

**SB 5437** - H COMM AMD

By Committee on Agriculture & Natural Resources

ADOPTED 04/11/2017

1 Strike everything after the enacting clause and insert the  
2 following:

3 "Sec. 1. RCW 15.80.300 and 1969 ex.s. c 100 s 1 are each amended  
4 to read as follows:

5 ~~((Terms used in this chapter shall have the meaning given to them  
6 in RCW 15.80.310 through 15.80.400 unless the context where used  
7 shall clearly indicate to the contrary.))~~ The definitions in this  
8 section apply throughout this chapter unless the context clearly  
9 require otherwise.

10 (1) "Certified weight" means any signed certified statement or  
11 memorandum of weight, measure, or count, issued by a weighmaster or  
12 weigher in accordance with the provisions of this chapter or any rule  
13 adopted under it.

14 (2) "Commodity" means anything that may be weighed, measured, or  
15 counted in a commercial transaction.

16 (3) "Department" means the department of agriculture of the state  
17 of Washington.

18 (4) "Director" means the director of the department or the  
19 director's duly appointed representative.

20 (5) "Licensed public weighmaster," also referred to as  
21 "weighmaster," means any person, licensed under the provisions of  
22 this chapter, who weighs, measures, or counts any commodity or thing  
23 and issues therefor a signed certified statement, ticket, or  
24 memorandum of weight, measure, or count accepted as the accurate  
25 weight, or count upon which the purchase or sale of any commodity or  
26 upon which the basic charge or payment for services rendered is  
27 based.

28 (6) "Person" means a natural person, individual, or firm,  
29 partnership, corporation, company, society, or association. This term  
30 shall import either the singular or plural, as the case may be.

31 (7) "Retail merchant" means and includes any person operating  
32 from a bona fide fixed or permanent location at which place all of

1 the retail business of the merchant is transacted, and whose business  
2 is exclusively retail except for the occasional wholesaling of small  
3 quantities of surplus commodities that have been taken in exchange  
4 for merchandise from the producers thereof at the bona fide fixed or  
5 permanent location.

6 (8) "Thing" means anything used to move, handle, transport, or  
7 contain any commodity for which a certified weight, measure, or count  
8 is issued when such thing is used to handle, transport, or contain a  
9 commodity.

10 (9) "Vehicle" means any device, other than a railroad car, in,  
11 upon, or by which any commodity is or may be transported or drawn.

12 (10) "Weigher" means any person who is licensed under the  
13 provisions of this chapter and who is an agent or employee of a  
14 weighmaster and authorized by the weighmaster to issue certified  
15 statements of weight, measure, or count.

16 **Sec. 2.** RCW 15.80.410 and 1969 ex.s. c 100 s 12 are each amended  
17 to read as follows:

18 The director shall enforce and carry out the provisions of this  
19 chapter and may adopt the necessary rules to carry out its purposes.  
20 The adoption of rules shall be subject to the provisions of chapter  
21 34.05 RCW (administrative procedure act), as enacted or hereafter  
22 amended, concerning the adoption of rules.

23 **Sec. 3.** RCW 15.80.440 and 1969 ex.s. c 100 s 15 are each amended  
24 to read as follows:

25 The director or any peace officer may order the driver of any  
26 vehicle previously weighed by a licensed public weighmaster (~~may be~~  
27 required)) to reweigh the vehicle and load at the nearest scale.

28 The director or any peace officer may order the driver of any  
29 vehicle operated by or for a retail merchant which vehicle contains  
30 hay, straw, or grain (~~may be required~~) to weigh the vehicle and  
31 load at the nearest scale(~~, and~~). If the weight is found to be less  
32 than the amount appearing on the invoice, a copy of which is required  
33 to be carried on the vehicle, the director or peace officer shall  
34 report the finding to the consignee and may (~~cause~~) prosecute such  
35 retail merchant (~~to be prosecuted~~) in accordance with the  
36 provisions of this chapter.

