing body of the

1 city. (~~On the thirtieth day of each month, city sealers shall,~~  
2 ~~pursuant to procedures established and upon forms provided by the~~  
3 ~~director, remit to the department for administrative costs ten percent~~  
4 ~~of the total fees collected.~~

5 ~~(6))~~ (5) With the exception of subsection (~~(7))~~ (6) of this  
6 section, no person shall be required to pay more than the established  
7 inspection and testing fee adopted under this section for any weighing  
8 or measuring instrument or device in any two-year period when the same  
9 has been found to be correct.

10 (~~(7) Whenever a special request is made by the owner for the~~  
11 ~~inspection and testing of a weighing or measuring instrument or device,~~  
12 ~~the fee prescribed by the director for such a weighing or measuring~~  
13 ~~instrument or device shall be paid by the owner.))~~

14 (6) The department or a city sealer may establish reasonable  
15 inspection and testing fees for each type or class of weighing or  
16 measuring instrument or device specially requested to be inspected or  
17 tested by the device owner. These inspection and testing fees shall be  
18 limited to those amounts necessary for the department or city sealer to  
19 cover the direct costs associated with such inspection and testing.  
20 The fees established under this subsection shall not be set so as to  
21 compete with service agents normally engaged in such services.

22 NEW SECTION. Sec. 4. A new section is added to chapter 19.94 RCW  
23 to read as follows:

24 (1) The department or a city sealer may establish reasonable  
25 reinspection and testing fees for each type or class of weighing or  
26 measuring instrument or device required to be inspected and tested  
27 under this chapter when such a device has been found to be incorrect.  
28 These reinspection and testing fees shall be limited to those amounts  
29 necessary for the department or a city sealer to cover, to the extent  
30 possible, the direct costs associated with the reinspection and testing  
31 of each type or class of weighing or measuring instrument or device.  
32 Investigations for cause shall not be construed as reinspections under  
33 this section.

34 (2) Prior to the establishment and each amendment of the fees  
35 authorized under this section, a weights and measures fee task force  
36 shall be convened under the direction of the department. The task  
37 force shall be composed of a representative from the department who  
38 shall serve as chair and one representative appointed by the director

1 from each of the following: City sealers, service agents, service  
2 stations, grocery stores, retailers, food processors/dealers, oil heat  
3 dealers, the agricultural community, and liquid propane dealers. The  
4 task force shall approve the appropriate level of fees to be assessed  
5 by the department by rule pursuant to subsection (1) of this section,  
6 based upon the level necessary to cover the direct costs of  
7 administering and enforcing the provisions of this section and to the  
8 extent possible be consistent with fees reasonably and customarily  
9 charged in the private sector for similar services. Only fee levels  
10 approved by the task force may be assessed under this section.

11 (3) This section expires June 30, 1995.

12 **Sec. 5.** RCW 19.94.185 and 1992 c 237 s 8 are each amended to read  
13 as follows:

14 All moneys collected under this chapter shall be placed in the  
15 weights and measures account hereby established in the state treasury.  
16 Moneys deposited in this account may be spent only following  
17 appropriation by law and shall be used solely for the purposes ((of  
18 ~~weighing or measuring instrument or device inspection and testing~~))  
19 relating to the enforcement or implementation of this chapter.

20 **Sec. 6.** RCW 19.94.190 and 1992 c 237 s 9 are each amended to read  
21 as follows:

22 (1) The director and duly appointed city sealers shall enforce the  
23 provisions of this chapter. The director shall adopt rules for  
24 enforcing and carrying out the purposes of this chapter including but  
25 not limited to the following:

26 (a) Establishing state standards of weight, measure, or count, and  
27 reasonable standards of fill for any commodity in package form;

28 (b) The establishment of technical and reporting procedures to be  
29 followed, any necessary report and record forms, and marks of rejection  
30 to be used by the director and city sealers in the discharge of their  
31 official duties as required by this chapter;

32 (c) The establishment of technical test procedures, reporting  
33 procedures, and any necessary record and reporting forms to be used by  
34 service agents when installing, repairing, inspecting, or standardizing  
35 the graduations of any weighing or measuring instruments or devices;

36 (d) ~~((The establishment of fee payment and reporting procedures and  
37 any necessary report and record forms to be used by city sealers when~~

1 ~~remitting the percentage of total fees collected as required under this~~  
2 ~~chapter;~~

3 ~~(e))~~ The establishment of exemptions from the sealing or marking  
4 inspection and testing requirements of RCW 19.94.250 with respect to  
5 weighing or measuring instruments or devices of such character or size  
6 that such sealing or marking would be inappropriate, impracticable, or  
7 damaging to the apparatus in question;

8 ~~((f))~~ (e) The establishment of exemptions from the inspection and  
9 testing requirements of RCW 19.94.165 with respect to classes of  
10 weighing or measuring instruments or devices found to be of such  
11 character that periodic inspection and testing is unnecessary to ensure  
12 continued accuracy; and

13 ~~((g))~~ (f) The establishment of inspection and approval  
14 techniques, if any, to be used with respect to classes of weighing or  
15 measuring instruments or devices that are designed specifically to be  
16 used commercially only once and then discarded, or are uniformly  
17 mass-produced by means of a mold or die and are not individually  
18 adjustable.

19 (2) These rules shall also include specifications and tolerances  
20 for the acceptable range of accuracy required of weighing or measuring  
21 instruments or devices and shall be designed to eliminate from use,  
22 without prejudice to weighing or measuring instruments or devices that  
23 conform as closely as practicable to official specifications and  
24 tolerances, those (a) that are of such construction that they are  
25 faulty, that is, that are not reasonably permanent in their adjustment  
26 or will not repeat their indications correctly, or (b) that facilitate  
27 the perpetration of fraud.

