

HOUSE BILL NO. 670

INTRODUCED BY FAGG, SANDS

IN THE HOUSE

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| January 26, 1983 | On motion, rules suspended. Bill allowed to be introduced. |
| February 7, 1983 | Introduced and referred to Committee on Business and Industry. |
| February 15, 1983 | Committee recommend bill do pass as amended. Report adopted. |
| February 16, 1983 | Bill printed and placed on members' desks. |
| February 18, 1983 | Second reading, do pass. |
| February 21, 1983 | Considered correctly engrossed. |
| February 22, 1983 | Third reading, passed. Transmitted to Senate. |

IN THE SENATE

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| March 1, 1983 | Introduced and referred to Committee on Business and Industry. |
| March 14, 1983 | Committee recommend bill be concurrent in. Report adopted. |
| March 16, 1983 | Second reading, concurred in. |
| March 18, 1983 | Third reading, concurred in. Ayes, 44; Noes, 6. |

IN THE HOUSE

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| March 18, 1983 | Returned to House. |
| March 19, 1983 | Sent to enrolling. |
| March 22, 1983 | Correctly enrolled. |
| | Signed by President. |
| | Signed by Speaker. |
| March 23, 1983 | Delivered to Governor. |
| March 28, 1983 | Returned from Governor with recommended amendments. |
| March 31, 1983 | Second reading, Governor's amendments concurred in. |
| April 1, 1983 | Third reading, Governor's amendments concurred in. |

IN THE SENATE

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| April 4, 1983 | Governor's amendments transmitted to Senate. |
| April 6, 1983 | Second reading, Governor's amendments concurred in. |
| April 7, 1983 | Third reading, Governor's amendments concurred in. Ayes, 50; Noes, 0. |

IN THE HOUSE

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| April 8, 1983 | Returned to House. Sent to enrolling. |
| | Reported correctly enrolled. |

1 House Bill NO. 670
 2 INTRODUCED BY FARE Sunda
 3
 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO INCREASE THE FEES
 5 FOR LICENSING OF WEIGHING DEVICES AND TO PROVIDE A LATE
 6 RENEWAL FEE; AMENDING SECTION 30-12-203, MCA."
 7
 8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
 9 Section 1. Section 30-12-203, MCA, is amended to read:
 10 "30-12-203. Licensing of weighing devices. (1) No
 11 person shall knowingly operate or use any unlicensed
 12 weighing devices in trade or commerce for ascertaining the
 13 weight of any commodity.
 14 (2) Such license shall be obtained by making
 15 application to the department upon blank forms to be
 16 provided by the division of weights and measures. Each
 17 license should include at least one inspection per year.
 18 (3) Every application shall be accompanied by the
 19 proper fee as established by this section.

WEIGHING DEVICES

| Capacity | Fees |
|---|-------------------------------|
| 499 pounds or less..... | 5-250 <u>15.00</u> |
| 500 pounds through 1,999 pounds..... | 4000 <u>8.00</u> |
| 2,000 pounds through 7,999 pounds..... | 10000 <u>12.00</u> |
| 8,000 pounds through 40000 <u>60,000</u> pounds..... | 20000 <u>40.00</u> |

1 ~~40000~~ 60,000 pounds or more.....~~35000~~ 70.00
 2 (4) The capacity of a weighing device shall be
 3 determined by the manufacturer's rated capacity.
 4 (5) All licenses shall be annual and shall expire on
 5 December 31.
 6 (6) An additional charge equal to 50% of the renewal
 7 license fee established in subsection (3) must be assessed
 8 if the fee is not paid before March 1 of the year in which
 9 the license fee is due. Any person failing to pay the
 10 renewal license fee when due as required by this section and
 11 the late renewal fee by July 1 of that year shall forfeit
 12 the right to use the weighing device, and it shall be taken
 13 out of service by the division of weights and measures."