1       **Sec. 4.** RCW 15.80.450 and 2006 c 358 s 3 are each amended to  
2 read as follows:

3       (1) Any person may apply to the director for a weighmaster's  
4 license. Such application shall be on a form prescribed by the  
5 director and shall include:

6       ~~((1))~~ (a) The full name of the person applying for such license  
7 and, if the applicant is a partnership, association, or corporation,  
8 the full name of each member of the partnership or the names of the  
9 officers of the association or corporation;

10       ~~((2))~~ (b) The principal business address of the applicant in  
11 this state and elsewhere;

12       ~~((3))~~ (c) The names and addresses of the persons authorized to  
13 receive and accept service of summons and legal notice of all kinds  
14 for the applicant;

15       ~~((4))~~ (d) The location of ~~((any))~~ each scale ~~((or—scales))~~  
16 subject to the applicant's control and from which certified weights  
17 will be issued; ~~((and~~

18       ~~(5))~~ (e) The state unified business identifier number for the  
19 operator of the scale; and

20       (f) Such other information as the director ~~((feels))~~ identifies  
21 as necessary to carry out the purposes of this chapter and adopts by  
22 rule.

23       (2) Such annual application shall be accompanied by a license fee  
24 of ~~((fifty))~~ eighty dollars for each scale from which certified  
25 weights will be issued ~~((and a bond as provided for in RCW~~  
26 ~~15.80.480)).~~

27       **Sec. 5.** RCW 15.80.470 and 2010 c 8 s 6103 are each amended to  
28 read as follows:

29       If an application for the annual renewal of any license provided  
30 for in this chapter is not filed prior to the current license  
31 expiration date, there shall be assessed and added to the renewal fee  
32 as a penalty therefor fifty percent of said renewal fee which shall  
33 be paid by the applicant before any renewal license shall be issued.  
34 The penalty shall not apply if the applicant furnishes ~~((an~~  
35 ~~affidavit))~~ a declaration that he or she has not acted as a  
36 weighmaster or weigher subsequent to the expiration of his or her  
37 prior license.

1       **Sec. 6.** RCW 15.80.490 and 2010 c 8 s 6105 are each amended to  
2 read as follows:

3       (1) Any weighmaster (~~may~~) must file an application with the  
4 director for a license for any employee or agent to operate and issue  
5 certified weight tickets from (~~a~~) each scale which such weighmaster  
6 is licensed to operate under the provisions of this chapter. Such  
7 application shall be submitted on a form prescribed by the director  
8 and shall contain the following:

9       (~~1~~) (a) The name of the weighmaster;

10       (~~2~~) (b) The full name of the employee or agent (~~and his or~~  
11 her resident address)); and

12       (~~3~~) ~~The position held by such person with the weighmaster;~~

13       (~~4~~) (c) The scale (~~or scales~~) from which such employee or  
14 agent will issue certified weights(~~;~~ and

15 ~~Signature of the weigher and the weighmaster)).~~

16       (2) Such annual application shall be accompanied by a license fee  
17 of (~~ten~~) twenty dollars.

18       **Sec. 7.** RCW 15.80.510 and 2010 c 8 s 6107 are each amended to  
19 read as follows:

20       A licensed public weighmaster shall: (1) Keep the scale or scales  
21 upon which he or she weighs any commodity or thing, in conformity  
22 with the standards of weights and measures; (2) carefully and  
23 correctly weigh and certify the gross, tare, and net weights of any  
24 load of any commodity or thing required to be weighed; and (3)  
25 without charge, weigh any commodity or thing brought to his or her  
26 scale (~~by an inspector authorized~~) by the director or peace  
27 officer, and issue a certificate of the weights thereof.

28       **Sec. 8.** RCW 15.80.520 and 1983 c 95 s 6 are each amended to read  
29 as follows:

30       (1) Certification of weights (~~shall be made by~~) must be in  
31 accordance with subsection (2)(a) or (b) of this section.

32       (2)(a) The certification must appear in an appropriate and  
33 conspicuous place on each certificate and copies thereof. In addition  
34 the weight ticket must bear the name of the weighmaster, the full  
35 name of the weigher issuing the ticket, and a seal number assigned to  
36 the scale by the department. The seal number must be used only at the  
37 scale to which it is assigned.

1 WEIGHMASTER CERTIFICATE

2 THIS IS TO CERTIFY that the following described  
3 commodity was weighed, measured, or counted by a  
4 weighmaster, whose signature is on this certificate, who  
5 is a recognized authority of accuracy, as prescribed by  
6 chapter 15.80 RCW administered by the Washington  
7 state department of agriculture.

