

FIRST REGULAR SESSION

HOUSE BILL NO. 891

97TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE REDMON.

1975H.021

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 64.196, 323.100, and 413.225, RSMo, and to enact in lieu thereof three new sections relating to liquefied petroleum gas.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Sections 64.196, 323.100, and 413.225, RSMo, are repealed and three new sections enacted in lieu thereof, to be known as sections 64.196, 323.100, and 413.225, to read as follows:

64.196. **1.** After August 28, 2001, any county seeking to adopt a building code in a manner set forth in section 64.180 shall, in creating or amending such code, adopt a current, calendar year 1999 or later edition, nationally recognized building code, as amended.

2. No county building ordinance so adopted shall conflict with liquefied petroleum gas installations governed by section 323.020.

323.100. The director of the department of agriculture shall annually inspect and test all liquid meters used for the measurement and retail sale of liquefied petroleum gas and shall condemn all meters which are found to be inaccurate. All meters shall meet the tolerances and specifications of the National Institute of Standards and Technology Handbook 44, 1994 edition and supplements thereto. It is unlawful to use a meter for retail measurement and sale which has been condemned. All condemned meters shall be conspicuously marked "inaccurate", and the mark shall not be removed or defaced except upon authorization of the director of the department of agriculture or his authorized representative. It is the duty of each person owning or in possession of a meter to pay to the director of the department of agriculture at the time of each test a testing fee of ten dollars, except that the testing fee herein provided for shall not be applied more than once in a calendar year to each meter tested. **As of January 1, 2014, the testing fee**

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

12 **shall be forty dollars per meter. As of January 1, 2015, and each year thereafter, the**
13 **director shall ascertain the total expenses for administering this section and shall set the**
14 **testing fee per meter at a rate to cover the expenses for the ensuing year, except that the**
15 **testing fee shall not exceed one hundred twenty dollars per meter.**

413.225. 1. There is established a fee for registration, inspection and calibration services
2 performed by the division of weights and measures. The fees are due at the time the service is
3 rendered and shall be paid to the director by the person receiving the service. The director shall
4 collect fees according to the following schedule and shall deposit them with the state treasurer
5 into general revenue for the use of the state of Missouri:

6 (1) From August 28, 1994, until the next January first, laboratory fees for metrology
7 calibrations shall be at the rate of twenty-five dollars per hour for tolerance testing and thirty-five
8 dollars per hour for precision calibration. Time periods over one hour shall be computed to the
9 nearest **one-quarter (1/4)** hour. On the first day of January, 1995, and each year thereafter, the
10 director of agriculture shall ascertain the total receipts and expenses for the metrology
11 calibrations during the preceding year and shall fix a fee schedule for the ensuing year at a rate
12 per hour [which shall not exceed sixty dollars per hour for either method but shall not be less
13 than twenty-five dollars per hour] for tolerance testing and [thirty-five dollars per hour] for
14 precision calibration, as will yield revenue not more than the total cost of operating the
15 metrology laboratory during the ensuing year;

16 (2) From August 28, 1994, until the next January first, all scale test fees shall be charged
17 as follows:

18 (a) Small scales shall be five dollars for each counter scale, ten dollars for platform
19 scales up to one thousand-pound capacity, and twenty dollars for each platform scale over one
20 thousand-pound capacity;

21 (b) Vehicle scales shall be fifty dollars each for the initial test and seventy-five dollars
22 for each subsequent test within the same calendar year;

23 (c) Livestock scales shall be seventy-five dollars each for the initial test, and one hundred
24 dollars for each subsequent test within the same calendar year;

25 (d) Hopper scales with a capacity of one thousand pounds or less shall be ten dollars
26 each; for each hopper scale with a capacity of more than one thousand pounds up to and
27 including two thousand pounds, the fee shall be twenty dollars; for each hopper scale with a
28 capacity of more than two thousand pounds up to and including ten thousand pounds, the fee
29 shall be fifty dollars; and for those hopper scales with a capacity of more than ten thousand
30 pounds, the test fee shall be seventy-five dollars each;

31 (e) Railroad scales shall be fifty dollars each;

32 (f) Monorail scales shall be twenty-five dollars each for the initial test and fifty dollars
33 for each subsequent test in the same calendar year;

34 (g) Participation in on-site field evaluations of devices for National Type Evaluation
35 Program certification and all tests of in-motion scales including but not limited to vehicle,
36 railroad and belt conveyor scales will be charged at the rate of thirty dollars per hour, plus
37 mileage from the inspector's official domicile to and from the inspection site. The time shall
38 begin when the state inspector performing the inspection arrives at the site to be inspected and
39 shall end when the final report is signed by the owner/operator and the inspector departs;

40 (3) From August 28, 1994, until the next January first, certification of taximeters shall
41 be five dollars per meter; timing devices, five dollars per device; fabric-measuring devices, wire-
42 and cordage-measuring devices, five dollars per device; milk for quantity determination,
43 twenty-five dollars per plant inspected;

44 (4) From August 28, 1994, until the next January first, certification of vehicle tank
45 meters shall be twenty-five dollars each for the initial test and fifty dollars for each subsequent
46 test in the same calendar year;

47 (5) Every person shall register each location of such person's place of business where
48 devices or instruments are used to ascertain the moisture content of grains and seeds offered for
49 sale, processing or storage in this state with the director and shall pay a registration fee of ten
50 dollars for each location so registered and a fee of five dollars for each additional device or
51 instrument at such location. Thereafter, by January thirty-first of each year, each person who is
52 required to register pursuant to this subdivision shall pay an annual fee of ten dollars for each
53 location so registered and an additional five dollars for each additional machine at each location.
54 The fee on newly purchased devices shall be paid within thirty days after the date of purchase.
55 Application for registration of a place of business shall be made on forms provided by the
56 director and shall require information concerning the make, model and serial number of the
57 device and such other information as the director shall deem necessary. Provided, however, this
58 subsection shall not apply to moisture-measuring devices used exclusively for the purpose of
59 obtaining information necessary to manufacturing processes involving plant products. In
60 addition to fees required by this subdivision, a fee of ten dollars shall be charged for each device
61 subject to retest.

62 2. On the first day of January, 1995, and each year thereafter, the director of agriculture
63 shall ascertain the total receipts and expenses for the testing of weighing and measuring devices
64 referred to in subdivisions (2), (3), (4) and (5) of subsection 1 of this section and shall fix the
65 fees or rate per hour for such weighing and measuring devices to derive revenue not more than
66 the total cost of the operation, but such fees shall not be fixed in amounts less than the amounts
67 contained in subdivisions (2), (3), (4) and (5) of subsection 1 of this section.

68 3. Except as indicated in paragraphs (b), (c), and (f) of subdivision (2) and subdivisions
69 (4) and (5) of subsection 1, retests for any device within the same calendar year will be charged
70 at the same rate as the initial test. Devices being retested in the same calendar year as a result
71 of rejection and repair are exempt from the requirements of this subsection.

72 4. All device inspection fees shall be paid within thirty days of the issuance of the
73 original invoice. Any fee not paid within ninety days after the date of the original invoice will
74 be cause for the director to deem the device as incorrect and it may be condemned and taken out
75 of service, and may be seized by the director until all fees are paid.

76 5. No fee provided for by this section shall be required of any person owning or
77 operating a moisture-measuring device or instrument who uses such device or instrument solely
78 in agricultural or horticultural operations on such person's own land, and not in performing
79 services, whether with or without compensation, for another person.

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