

SENATE BILL REPORT

SB 5437

As Amended by House, April 11, 2017

Title: An act relating to the weighmaster program.

Brief Description: Concerning the weighmaster program.

Sponsors: Senators Chase and Honeyford; by request of Department of Agriculture.

Brief History:

Committee Activity: Agriculture, Water, Trade & Economic Development: 2/07/17, 2/07/17 [DP-WM].

Floor Activity:

Passed Senate: 2/28/17, 49-0.

Passed House: 4/11/17, 96-0.

Brief Summary of Bill

- Requires an application for a weighmaster's license to include certain additional information and be accompanied by \$80 for each scale from which certified weights will be issued.
- Removes certain information currently required on an application for an employee of a weighmaster and requires the application be accompanied by a fee of \$20.
- Establishes that a certification must appear in an appropriate and conspicuous place and the weight ticket must contain certain information.

SENATE COMMITTEE ON AGRICULTURE, WATER, TRADE & ECONOMIC DEVELOPMENT

Majority Report: Do pass and be referred to Committee on Ways & Means.

Signed by Senators Warnick, Chair; Hawkins, Vice Chair; Chase, Ranking Minority Member; Wellman, Assistant Ranking Minority Member; Brown, Honeyford, McCoy, Pearson, Short, Takko and Van De Wege.

Staff: Karen Epps (786-7424)

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Background: The Washington State Department of Agriculture (Department) regulates commercial weighing, measuring, and counting devices used in the state. These include gas pumps, grocery store scales, truck scales, home heating oil truck meters, liquid gas meters, and taximeters. The program consists of device inspections, fuel quality monitoring, price verification inspections, package inspection, and investigation of complaints. Weighmasters are licensed and bonded to issue certified weight tickets.

Weighmaster License Applications. Any person may apply to the Director of the Department (Director) for a Weighmaster's license. The Weighmaster's license application must be accompanied by a license fee of \$50 for each scale from which certified weights will be issued and a bond is required. A weighmaster may file an application with the Director for a license for any employee to operate and issue certified weight tickets from a scale which the Weighmaster is licensed to operate. The license application for employees of a licensed Weighmaster must be accompanied by a license fee of \$10.

Certifications. Certification of weights must be made by means of an impression seal, the impress of which must be placed by the Weighmaster or Weigher making the weight determination upon the weights shown on the weight tickets. The impression seal must be obtained from the Director. The fee for an impression seal is \$5 and must accompany the applicant's application for a weighmaster's license. The Weighmaster keeps the seal upon payment of an annual renewal fee of \$5, submitted with the Weighmaster's annual renewal license application. If a replacement seal is needed, the Weighmaster must obtain the replacement seal from the Director and pay the costs of the replacement. A licensed public Weighmaster must use a weighing device that is suitable for the weighing of the type and amount of commodity being weighed.

Hearings and Penalties. The Director is authorized to deny, suspend, or revoke a license subsequent to a hearing, if a hearing is requested, in any case in which they find that there has been a failure to comply with the requirements to operate as a weighmaster. Altering or modifying a weight ticket, scale ticket, or weight certificate, or influencing or attempting to influence any licensed public Weighmaster or Weigher in the performance of their official duties is a gross misdemeanor with a penalty of fines of not less than \$100 nor more than \$1000; or by imprisonment of not less than 30 days nor more than 364 days in county jail; or by both a fine and imprisonment.

Summary of Bill: Weighmaster License Applications. An application for a weighmaster's license must also include the addresses of the persons authorized to receive and accept service of summons and other legal notices; the state unified business identifier number for the operator of the scale; and other information identified by the Director that has been adopted by rule. The annual application for a weighmaster must be accompanied by \$80 for each scale from which certified weights will be issued. The requirement for a bond is removed. The application for an employee of a weighmaster that operates and issues certified weight tickets is no longer required to contain the employee's resident address and the position held by the employee, and does not require signatures of the Weigher and the Weighmaster. The license fee is \$20.

Certifications. The certification must appear in an appropriate and conspicuous place on each certificate and any copies. The weight ticket must bear the name of the Weighmaster,

the full name of the Weigher issuing the ticket, and a seal number assigned to the scale by the Department. The seal number must be used only at the scale to which it is assigned. Certification must be made by means of an impression seal and the impression seal may be obtained from the Department for a fee of \$60 or the current cost of the seal to the Department. If a replacement seal is needed, the Weighmaster may obtain a replacement from the Department. A licensed public Weighmaster must use a weighing device that conforms to current state legal requirements for commercial devices and is suitable for the weighing of the type and amount of commodity being weighed.

Hearings and Penalties. For hearings for revocations, suspension, or denial of a license, the Director must give the licensee or applicant notice of the proceedings. The fines for altering or modifying a weight ticket, scale ticket, or weight certificate, or influencing or attempting to influence any licensed public Weighmaster or Weigher in the performance of their official duties are increased to not less than \$500 nor more than \$10,000. The Director may assess a civil penalty ranging from \$500 to \$10,000 per occurrence against any person who knowingly violates Weighmaster statutes and rules. In determining the amount of any civil penalty, the Director must give due consideration to the appropriateness of the penalty with respect to the gravity of the violation, and the history of any previous violations. If the respondent receives a notice of intent to assess a civil penalty, the respondent must be provided the opportunity to request a hearing to contest the alleged violation and the penalty amount. Any civil penalties collected must be deposited in the General Fund.

The Director or any peace officer may order the driver of a vehicle previously weighed by a licensed weighmaster to reweigh the vehicle. The Director or any peace officer may order the driver of a vehicle containing hay, straw, or grain to weigh the vehicle at the nearest scale and if the weight is found to be less than the amount listed on the invoice, the Director or peace officer must report the findings to the consignee. Technical changes are made and duplicative or obsolete sections are repealed.

Appropriation: None.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: Public weighmasters ensure the accuracy of weight and measures of products and services being sold. Examples of weighmasters who are licensed by the Department include truck stops that provide certified weights to haulers, hay dealers, sand and gravel transporters, and moving and storage companies. Most of the provisions for the weighmaster program have not been changed since the 1960s. This bill will update the program to accommodate current business practices and technology. Current law requires a weigh ticket to have a raised seal, an original signature, and be made in triplicate. This bill will now allow the use of a printed certificate, electronic signatures, and electronic storage of documents. This program is supported by industry fees, which were set about 10 years ago. The fee adjustment in the bill aligns the fee level with the costs of

administering the program. With the removal of the bond requirement, costs to licensed weighmasters will go down even with the fee increase.

Persons Testifying: PRO: Senator Maralyn Chase, Prime Sponsor; Jerry Buendel, WA State Dept of Agriculture.

Persons Signed In To Testify But Not Testifying: No one.

EFFECT OF HOUSE AMENDMENT(S):

- Provides that the cost of an impression seal is either \$60 or the cost of the seal to the Department of Agriculture, whichever is less.
- Modifies the fines for altering or modifying a weight ticket, scale ticket, or weight certificate, or influencing or attempting to influence any licensed public Weighmaster or Weigher in the performance of their official duties to not more than \$5,000, rather than \$10,000.
- Establishes that the Director may assess a civil penalty ranging from \$100 to \$1,000 per occurrence, rather than \$500 to \$10,000 per occurrence, against any person who knowingly violates Weighmaster statutes and rules.