-End-

STATE OF MONTANA

360-83

REQUEST NO. _____

FISCAL NOTE

Form BD-15

In compliance with a written request received February 10, , 19 83 , there is hereby submitted a Fiscal Note for House Bill 670 pursuant to Title 5, Chapter 4, Part 2 of the Montana Code Annotated (MCA).

Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

DESCRIPTION OF PROPOSED LEGISLATION:

House Bill 670 will increase the fees for licensing of weighing devices; provides a late renewal fee; and amends Section 30-12-203, MCA.

ASSUMPTIONS:

- 1) Assumptions used in obtaining estimates were a direct reflection of devices tested in the fiscal year 1982.

FISCAL IMPACT:

REVENUE:

| | <u>FY84</u> | <u>FY85</u> |
|---------------------------------|----------------|----------------|
| Weighing Device Licenses | | |
| Under Current Law-39% Recovery | \$ 68,338 | \$ 68,338 |
| Under Proposed Law-70% Recovery | <u>134,999</u> | <u>134,999</u> |
| Estimated Increase | <u>66,661</u> | <u>66,661</u> |

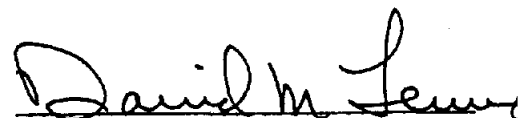
Fees are deposited in the general fund.

General fund will continue to offset the cost of the Weights & Measures Program.

TECHNICAL NOTE:

The wording of Subsection 6 appears confusing with two grace periods allowed-one on March 1 and the other July 1 which will make the enforcement difficult to administer.

FISCAL NOTE 13/B/1



BUDGET DIRECTOR

Office of Budget and Program Planning

Date: 2-14-83

Approved by Committee
on Business and Industry

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A BILL FOR AN ACT ENTITLED: "AN ACT TO INCREASE THE FEES
FOR LICENSING OF WEIGHING DEVICES AND TO PROVIDE A LATE
RENEWAL FEE; AMENDING SECTION 30-12-203, MCA; ~~AND PROVIDING~~
~~A DELAYED EFFECTIVE DATE.~~"

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

Section 1. Section 30-12-203, MCA, is amended to read:

"30-12-203. Licensing of weighing devices. (1) No
person shall knowingly operate or use any unlicensed
weighing devices in trade or commerce for ascertaining the
weight of any commodity.

(2) Such license shall be obtained by making
application to the department upon blank forms to be
provided by the division of weights and measures. Each
license should include at least one inspection per year.

(3) Every application shall be accompanied by the
proper fee as established by this section.

WEIGHING DEVICES

| Capacity | Fees |
|--|--------------------------------|
| 499 pounds or less..... | 3-250 <u>1-5.00</u> |
| 500 pounds through 1,999 pounds..... | 4-00 <u>8.00</u> |
| 2,000 pounds through 7,999 pounds..... | 10-00 <u>15.00</u> |

8,000 pounds through ~~40-000~~ 60,000 pounds.....~~20-00~~ 40.00

~~40-000~~ 60,001 pounds or more.....~~35-00~~ 70.00

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

(5) All licenses shall be annual and shall expire on
December 31.

(6) An additional charge equal to 50% of the renewal
license fee established in subsection (3) must be assessed
if the fee is not paid before March JULY 1 of the year in
which the license fee is due. Any person failing to pay the
renewal license fee when due as required by this section and
the late renewal fee by July 1 of that year shall forfeit
the right to use the weighing device, and it shall be taken
out of service by the division of weights and measures."

SECTION 2. EFFECTIVE DATE. THIS ACT IS EFFECTIVE
JANUARY 1, 1984.

-End-

SECOND READING

HOUSE BILL NO. 670

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Section 1. Section 30-12-203, MCA, is amended to read:

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(2) Such license shall be obtained by making application to the department upon blank forms to be provided by the division of weights and measures. Each license should include at least one inspection per year.

(3) Every application shall be accompanied by the proper fee as established by this section.

