

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 85th General Assembly  
3 Regular Session, 2005

# A Bill

SENATE BILL 283

4  
5 By: Senator Laverty  
6  
7

## For An Act To Be Entitled

8  
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

## Subtitle

13  
14 AN ACT TO AUTHORIZE THE ARKANSAS BUREAU  
15 OF STANDARDS TO COLLECT CERTAIN FEES FOR  
16 TESTING AND INSPECTION.  
17  
18

19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
20

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 Arkansas Bureau of Standards of the State Plant Board may  
25 collect charges as provided in this section for testings and inspections made  
26 pursuant to this chapter.

27 (b) The bureau shall collect the following fees for testings and  
28 inspections:

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

33 (B) For OIML Class "E1" and "E2" and ANSI/ASTM Class "1",  
34 weighing more than one kilogram (1 kg) but not more than thirty kilograms (30  
35 kg), the bureau shall collect a fee for testing of not less than one hundred  
36 dollars (\$100) or more than three hundred dollars (\$300);



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

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

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

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

25           (3)(A) For OIML Class "M1", "M2", and "M3", ANSI/ASTM Class "6"  
26 ("5"), and NIST Class "F" and ("Q"), weighing ten pounds (10 lbs.) or five  
27 kilograms (5 kg) or less, the bureau shall charge a fee for testing of not  
28 less than seven dollars (\$7.00) or more than twenty-one dollars (\$21.00).

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

34           (C) For OIML Class "M1", "M2", and "M3", ANSI/ASTM Class  
35 "6" ("5"), and NIST Class "F" and ("Q"), weighing more than fifty pounds (50  
36 lbs.) or thirty kilograms (30 kg), but not more than one thousand pounds

1 (1,000 lbs.) or five hundred kilograms (50 kg), the bureau shall charge a fee  
2 for testing of not less than eighteen dollars (\$18.00) or more than fifty-  
3 four dollars (\$54.00).

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

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

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

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

21 (D) For volume testing of more than one hundred gallons  
22 (100 gal.) or four hundred liters (400 l.), but not more than one hundred  
23 fifty gallons (150 gal.) or six hundred liters (600 l.), the bureau shall  
24 charge a fee of two hundred fifty dollars (\$250).

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

29 (F) For volume testing of more than two hundred gallons  
30 (200 gal.) or eight hundred liters (800 l.), but not more than three hundred  
31 seventy five gallons (375 gal.) or one thousand five hundred liters (1,500  
32 l.), the bureau shall charge a fee for testing of four hundred fifty dollars  
33 (\$450).

34 (5)(A) For volume gravimetric testing of not more than one quart  
35 (1 qt.) or one liter (1 l.), the bureau shall charge a fee for testing of  
36 seventy-five dollars (\$75.00).

1                   (B) For volume gravimetric testing of more than one quart  
2 (1 qt.) or one liter (1 l.), but not more than five gallons (5 gal.) or  
3 twenty liters (20 l.), the bureau shall charge a fee for testing of two  
4 hundred dollars (\$200).

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

9                   (6) For volume LPG provers of not more than one hundred gallons  
10 (100 gal.) or four hundred liters (400 l.), the bureau shall charge a fee for  
11 testing of five hundred dollars (\$500);

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

14                   (8)(A) For annual inspection and testing of grain moisture  
15 meters, the bureau shall charge a fee of seventy-five dollars (\$75.00).

16                   (B) For calibration of grain moisture meters, the bureau  
17 shall charge a fee of seventy-five dollars (\$75.00).

18                   (C) For recertification of grain moisture meters, the  
19 Bureau shall charge a fee of seventy-five dollars (\$75.00).

20                   (D) For placing new or rejected grain moisture meters in  
21 service, the bureau shall charge a fee of seventy-five dollars (\$75.00).

22                   (E) For noncompliance reports for rejected grain moisture  
23 meters, the bureau shall charge a fee of seventy-five dollars (\$75.00).

24                   (9) For special testing or services not listed in the fee  
25 schedule, the Bureau shall charge a fee of fifty dollars (\$50.00) per hour;

26                   (10) For cleaning of standards, special handling, and packing,  
27 the Bureau shall charge a fee of fifty dollars (\$50.00) per hour; and

28                   (11) For testing or services performed for out of state entities,  
29 the Bureau shall charge twice the normal fee for the testing or service.

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

34                   (d) If any provision of this section or its application to any person  
35 or circumstance is held invalid, the invalidity shall not affect other  
36 provisions or applications of this section which can be given effect without

1 the invalid provision or application, and to this end the provisions of this  
 2 section are severable.

3  
 4 SECTION 2. Arkansas Code § 4-18-223 is repealed.

5 ~~4-18-223. Fees for tests or inspections.~~

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

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

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

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

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