

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.

Act 890 of the Regular Session

1 State of Arkansas
2 85th General Assembly
3 Regular Session, 2005

As Engrossed: S2/16/05 S2/21/05

A Bill

SENATE BILL 283

4
5 By: Senator Laverty
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8 **For An Act To Be Entitled**

9 AN ACT TO AUTHORIZE THE ARKANSAS BUREAU OF
10 STANDARDS TO COLLECT CERTAIN FEES FOR TESTING AND
11 INSPECTION; AND FOR OTHER PURPOSES.
12

13 **Subtitle**

14 AN ACT TO AUTHORIZE THE ARKANSAS BUREAU
15 OF STANDARDS TO COLLECT CERTAIN FEES FOR
16 TESTING AND INSPECTION.
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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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21 SECTION 1. Arkansas Code Title 4, Chapter 18, Subchapter 3 is amended
22 to add an additional section to read as follows:

23 4-18-329. Fees for tests or inspections.

24 (a) The laboratory of the Arkansas Bureau of Standards of the State
25 Plant Board may collect charges as provided in this section for the testing
26 and certifications of testing apparatus and for testings and inspections made
27 pursuant to this chapter.

28 (b) The bureau shall collect the following fees for testings and
29 inspections and for no other purposes:

30 (1)(A) For OIML Class "E1" and "E2" and ANSI/ASTM Class "1",
31 weighing one kilogram (1 kg) or less, the bureau shall collect a fee for
32 testing of not less than sixty dollars (\$60.00) or more than one hundred
33 eighty dollars (\$180).

34 (B) For OIML Class "E1" and "E2" and ANSI/ASTM Class "1",
35 weighing more than one kilogram (1 kg) but not more than thirty kilograms (30



1 kg), the bureau shall collect a fee for testing of not less than one hundred
2 dollars (\$100) or more than three hundred dollars (\$300);

3 (2)(A) For OIML Class "E2", "F1", "F2", ANSI/ASTM Class "1" and
4 "1.1", "2", "3", and "4" ("5"), and NIST Class "S", "S-1", and "P" ("Q"),
5 weighing two pounds (2 lbs.) or one kilogram (1 kg) or less, the bureau shall
6 collect a fee for testing of not less than twenty dollars (\$20.00) or more
7 than sixty dollars (\$60.00).

8 (B) For OIML Class "E2", "F1", "F2", ANSI/ASTM Class "1"
9 and "1.1", "2", "3", and "4" ("5"), and NIST Class "S", "S-1", and "P" ("Q"),
10 weighing more than two pounds (2 lbs.) or one kilogram (1 kg), but not more
11 than twenty pounds (20 lbs.) or ten kilograms (10 kg), the bureau shall
12 collect a fee for testing of not less than forty dollars (\$40.00) or more
13 than one hundred twenty dollars (\$120).

14 (C) For OIML Class "E2", "F1", "F2", ANSI/ASTM Class "1"
15 and "1.1", "2", "3", and "4" ("5"), and NIST Class "S", "S-1", and "P" ("Q"),
16 weighing more than twenty pounds (20 lbs.) or ten kilograms (10 kg), but not
17 more than fifty pounds (50 lbs.) or thirty kilograms (30 kg), the bureau
18 shall collect a fee for testing of not less than eighty dollars (\$80.00) or
19 more than two hundred forty dollars (\$240).

20 (D) For OIML Class "E2", "F1", "F2", ANSI/ASTM Class "1"
21 and "1.1", "2", "3", and "4" ("5"), and NIST Class "S", "S-1", and "P" ("Q"),
22 weighing more than fifty pounds (50 lbs.) or thirty kilograms (30 kg), but
23 not more than twenty-five hundred pounds (2,500 lbs.) or one thousand two
24 hundred fifty kilograms (1,250 kg), the bureau shall charge a fee for testing
25 of not less than one hundred dollars (\$100) or more than three hundred
26 dollars (\$300);

27 (3)(A) For OIML Class "M1", "M2", and "M3", ANSI/ASTM Class "6"
28 ("5"), and NIST Class "F" and ("Q"), weighing ten pounds (10 lbs.) or five
29 kilograms (5 kg) or less, the bureau shall charge a fee for testing of not
30 less than seven dollars (\$7.00) or more than twenty-one dollars (\$21.00).

31 (B) For OIML Class "M1", "M2", and "M3", ANSI/ASTM Class
32 "6" ("5"), and NIST Class "F" and ("Q"), weighing more than ten pounds (10
33 lbs.) or five kilograms (5 kg), but not more than fifty pounds (50 lbs.) or
34 thirty kilograms (30 kg), the bureau shall charge a fee for testing of not
35 less than twelve dollars (\$12.00) or more than thirty-six dollars (\$36.00).

36 (C) For OIML Class "M1", "M2", and "M3", ANSI/ASTM Class

1 “6” (“5”), and NIST Class “F” and (“Q”), weighing more than fifty pounds (50
2 lbs.) or thirty kilograms (30 kg), but not more than one thousand pounds
3 (1,000 lbs.) or five hundred kilograms (50 kg), the bureau shall charge a fee
4 for testing of not less than eighteen dollars (\$18.00) or more than fifty-
5 four dollars (\$54.00).

