

1 State of Arkansas
2 80th General Assembly
3 Regular Session, 1995

A Bill

HOUSE BILL 1474

4 By: Representatives Choate, Baker, Cunningham, and Booker

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For An Act To Be Entitled

8 "AN ACT TO AUTHORIZE THE STATE PLANT BOARD TO COLLECT
9 CERTAIN FEES; AND FOR OTHER PURPOSES."

10

Subtitle

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12 "TO AUTHORIZE THE STATE PLANT BOARD TO
13 COLLECT CERTAIN FEES."

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15 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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17 SECTION 1. The State Plant Board is authorized to promulgate
18 regulations and set fees for the registration, licensing, testing,
19 inspection, and certification of any and all scales, meters, distribution
20 devices, standards, products, and commercial devices within the jurisdiction
21 of the Bureau of Standards.

22 (1) Registration and license fees shall be due and payable on or
23 before July 1 of each year. Annual fees shall not exceed the indicated
24 amounts for each device or license except as stipulated herein:

CATEGORY	FEE
Liquefied Petroleum Gas Meter	\$ 100.00
Scales (General)	
Under 100 lbs.	15.00
100 but less than 1,000	
lbs. capacity	50.00
1,000 but less than 2,000	
lbs. capacity	75.00
2,000 lbs. capacity and over	100.00
Scales (Specific)	
2 section vehicle scales	150.00

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1	3 section vehicle scales	170.00
2	4 section vehicle scales	185.00
3	5 section vehicle scales	195.00
4	Belt Conveyor Scales	325.00
5	Railroad Track Scales	325.00
6	Grain Moisture Meter	50.00
7	All other tests or services not listed	45.00/hour (\$25.00
8		minimum)

9 For each annual registration or license fee that is not received by the July
10 1 deadline, a penalty of an additional ten percent (10%) shall be charged
11 during the first thirty (30) days after July 1. For each annual registration
12 or license fee that is not received within thirty (30) days after July 1, a
13 penalty of an additional one hundred percent (100%) shall be charged.

14 (2) The frequency and scheduled dates for laboratory calibrations,
15 tests, and adjustments on measures and volumetric devices shall be as
16 stipulated in regulations of the State Plant Board. Fees for calibrations,
17 tests, and adjustments shall not exceed the indicated amounts for each device
18 except as stipulated herein:

	FEE	FEE, WITH ADJUSTMENTS
19		
20	CATEGORY	
21	ANSI/ASTM Class 4, 5, 6, and	
22	NIST Class F, P, Q Weights	
23	Under 50 lbs.	\$ 4.00 each \$ 10.00 each
24	50 lbs.	5.00 each 12.00 each
25	Over 50 lbs.	15.00 each 20.00 each
26	ANSI/ASTM Class 1, 1.1, 2, 3	
27	and NIST Class S, S-1	
28	Weights	20.00 each 30.00 each
29		(\$45.00 minimum)
30	Length Standards/Tapes	1.00/foot (\$25.00 minimum)
31	All other tests or services	
32	not listed	45.00/hour (\$25.00 minimum)

33 For devices not presented for calibration, testing, and adjustments by
34 the scheduled service date, a penalty of an additional ten percent (10%)
35 shall be charged for those presented during the first thirty (30) days

1 thereafter. For those not presented within thirty (30) days after the
2 scheduled date, a penalty of an additional one hundred percent (100%) shall
3 be charged.

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5 SECTION 2. (a) Except as provided in subsection (c) of this section,
6 there is established a petroleum testing fee to be paid at a rate of *two*
7 *dollars (\$2.00)* per each one thousand (1,000) gallons, or proportional part
8 of motor fuel or distillate special fuel purchased or imported into this
9 state.

10 (b) The fee shall be paid by the first distributor or supplier
11 receiving fuel from a terminal in this state, or if the fuel will never be
12 stored in a terminal in this state, then by the distributor or supplier who
13 first imports fuel into this state by tank truck.

14 (c) Exchanges of fuels on a gallon-for-gallon basis within a terminal
15 or fuels exported from this state are exempt from the fee.

16 (d) Proof of payment shall be provided to the owner or operator.

17 (e) The fee shall be remitted to the Director of the Department of
18 Finance and Administration at the time, in the manner, and on forms
19 prescribed by the director and may be collected and remitted at the same time
20 and in the same manner as the motor fuel tax and special motor fuels tax
21 under §§ 26-55-101 et seq. and §§ 26-56-101 et seq.

22 (f) *Twenty-five percent (25%)* of the fees collected under this section
23 shall be deposited into the Plant Board Fund, or any successor fund for the
24 maintenance, operation and improvement of the Bureau of Standards *and the*
25 *remaining seventy-five (75%) shall be deposited into the Petroleum Storage*
26 *Tank Trust Fund.*

27 (g) All fees shall be subject to collection and enforcement of
28 collection under the Arkansas Tax Procedures Act § 26-18-101 et seq.

29 (h) *The provisions of this section shall be in full force and effect*
30 *from and after May 1, 1995.*

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32 SECTION 3. A.C.A. 4-18-223 is repealed.

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34 SECTION 4. The State Plant Board is authorized to promulgate rules and
35 regulations necessary to administer the fees, rates, tolls, or charges for

1 services established by this act and is directed to prescribe and collect
2 such fees, rates, tolls, or charges for the services delivered by the State
3 Plant Board in such manner as may be necessary to support the programs of the
4 Bureau of Standards as directed by the Governor and the General Assembly.

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6 SECTION 5. Retail scales under fifty (50) pounds capacity shall be
7 exempt from the fee schedule contained in Section 1 of this act.

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9 SECTION 6. All provisions of this act of a general and permanent
10 nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas
11 Code Revision Commission shall incorporate the same in the Code.

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13 SECTION 7. If any provision of this act or the application thereof to
14 any person or circumstance is held invalid, such invalidity shall not affect
15 other provisions or applications of the act which can be given effect without
16 the invalid provision or application, and to this end the provisions of this
17 act are declared to be severable.

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19 SECTION 8. All laws and parts of laws in conflict with this act are
20 hereby repealed.

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22 SECTION 9. EMERGENCY. It is hereby found and determined by the
23 General Assembly that the provisions of this act are of critical importance
24 to the state_s ability to continue the duties, responsibilities, and
25 functions of the State Plant Board. Therefore, an emergency is hereby
26 declared to exist, and this act being immediately necessary for the
27 preservation of the public peace, health, and safety shall be in full force
28 and effect from and after its passage and approval.

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/s/Rep. Choate, et al

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