WEIGHING DEVICES

| Capacity | Fees |
|--|-------------------------------|
| 499 pounds or less..... | 1-250 <u>15.00</u> |
| 500 pounds through 1,999 pounds..... | 400 <u>20.00</u> |
| 2,000 pounds through 7,999 pounds..... | 1000 <u>15.00</u> |

8,000 pounds through ~~40000~~ 60,000 pounds.....~~2000~~ 40.00

~~40000~~ 60,001 pounds or more.....~~3500~~ 70.00

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

(5) All licenses shall be annual and shall expire on December 31.

(6) ~~An additional charge equal to 50% of the renewal license fee established in subsection (3) must be assessed if the fee is not paid before March JULY 1 of the year in which the license fee is due.~~ Any person failing to pay the renewal license fee ~~when due as required by this section and the late renewal fee by July 1 of that year~~ shall forfeit the right to use the weighing device, and it shall be taken out of service by the division of weights and measures."

SECTION 2. EFFECTIVE DATE. THIS ACT IS EFFECTIVE JANUARY 1, 1984.

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(3) Every application shall be accompanied by the proper fee as established by this section.

WEIGHING DEVICES

| Capacity | Fees |
|--|-------------------------------|
| 499 pounds or less..... | 5-250 <u>1-500</u> |
| 500 pounds through 1,999 pounds..... | 400 <u>800</u> |
| 2,000 pounds through 7,999 pounds..... | 1000 <u>1500</u> |

8,000 pounds through ~~40000~~ 60000 pounds.....~~2000~~ 4000

~~40000~~ 60001 pounds or more.....~~3500~~ 7000

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

(5) All licenses shall be annual and shall expire on December 31.

(6) ~~An additional charge equal to 50% of the renewal license fee established in subsection (3) must be assessed if the fee is not paid before March JULY 1 of the year in which the license fee is due.~~ Any person failing to pay the renewal license fee ~~when due as required by this section and the late renewal fee by July 1 of that year~~ shall forfeit the right to use the weighing device, and it shall be taken out of service by the division of weights and measures."

~~SECTION 2. EFFECTIVE DATE. THIS ACT IS EFFECTIVE JANUARY 1, 1984.~~

-End-

PROPOSED AMENDMENTS TO HOUSE BILL 670
REFERENCE BILL

1. Page 2, line 7
Following: "(6)"
Delete: "An additional charge"
Insert: "A late renewal fee"
2. Page 2, line 10
Following: "due."
Delete: "Any"
Insert: "In addition, any"
3. Page 2, lines 11 and 12
Following: ~~"section"~~
Delete: and the late renewal fee by July 1 of that year
Insert: "before July 1"
4. Page 2, line 14
Following: "measures"
Insert: "until the renewal fee and late renewal fee are paid"

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(3) Every application shall be accompanied by the proper fee as established by this section.

WEIGHING DEVICES

| Capacity | Fees |
|--|-------------------------------|
| 499 pounds or less..... | 2.50 <u>5.00</u> |
| 500 pounds through 1,999 pounds..... | 4.00 <u>8.00</u> |
| 2,000 pounds through 7,999 pounds..... | 10.00 <u>15.00</u> |

8,000 pounds through ~~40,000~~ 60,000 pounds.....~~20.00~~ 40.00

~~40,001~~ 60,001 pounds or more.....~~35.00~~ 70.00

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

(5) All licenses shall be annual and shall expire on December 31.

(6) ~~An additional charge 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 before March JULY 1 of the year in which the license fee is due. Any IN ADDITION, ANY person failing to pay the renewal license fee when due as required by this section and the late renewal fee by the first of that year BEFORE JULY 1 shall forfeit the right to use the weighing device, and it shall be taken out of service by the division of weights and measures UNTIL THE RENEWAL FEE AND LATE RENEWAL FEE ARE PAID.~~

SECTION 2. ~~EFFECTIVE DATE.~~ THIS ACT IS EFFECTIVE JANUARY 1, 1984.

-End-