8 (b) Certification must be made by means of an impression seal,  
9 the impress of which shall be placed by the weighmaster or weigher  
10 making the weight determination upon the weights shown on the weight  
11 tickets. The impression seal (~~shall~~) may be procured from the  
12 director upon the payment of a fee of (~~five~~) sixty dollars or the  
13 current cost of the seal to the department, whichever is less, and  
14 such fee shall accompany the applicant's application for a  
15 weighmaster's license. (~~The seal shall be retained by the~~  
16 weighmaster upon payment of an annual renewal fee of five dollars,  
17 and the fee shall accompany the annual renewal application for a  
18 weighmaster's license.)) Any replacement seal needed (~~shall~~) may be  
19 procured from the director upon payment to the department of the  
20 current cost to the department for such replacement. An impression  
21 seal (~~shall~~) must be used only at the scale to which it is  
22 assigned, and remains the property of the state and shall be returned  
23 (~~forthwith~~) to the director upon the termination, suspension, or  
24 revocation of the weighmaster's license.

25 **Sec. 9.** RCW 15.80.530 and 1969 ex.s. c 100 s 24 are each amended  
26 to read as follows:

27 The certified weight ticket shall be of a form approved by the  
28 director and shall contain the following information:

- 29 (1) The date of issuance;  
30 (2) The kind of commodity weighed, measured, or counted;  
31 (3) The name of the owner, agent, or consignee of the commodity  
32 weighed;  
33 (4) The name of the seller, agent, or consignor;  
34 (5) The accurate weight, measure, or count of the commodity  
35 weighed, measured, or counted; including the entry of the gross,  
36 tare, and/or net weight, where applicable;

1 (6) The identifying numerals or symbols, if any, of each  
2 container separately weighed and the ~~((motor vehicle))~~ license plate  
3 number of each vehicle separately weighed;

4 (7) The means by which the commodity was being transported at the  
5 time it was weighed, measured, or counted;

6 (8) The name of the city or town where such commodity was  
7 weighed;

8 (9) The complete signature of the weighmaster or weigher who  
9 weighed, measured, or counted the commodity; and

10 (10) Such other available information as may be necessary to  
11 distinguish or identify the commodity.

12 Such weight certificates when so made and properly ~~((signed and))~~  
13 certified or sealed shall be prima facie evidence of the accuracy of  
14 the weights, measures, or count shown, as a certified weight,  
15 measure, or count.

16 **Sec. 10.** RCW 15.80.540 and 1969 ex.s. c 100 s 25 are each  
17 amended to read as follows:

18 (1) Certified weight tickets shall be ~~((made in triplicate, one~~  
19 ~~copy to be))~~ delivered to the person receiving the weighed commodity  
20 at the time of delivery~~((, which copy shall))~~. The weight ticket must  
21 accompany the vehicle that transports such commodity~~((, one copy to~~  
22 ~~be forwarded))~~.

23 (2) A copy must be provided to the seller by the carrier of the  
24 weighed commodity~~((, and one copy to be retained by))~~.

25 (3) The weighmaster that ~~((weighed the vehicle transporting such~~  
26 ~~commodity. The copy retained by the weighmaster shall be kept at~~  
27 ~~least))~~ provided the certified weight ticket must retain a copy for a  
28 period of one year~~((, and such copies and))~~.

29 (4) The weighmaster must retain such other records as the  
30 director shall determine necessary to carry out the purposes of this  
31 chapter.

32 (5) These records shall be made available at all reasonable  
33 business hours for inspection by the director.

34 **Sec. 11.** RCW 15.80.560 and 1969 ex.s. c 100 s 27 are each  
35 amended to read as follows:

36 A licensed public weighmaster shall, in making a weight  
37 determination as provided for in this chapter, use a weighing device  
38 that conforms to current state legal requirements for commercial

1 devices and is suitable for the weighing of the type and amount of  
2 commodity being weighed. The director shall cause to be tested for  
3 proper state standards of weight all weighing or measuring devices  
4 utilized by any licensed public weighmaster. Certified weights shall  
5 not be issued over a device that has been rejected or condemned for  
6 ~~((repair or))~~ use by the director until such device has been repaired  
7 and tested as conforming to the intended use requirements.

8 **Sec. 12.** RCW 15.80.590 and 2010 c 8 s 6109 are each amended to  
9 read as follows:

10 The director is hereby authorized to deny, suspend, or revoke a  
11 license ~~((subsequent to a hearing, if a hearing is requested,))~~ in  
12 any case in which he or she finds that there has been a failure to  
13 comply with the requirements of this chapter or rules adopted  
14 hereunder. For hearings for revocations, suspension, or denial of a  
15 license, the director shall give the licensee or applicant such  
16 notice as is required under the provisions of chapter 34.05 RCW. Such  
17 hearings shall be subject to chapter 34.05 RCW (administrative  
18 procedure act) concerning adjudicative proceedings.

