

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas
2 84th General Assembly
3 Regular Session, 2003
4

A Bill

Act 112 of 2003
HOUSE BILL 1178

5 By: Representatives Hickinbotham, Sullivan, L. Prater
6 By: Senators J. Bookout, Laverty, Whitaker
7

For An Act To Be Entitled

8
9
10 AN ACT TO AMEND THE DUTIES OF THE DIRECTOR OF THE
11 ARKANSAS BUREAU OF STANDARDS; TO REQUIRE BULK OR
12 LIQUEFIED PETROLEUM GAS METERING DEVICES, PUMPS,
13 AND SCALES TO BE TESTED BY REGISTERED SERVICE
14 AGENTS; AND FOR OTHER PURPOSES.
15

Subtitle

16
17 AN ACT TO AMEND THE DUTIES OF THE
18 DIRECTOR OF THE ARKANSAS BUREAU OF
19 STANDARDS; TO REQUIRE BULK OR LIQUEFIED
20 PETROLEUM GAS METERING DEVICES, PUMPS,
21 AND SCALES TO BE TESTED BY REGISTERED
22 SERVICE AGENTS.
23
24

25 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
26

27 SECTION 1. Arkansas Code § 4-18-219(b), regarding the duties of the
28 Director of the Arkansas Bureau of Standards, is amended to read as follows:

29 (b) Except as otherwise provided in this subchapter, It ~~it~~ shall be
30 the duty of the director, within ~~a twelve-month period~~ each calendar year, or
31 less frequently if in accordance with a schedule issued by him or her, or
32 more often as he or she may deem necessary, to inspect and test to ascertain
33 if all weights and measures commercially used in determining the weight,
34 measurement, or count of commodities or things sold or offered or exposed for
35 sale on the basis of weight, measure, or count, or in computing the basic
36 charge or payment for services rendered on the basis of weight, measure, or



1 count are accurate and correct.

2
 3 SECTION 2. Arkansas Code § 4-18-202, regarding the definitions of the
 4 Weights and Measures Act of 1963, is amended to add an additional subdivision
 5 to read as follows:

6 (13) "Registered service agent" means any individual, agency, firm,
 7 company, or corporation that for hire, commission, or other payment of any
 8 kind installs, services, repairs, or reconditions a commercial weighing or
 9 measuring device, and that registers with the Director of the Arkansas Bureau
 10 of Standards.

11
 12 SECTION 3. Arkansas Code Title 4, Chapter 18, Subchapter 2, is amended
 13 to add an additional section to read as follows:

14 4-18-231. Testing bulk or liquefied petroleum gas metering devices,
 15 pumps, and scales used for commercial transactions.

16 (a) In this section, "pump" means a gasoline, kerosene, or diesel fuel
 17 pump.

18 (b)(1)(A) Beginning January 1, 2004, a person who owns a bulk or
 19 liquefied petroleum gas metering device for a commercial transaction must
 20 engage a registered service agent to annually inspect and test for the
 21 accuracy of the device.

22 (B) The duty of the Director of the Arkansas Bureau of
 23 Standards to inspect and test bulk or liquefied petroleum gas metering
 24 devices used for commercial transactions is fulfilled by the registered
 25 service agent's annual inspection and test for accuracy.

26 (2)(A) Beginning January 1, 2004, a person who owns a pump or
 27 scale for a commercial transaction must engage a registered service agent to
 28 annually inspect and test for the accuracy of the pump or scale.

29 (B) The director's duty to inspect and test pumps or
 30 scales used for commercial transactions is fulfilled by the registered
 31 service agent's annual inspection and test for accuracy.

32 (c) A registered service agent shall perform the recalibration, if the
 33 inspection or test indicates the bulk or liquefied petroleum gas metering
 34 device, pump, or scale needs to be recalibrated.

35 (d) After the approval of a decal by the bureau, a registered service
 36 agent shall place an approved decal conspicuously on the bulk or liquefied

1 petroleum gas metering device, pump, or scale indicating that it is suitable
 2 for trade in accordance with the National Institute of Standards and
 3 Technology Handbook 44, as adopted by the bureau.

4 (e) The registered service agent shall provide a copy of all bureau
 5 approved inspection and test reports to the bulk or liquefied petroleum gas
 6 metering device, pump, or scale owner and to the director.

7 (f) The registered service agent shall retain a copy of all inspection
 8 and test reports for a period of three (3) years.

9 (g) The director may adopt a system to periodically monitor, inspect
 10 or test bulk or liquefied petroleum gas metering devices, pumps, and scales
 11 inspected and tested by a registered service agent, to check the accuracy of
 12 the work of the service agent.

13 (h)(1) Beginning January 1, 2004, the director may suspend or revoke
 14 the certificate of registration of a registered service agent for violating
 15 any provision of this subchapter.

16 (2) If the registration of a registered service agent has been
 17 suspended or revoked, then the service agent may not register with the bureau
 18 as service agent for at least one (1) year.

19 (i) Any inspections or tests performed by registered service agents on
 20 bulk or liquefied petroleum gas metering devices, pumps, or scales from
 21 January 1, 2003 to December 31, 2003, will be accepted by the Arkansas Bureau
 22 of Standards as the annual test for these weights and measures, if a copy of
 23 the bureau approved inspection and test report is provided to the director.

24
 25 SECTION 4. Arkansas Code § 4-18-322 is amended to add additional
 26 subsections to read as follows:

27 4-18-322. Prohibited acts.

28 No person shall:

29 (a) ~~use~~ Use or have in possession for use in commerce any incorrect
 30 weight or measure;

31 (b) ~~sell~~ Sell or offer for sale for use in commerce any incorrect
 32 weight or measure;

33 (c) ~~remove~~ Remove any tag, seal, decal, or mark from any weight or
 34 measure without specific written authorization from the proper authority;

35 (d) ~~hinder~~ Hinder or obstruct any weights and measures official or
 36 registered service agent in the performance of his or her duties; ~~or,~~

1 (e) ~~violate~~ Violate any provisions of this subchapter or regulations
2 promulgated under it-;

3 (f) Sell or offer for sale any weight or measure for use in commerce
4 unless it bears a bureau approved seal or decal, if the seal or decal is
5 applicable to the weight or measure;

6 (g) Neglect or refuse to exhibit a weight or measure under the
7 person's control or in the person's possession to any weight and measures
8 official or a registered service agent for inspection, examination, or
9 testing as required by law; or

10 (h) Perform an annual inspection, examination, or test on a weight or
11 measure, if that person is not a weights and measures official or a
12 registered service agent.

13
14 SECTION 5. EMERGENCY CLAUSE. It is found and determined by the
15 General Assembly of the State of Arkansas that current law requires the
16 bureau to annually inspect all pumps, scales, and bulk or liquefied gas
17 metering devices in this state; because of the number of devices in the
18 state, the Arkansas Bureau of Standards' staff is not able to adequately test
19 and inspect all of these devices; that this act will alleviate this burden on
20 the bureau; and that this act is immediately necessary to protect the health
21 and welfare of the citizens of this state that utilize these metering
22 devices. Therefore, an emergency is declared to exist and this act being
23 immediately necessary for the preservation of the public peace, health, and
24 safety shall become effective on:

25 (1) The date of its approval by the Governor;

26 (2) If the bill is neither approved nor vetoed by the Governor,
27 the expiration of the period of time during which the Governor may veto the
28 bill; or

29 (3) If the bill is vetoed by the Governor and the veto is
30 overridden, the date the last house overrides the veto.

31
32
33 APPROVED: 2/13/2003
34
35
36