

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

As Engrossed: S2/16/05

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.
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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
36 kg), the bureau shall collect a fee for testing of not less than one hundred



1 dollars (\$100) or more than three hundred dollars (\$300);

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

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

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

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

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

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

35 (C) For OIML Class "M1", "M2", and "M3", ANSI/ASTM Class
36 "6" ("5"), and NIST Class "F" and ("Q"), weighing more than fifty pounds (50

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

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

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

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

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

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

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

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

35 (5)(A) For volume gravimetric testing of not more than one quart
36 (1 qt.) or one liter (1 l.), the bureau shall charge a fee for testing of

1 seventy-five dollars (\$75.00).

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

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

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

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

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

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

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

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

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

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

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

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.

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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.

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29 /s/ Laverty
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