

SENATE BILL REPORT

SHB 1298

As Passed Senate, April 11, 2019

Title: An act relating to device registration, civil penalties, and service agent registration for the weights and measures program.

Brief Description: Concerning device registration, civil penalties, and service agent registration for the weights and measures program.

Sponsors: House Committee on Rural Development, Agriculture, & Natural Resources (originally sponsored by Representatives Pettigrew, Chandler, Blake, Kretz and Springer; by request of Department of Agriculture).

Brief History: Passed House: 3/05/19, 98-0.

Committee Activity: Agriculture, Water, Natural Resources & Parks: 3/26/19, 4/02/19 [DP].

Floor Activity:

Passed Senate: 4/11/19, 46-0.

Brief Summary of Bill

- Modifies fees and civil penalties assessed under the Washington Department of Agriculture's (WSDA) Weights and Measures Program.
- Directs the Weights and Measures Advisory Group to review costs and fees associated with WSDA's Weights and Measures Program, and to report to stakeholders every five years on the financial status of the program.
- Authorizes WSDA to require persons registering as service agents to pass a competency examination

SENATE COMMITTEE ON AGRICULTURE, WATER, NATURAL RESOURCES & PARKS

Majority Report: Do pass.

Signed by Senators Van De Wege, Chair; Salomon, Vice Chair; Warnick, Ranking Member; Honeyford, McCoy, Rolfes and Short.

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.

Staff: Karen Epps (786-7424)

Background: Weights and Measures Program. WSDA 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. Annual weights and measures registration fees and penalties are set in statute.

First-class cities with populations greater than 50,000 are authorized to operate a weights and measures program. Cities that operate their own weights and measures programs may establish their own annual fees as long as they do not exceed the statutory fee schedule.

In addition, weighing or measuring instruments or devices used for commercial purposes in the state must be inspected and tested for accuracy at least once every two years by WSDA or by the city if the city operates its own weights and measures program.

Service Agents. Service agents are persons who, for payment, perform specified services related to weighing or measuring instruments or devices, including testing, installing, inspecting, and repairing. Service agents are required to obtain a registration certificate from WSDA each year before performing such a service. Service agents who use weights or measures standards in the course of their work that have not been approved by WSDA are subject to a civil penalty of no more than \$500.

Summary of Bill: Weights and Measures. All weighing or measuring instruments or devices used for commercial purposes must be correct. The annual registration fees, for various weighing and measuring instruments used for commercial purposes, are changed from a current range of \$10 to \$800, to a range of \$16 to \$1,200. The civil penalties assessed for violations are changed from a current range of \$50 to \$5,000, to a range of \$100 to \$10,000. The Weights and Measures Advisory Group within WSDA must review the annual registration and report to stakeholders on the financial status of the program supported by the fees by September 1, 2024, and every five years thereafter. Code cities with a population greater than 50,000 are authorized to operate a weights and measures program.

WSDA must adopt rules related to the Weights and Measures Program, including:

- establishing state standards of weight, measure, or count, and standards of fill for any commodity in package form;
- establishing technical testing procedures to be followed by WSDA, cities with a weights and measures program, and service agents;
- establishing inspection and testing procedures, and exemptions from inspection and testing requirements, for certain weighing or measuring instruments; and
- setting specification and tolerances for the acceptable range of accuracy required of weighing and measuring instruments.

Service Agents. WSDA is authorized to require persons registering as service agents to pass a competency examination, and to adopt rules for administering the examination. The annual fee for a service agent's registration certificate is increased from \$160 to \$180. If a service agent fails to file their application for renewal before the expiration date, WSDA must assess

a late fee equal to 20 percent of the renewal fee, unless the service agent submits a declaration stating they have not acted as a service agent following the expiration of the certification.

Service agents must possess adequate equipment to accurately test devices and a means of identifying the work they performed on weighing and measuring devices. A service agent who uses a weight or measure standard that has not been approved by WSDA is subject to a penalty of up to \$1,000 per occurrence.

Appropriation: None.

Fiscal Note: Available.

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

Effective Date: The bill contains an emergency clause and takes effect on July 1, 2019.

Staff Summary of Public Testimony: PRO: This program makes sure that consumers get what they pay for when an item must be weighed or measured. Fees have not been raised for a number of years and they no longer cover the costs of the program. The Washington food industry has worked with the WSDA on this bill and the 60 percent increase is needed to assure adequate inspection staff and operating costs. The fees were last increased in 2007 and the fee increase will help the program, industry, and the consumers. This bill primarily sets device registration fees and service agent registration fees at levels that align with current costs. In addition to helping assure fair competition among businesses, this program is critical for consumer protection. This bill increases device registration fees, resulting in reasonable fees that will support the Weights and Measures Program for the foreseeable future. The industry benefits from the Weights and Measures Program because consumers are assured a fair deal when they purchase products by weight or volume.

Persons Testifying: PRO: Representative Eric Pettigrew, Prime Sponsor; Catherine Holm, Washington Food Industry Association; Ben Buchholz, Food Northwest and Executive Director of NW Ag Cooperative Council; Hannah Street, WSDA.

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