19 **Sec. 13.** RCW 15.80.640 and 2011 c 96 s 16 are each amended to  
20 read as follows:

21 Any person who shall mark, stamp, or write any false weight  
22 ticket, scale ticket, or weight certificate, knowing it to be false,  
23 and any person who influences, or attempts to wrongfully influence,  
24 any licensed public weighmaster or weigher in the performance of his  
25 or her official duties shall be guilty of a gross misdemeanor and  
26 upon conviction thereof shall be punished by a fine of not less than  
27 ~~((one))~~ five hundred dollars nor more than ~~((one))~~ five thousand  
28 dollars, or by imprisonment of not less than thirty days nor more  
29 than three hundred sixty-four days in the county jail, or by both  
30 such fine and imprisonment.

31 **Sec. 14.** RCW 15.80.650 and 2003 c 53 s 109 are each amended to  
32 read as follows:

33 (1) Except as provided in RCW 15.80.640 or subsection (2) of this  
34 section, any person violating any provision of this chapter or rules  
35 adopted hereunder is guilty of a misdemeanor.

1 (2) A second or subsequent same or similar violation is a gross  
2 misdemeanor. Any offense committed more than five years after a  
3 previous conviction shall be considered a first offense.

4 (3) The director may assess a civil penalty ranging from one  
5 hundred dollars to one thousand dollars per occurrence against any  
6 person who knowingly violates any provision under this chapter or  
7 rules adopted thereunder. In determining the amount of any civil  
8 penalty, the director shall give due consideration to the  
9 appropriateness of the penalty with respect to the gravity of the  
10 violation, and the history of any previous violations. The respondent  
11 issued a notice of intent to assess a civil penalty must be provided  
12 the opportunity to request a hearing as provided under chapter 34.05  
13 RCW to contest the alleged violation and the penalty amount.

14 **Sec. 15.** RCW 15.80.660 and 1995 c 355 s 25 are each amended to  
15 read as follows:

16 (1) All moneys collected under this chapter shall be placed in  
17 the weights and measures account created in RCW 19.94.185.

18 (2) Civil penalties collected under RCW 15.80.650 must be  
19 deposited into the state general fund.

20 NEW SECTION. **Sec. 16.** The following acts or parts of acts are  
21 each repealed:

22 (1) RCW 15.80.310 ("Department") and 1969 ex.s. c 100 s 2;

23 (2) RCW 15.80.320 ("Director") and 2010 c 8 s 6101 & 1969 ex.s. c  
24 100 s 3;

25 (3) RCW 15.80.330 ("Person") and 1969 ex.s. c 100 s 4;

26 (4) RCW 15.80.340 ("Licensed public weighmaster") and 1969 ex.s.  
27 c 100 s 5;

28 (5) RCW 15.80.350 ("Weigher") and 1969 ex.s. c 100 s 6;

29 (6) RCW 15.80.360 ("Vehicle") and 1969 ex.s. c 100 s 7;

30 (7) RCW 15.80.370 ("Certified weight") and 1969 ex.s. c 100 s 8;

31 (8) RCW 15.80.380 ("Commodity") and 1969 ex.s. c 100 s 9;

32 (9) RCW 15.80.390 ("Thing") and 1969 ex.s. c 100 s 10;

33 (10) RCW 15.80.400 ("Retail merchant") and 1969 ex.s. c 100 s 11;

34 (11) RCW 15.80.480 (Surety bond) and 2010 c 8 s 6104 & 1969 ex.s.  
35 c 100 s 19; and

36 (12) RCW 15.80.600 (Hearings for denial, suspension or revocation  
37 of licenses—Notice—Location) and 1969 ex.s. c 100 s 31."



1 Correct the title.

EFFECT: Retains all provisions of the underlying bill with the following changes:

Specifies that the cost of an impression seal is the lesser of either \$60 or the cost of the seal to the Department of Agriculture.

Changes the maximum penalty for falsely marking or writing a weight document to \$5,000.

Changes the range of the civil penalty for any other violation of weighmaster laws or rules to \$100 to \$1,000.

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