28 **Sec. 7.** RCW 19.94.216 and 1992 c 237 s 12 are each amended to read  
29 as follows:

30 The department shall:

31 (1) Biennially inspect and test the secondary weights and measures  
32 standards of any city for which the appointment of a city sealer is  
33 provided by this chapter and shall issue an official seal of approval  
34 for same when found to be correct. The department shall, by rule,  
35 establish a reasonable fee for ~~((such))~~ this and any other inspection  
36 and testing services performed by the department's metrology  
37 laboratory.



1 (2) Biennially inspect, test, and, if found to be correct, issue an  
2 official seal of approval for any weighing or measuring instrument or  
3 device used in an agency or institution to which moneys are  
4 appropriated by the legislature or of the federal government and shall  
5 report any findings in writing to the executive officer of the agency  
6 or institution concerned. The department shall collect a reasonable  
7 fee, to be set by rule, for testing any such weighing or measuring  
8 instrument or device.

9 (3) Inspect, test, and, if found to be correct, issue a seal of  
10 approval for classes of weighing or measuring instruments or devices  
11 found to be few in number, highly complex, and of such character that  
12 differential inspection and testing frequency is necessary including,  
13 but not limited to, railroad track scales and grain elevator scales.  
14 The department shall develop rules regarding the inspection and testing  
15 procedures to be used for such weighing or measuring instruments or  
16 devices which shall include requirements for the provision,  
17 maintenance, and transport of any weight or measure standard necessary  
18 for inspection and testing at no expense to the state. The department  
19 may collect a reasonable fee, to be set by rule, for inspecting and  
20 testing any such weighing and measuring instruments or devices. This  
21 fee shall not be unduly burdensome and shall cover, to the extent  
22 possible, the direct costs of performing such service.

23 **Sec. 8.** RCW 19.94.255 and 1992 c 237 s 17 are each amended to read  
24 as follows:

25 (1) Weighing or measuring instruments or devices that have been  
26 rejected under the authority of the director or a city sealer shall  
27 remain subject to the control of the rejecting authority until such  
28 time as suitable repair or disposition thereof has been made as  
29 required by this section.

30 (2) The owner of any weighing or measuring instrument or device  
31 that has been marked or tagged as rejected by the director or a city  
32 sealer shall cause the same to be made correct within thirty days or  
33 such longer period as may be authorized by the rejecting authority. In  
34 lieu of correction, the owner of such weighing and measuring instrument  
35 or device may dispose of the same, but only in the manner specifically  
36 authorized by the rejecting authority.

37 ~~((3) Weighing and measuring instruments or devices that have been~~  
38 ~~rejected shall not again be used commercially until they have been~~

1 officially reexamined and, if found to be correct, had an official seal  
2 of approval placed upon or issued for such weighing or measuring  
3 instrument or device by the rejecting authority.))

4 **Sec. 9.** RCW 19.94.280 and 1992 c 237 s 20 are each amended to read  
5 as follows:

6 (1) There may be a city sealer in every city and such deputies as  
7 may be required by ordinance of each such city to administer and  
8 enforce the provisions of this chapter.

9 (2) Each city electing to have a city sealer shall adopt rules for  
10 the appointment and removal of the city sealer and any deputies  
11 required by local ordinance. The rules for appointment of a city  
12 sealer and any deputies must include provisions for the advice and  
13 consent of the local governing body of such city and, as necessary, any  
14 provisions for local civil service laws and regulations.

15 (3) A city sealer (~~((shall))~~) may adopt the fee amounts established  
16 (~~((by the director pursuant to RCW 19.94.165))~~) under RCW 19.94.175.  
17 However, no city shall adopt or charge an inspection, testing,  
18 reinspection, retesting, or licensing fee or any other fee upon a  
19 weighing or measuring instrument or device that is in excess of the fee  
20 amounts ((adopted under RCW 19.94.165)) established by the department  
21 under the provisions of this chapter for substantially similar  
22 services.

23 (4) A city sealer shall keep a complete and accurate record of all  
24 official acts performed under the authority of this chapter and shall  
25 submit an annual report to the governing body of his or her city and  
26 shall make any reports as may be required by the director.

27 **Sec. 10.** RCW 19.94.320 and 1992 c 237 s 22 are each amended to  
28 read as follows:

29 (1) In cities for which city sealers have been appointed as  
30 provided for in this chapter, the director shall have general  
31 (~~((supervisory powers over such))~~) oversight of city ((sealers)) weights  
32 and measures programs and may, when he or she deems it reasonably  
33 necessary, exercise concurrent authority to carry out the provisions of  
34 this chapter.

35 (2) When the director elects to exercise concurrent authority  
36 within a city with a duly appointed city sealer, the director's powers

1 and duties relative to this chapter shall be in addition to the powers  
2 granted in any such city by law or charter.

3 **Sec. 11.** RCW 19.94.360 and 1969 c 67 s 36 are each amended to read  
4 as follows:

5 In addition to the declarations required by RCW 19.94.350, any  
6 commodity in package form, the package being one of a lot containing  
7 random weights, measures or counts of the same commodity (~~(and bearing~~  
8 ~~the total selling price of the package))~~ at the time it is exposed for  
9 sale at retail, shall bear on the outside of the package a plain and  
10 conspicuous declaration of the price per single unit of weight,  
11 measure, or count and the total selling price of the package.

12 NEW SECTION. **Sec. 12.** A new section is added to chapter 15.80 RCW  
13 to read as follows:

14 All moneys collected under this chapter shall be placed in the  
15 weights and measures account in the state treasury created in RCW  
16 19.94.185."

--- END ---