

WEIGHTS, MEASURES, AND GRADES

CHAPTER 604

HOUSE BILL NO. 1086

(Agriculture Committee)

(At the request of the Public Service Commission)

WEIGHTS AND MEASURES STANDARDS AND FEES

AN ACT to amend and reenact sections 64-02-09, 64-02-10, 64-02-13, and 64-02-14 of the North Dakota Century Code, relating to standards of weights and measures and fees for testing weighing and measuring devices.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 64-02-09 of the 1993 Supplement to the North Dakota Century Code is amended and reenacted as follows:

64-02-09. Standards of weights and measures. The commission shall maintain the following standards of weights and measures, which must conform to the United States standards:

1. ~~One bushel.~~
2. ~~One half bushel.~~
3. ~~One peck.~~
4. ~~One half peck.~~
5. ~~One quart.~~
6. ~~One wine gallon.~~
7. ~~One wine half gallon.~~
8. ~~One wine quart.~~
9. ~~One wine pint.~~
10. ~~One wine gill.~~
11. One surveyor's chain, thirty-three standard feet in length.
12. 2. One yard measure.
13. 3. One foot measure.
14. 4. One inch measure.
15. 5. One one hundred pound weight.

- ~~16.~~ 6. One fifty pound weight.
- ~~17.~~ 7. One twenty-five pound weight.
- ~~18.~~ 8. One ten pound weight.
- ~~19.~~ 9. One one pound weight.
- ~~20.~~ 10. One half-pound weight.
- ~~21.~~ 11. One quarter-pound weight.
- ~~22.~~ 12. One one-eighth of a pound weight.
- ~~23.~~ 13. One one-sixteenth of a pound weight or one ounce weight.
- ~~24.~~ 14. One set of apothecaries' weights from one pound to one grain and one set of troy weights from one pound to one grain.
- ~~25.~~ 15. Other weighing and measuring devices necessary to test and calibrate standards.

These standards are the legal standards of weights and measures for this state, and must be used for testing the secondary standards used to test weighing or measuring devices.

SECTION 2. AMENDMENT. Section 64-02-10 of the 1993 Supplement to the North Dakota Century Code is amended and reenacted as follows:

64-02-10. Fees to test or calibrate weighing and measuring devices. The commission shall collect the following fees to:

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| 1. | Test railroad track <u>or truck</u> scale | \$97.00 |
| 2. | Test livestock or vehicle scale eight thousand pounds [3628.74 kilograms] capacity and under | 43.00 |
| 3. | Test livestock and vehicle scale over eight thousand pounds [3628.74 kilograms] capacity | 97.00 |
| 4. | Test livestock scale under the jurisdiction of Packers and Stockers Act of the federal department of agriculture | 97.00 |
| 5. <u>3.</u> | Test livestock scale under the jurisdiction of Packers and Stockers Act of the federal department of agriculture, if the sales ring or buying station scale owner transports to the scale and furnishes all test weights and manpower needed to properly test the scale | 55.00 |
| 6. <u>4.</u> | Test auxiliary beam on livestock, motor truck, motor truck dump scale | 19.00 |

7.	Test road construction truck scale	97.00
8.	Test road construction hopper scale, six thousand and one pounds [2722.01 kilograms] capacity and over	43.00
9. <u>5.</u>	Test overhead monorail, track, hopper, dormant, deck, and hanging scale six thousand pounds [2721.55 kilograms] capacity and over	43.00
	Test overhead track, dormant, hanging, and hopper scale five thousand nine hundred ninety-nine pounds [2721.10 kilograms] and less capacity	24.00
10. <u>6.</u>	Test movable platform scale	8.00
11. <u>7.</u>	Test counter or computing scale	8.00
12.	Test every patent balance, beam steel yard, or other instrument used for weighing other than the above	8.00
13.	Test two bushel [70.40 liter] or one bushel [35.24 liter] measure	8.00
14.	Test other dry measure	8.00
15. <u>8.</u>	Test board of cloth measure	8.00
16. <u>9.</u>	Test liquid or gas computing pump	8.00
17.	Test liquid or gas computing pump in addition to the regularly scheduled annual inspection, including inspections made for new equipment which replaces a rejected measuring device	8.00
18. <u>10.</u>	Test or calibrate weighing and measuring standards, per metrologist, per quarter hour or fraction thereof	12.50
19. <u>11.</u>	Test mobile delivery gasoline and fuel oil meter	19.00
20. <u>12.</u>	Test gasoline, LPG, or fuel oil meter on common carrier pipelines, or any other meter used in loading railway cars, transports,	