6 (D) For OIML Class “M1”, “M2”, and “M3”, ANSI/ASTM Class
7 “6” (“5”), and NIST Class “F” and (“Q”), weighing more than one thousand
8 pounds (1,000 lbs.) or five hundred kilograms (500 kg), but not more than two
9 thousand five hundred pounds (2,500 lbs.) or one thousand two hundred fifty
10 kilograms (1,250 kg), the bureau shall charge a fee for testing of not less
11 than forty dollars (\$40.00) or more than one hundred twenty dollars (\$120);

12 (4)(A) For volume testing of five gallons (5 gal.) or twenty
13 liters (20 l.) or less, the bureau shall charge a fee of forty dollars
14 (\$40.00).

15 (B) For volume testing of more than five gallons (5 gal.)
16 or twenty liters (20 l.), but not more than fifty gallons (50 gal.) or two
17 hundred liters (200 l.), the bureau shall charge a fee of one hundred dollars
18 (\$100).

19 (C) For volume testing of more than fifty gallons (50
20 gal.) or two hundred liters (200 l.), but not more than one hundred gallons
21 (100 gal.) or four hundred liters (400 l.), the bureau shall charge a fee of
22 two hundred dollars (\$200).

23 (D) For volume testing of more than one hundred gallons
24 (100 gal.) or four hundred liters (400 l.), but not more than one hundred
25 fifty gallons (150 gal.) or six hundred liters (600 l.), the bureau shall
26 charge a fee of two hundred fifty dollars (\$250).

27 (E) For volume testing of more than one hundred fifty
28 gallons (150 gal.) or six hundred liters (600 l.), but not more than two
29 hundred gallons (200 gal.) or eight hundred liters (800 l.), the bureau shall
30 charge a fee of three hundred dollars (\$300).

31 (F) For volume testing of more than two hundred gallons
32 (200 gal.) or eight hundred liters (800 l.), but not more than three hundred
33 seventy five gallons (375 gal.) or one thousand five hundred liters (1,500
34 l.), the bureau shall charge a fee for testing of four hundred fifty dollars
35 (\$450).

36 (5)(A) For volume gravimetric testing of not more than one quart

1 (1 qt.) or one liter (1 l.), the bureau shall charge a fee for testing of
2 seventy-five dollars (\$75.00).

3 (B) For volume gravimetric testing of more than one quart
4 (1 qt.) or one liter (1 l.), but not more than five gallons (5 gal.) or
5 twenty liters (20 l.), the bureau shall charge a fee for testing of two
6 hundred dollars (\$200).

7 (C) For volume gravimetric testing of more than five
8 gallons (5 gal.) or twenty liters (20 l.), but not more than fifty gallons
9 (50 gal.) or two hundred liters (200 l.), the bureau shall charge a fee of
10 five hundred dollars (\$500).

11 (6) For volume LPG provers of not more than one hundred gallons
12 (100 gal.) or four hundred liters (400 l.), the bureau shall charge a fee for
13 testing of five hundred dollars (\$500);

14 (7) For length testing of tapes and rigid rules, the bureau
15 shall charge a fee of seven dollars (\$7.00) per point tested;

16 (8)(A) For annual inspection and testing of grain moisture
17 meters, the bureau shall charge a fee of fifty dollars (\$50.00).

18 (B) For calibration of grain moisture meters, the bureau
19 shall charge a fee of fifty dollars (\$50.00).

20 (C) For recertification of grain moisture meters, the
21 bureau shall charge a fee of fifty dollars (\$50.00).

22 (D) For placing new or rejected grain moisture meters in
23 service, the bureau shall charge a fee of fifty dollars (\$50.00).

24 (E) For noncompliance reports for rejected grain moisture
25 meters, the bureau shall charge a fee of fifty dollars (\$50.00).

26 (9) For special testing or services not listed in the fee
27 schedule, the bureau shall charge a fee of fifty dollars (\$50.00) per hour;
28 and

29 (10) For cleaning of standards, special handling, and packing,
30 the bureau shall charge a fee of fifty dollars (\$50.00) per hour.

31 (c) Funds collected under this section shall be deposited into the
32 State Treasury as special revenue credited to the Plant Board Fund to be used
33 exclusively for the maintenance of facilities and equipment of the Arkansas
34 Bureau of Standards.

35 (d) If any provision of this section or its application to any person
36 or circumstance is held invalid, the invalidity shall not affect other

1 provisions or applications of this section which can be given effect without
2 the invalid provision or application, and to this end the provisions of this
3 section are severable.

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5 SECTION 2. Arkansas Code § 4-18-223 is repealed.

6 ~~4-18-223. Fees for tests or inspections.~~

7 ~~The Arkansas Bureau of Standards shall levy no charges or fees for the~~
8 ~~tests or inspections made under §§ 4-18-201 4-18-220 and 4-18-222 4-18-~~
9 ~~230.~~

10 SECTION 3. EMERGENCY CLAUSE. It is found and determined by the
11 General Assembly of the State of Arkansas that the state is one (1) of only
12 six (6) in the nation which does not assess fees for certain tests and
13 inspections; that recent reductions of the budget of the State Plant Board
14 has complicated the board's efforts to protect the people of the State of
15 Arkansas from products which violate weights and measures law; and that
16 revenue garnered from fees assessed for certain tests and inspections would
17 aid the operations of the State Plant Board, allow the board to be
18 competitive with the practices of other states, and enhance its ability to
19 protect Arkansas consumers from products that violate weights and measures
20 law. Therefore, an emergency is declared to exist and this act being
21 immediately necessary for the preservation of the public peace, health, and
22 safety shall become effective on:

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

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

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

29
30 /s/ Laverty

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33 *APPROVED: 3/16/2005*

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