	or other conveyances	43.00
21. <u>13.</u>	Test propane, <u>ag chemical</u> , or liquid fertilizer meter	31.00
22.	Test truck tank of one thousand gallons [3785.41 liters] capacity and under	36.00
	Test truck tank between one thousand and one gallons [3789.10 liters] and six thousand gallons [22712.47 liters]	40.00
<u>14.</u>	Test truck tank above six thousand gallons [22712.47 liters]	61.00
23.	Test crane scale six thousand pounds [2721.55 kilograms] and less capacity	36.00
<u>15.</u>	Test crane scale six thousand and one pounds [2722.01 kilograms] capacity and over	61.00
24. <u>16.</u>	Test or calibrate weighing and measuring devices other than the above and those set by rule, per inspector per quarter hour or fraction thereof	9.00
<u>17.</u>	Witnessing any of the above tests	<u>Fifty percent of the applicable fee</u>

When a rejected weighing or measuring device has been reconditioned or replaced by new equipment, it must be retested and certified before being put into use except as otherwise provided by rule. The fee for retest and certification is the same as for the first test and certification.

When a test of a weighing or measuring device is required in addition to the regularly scheduled annual test, a charge of sixty cents per mile [1.61 kilometers] will be made unless the motor vehicle, including the testing equipment necessary to perform the test weighs less than ten thousand pounds [4535.92 kilograms] gross. If the motor vehicle weighs less than ten thousand pounds [4535.92 kilograms] gross, a charge of thirty-five cents per mile [1.61 kilometers] will be made, and all mileage charges are in addition to the regular test fee to cover the costs of the additional travel. Where a test has been requested and the person requesting it fails to appear or to have the weighing or measuring device ready for testing at the arranged time, there is a charge of nine dollars a quarter hour for the time between the arranged time and the time at which the test can begin.

SECTION 3. AMENDMENT. Section 64-02-13 of the 1993 Supplement to the North Dakota Century Code is amended and reenacted as follows:

64-02-13. Commission to test weighing or measuring devices annually. The commission may test or calibrate weighing or measuring devices annually. The owner of any weighing or measuring device used in this state is responsible for its accuracy and condition, and ~~shall~~ may have it tested ~~at least~~ annually, but must have it tested at least every fifteen months. If upon testing the weighing or

measuring device is within the permitted tolerance, it must be sealed. Inspections and testing of farm milk bulk tank equipment may be made only by the state dairy department under section 4-30-18. Inspections and testing of oil and gas production meters and measuring devices may be made only by or under the direction of the industrial commission under section 38-08-04. If upon complaint the commission finds the weighing or measuring device is within the permitted tolerance, the cost of the test, unless waived by the commission, must be paid by the complainant; and in all other cases the cost of testing must be paid by the owner of the equipment.

SECTION 4. AMENDMENT. Section 64-02-14 of the 1993 Supplement to the North Dakota Century Code is amended and reenacted as follows:

64-02-14. Incorrect weighing or measuring devices - Power to seize, condemn, and destroy. The commission shall condemn, seize, or destroy any incorrect weighing or measuring device which cannot be satisfactorily repaired. Those weighing or measuring devices which are incorrect but which are capable of being repaired must be marked as ~~"condemned"~~ "rejected for repair" in the manner set by the commission. The owner or user of a weighing or measuring device which has been so marked shall have it repaired or corrected within thirty days, and the device may not be used or disposed of within that thirty-day period without the consent of the commission.

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