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**By: Chairman, Environmental Matters Committee (Departmental - Agriculture)**

Introduced and read first time: January 18, 1996

Assigned to: Environmental Matters

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: February 20, 1996

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CHAPTER \_\_\_\_

1 AN ACT concerning

2 **Department of Agriculture - Weights and Measures - Fees**

3 FOR the purpose of altering the basis of certain fees for which the Secretary of  
4 Agriculture charges for providing certain technical services and evaluation under a  
5 voluntary program to test weights and measures; requiring the Secretary to charge  
6 certain fees to cover certain costs; and generally relating to the performance testing  
7 of weights and measures.

8 BY repealing and reenacting, with amendments,  
9 Article - Agriculture  
10 Section 11-204.1  
11 Annotated Code of Maryland  
12 (1985 Replacement Volume and 1995 Supplement)

13 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
14 MARYLAND, That the Laws of Maryland read as follows:

15 **Article - Agriculture**

16 11-204.1.

17 (a) The Secretary may establish a program to test any weight and measure to  
18 determine if it conforms to the requirements of the National Conference on Weights and  
19 Measures.

20 (b) The Secretary may:

21 (1) Issue a certificate of approval to any person for a weight and measure  
22 that meets the requirements of this section;

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1 (2) Deny or revoke a certificate of approval if the Secretary determines that:

2 (i) A person has provided false or misleading information to the  
3 Secretary about any weight and measure; or

4 (ii) The weight and measure does not conform to the requirements of  
5 this section; and

6 (3) Charge the appropriate fee established under subsection (e) of this  
7 section in order to cover the cost of inspecting or testing any weight and measure as  
8 provided by this section.

9 (c) There is a Weight and Measure Testing Fund within the Maryland  
10 Department of Agriculture. The Fund is a special fund established for the purpose of  
11 paying the expenses incurred in testing and approving any weight and measure as  
12 provided under this section. Unspent portions of the Fund shall revert to the General  
13 Fund of the State.

14 (d) Unless issued a certificate of approval from the Secretary, a person may not  
15 represent any weight and measure as approved under this section.

16 (e) (1) The Secretary shall [charge the following] ESTABLISH BY  
17 REGULATION fees for services performed under this section to provide type evaluation  
18 and other testing, and for the use of laboratory equipment, special prototype test  
19 equipment, and vehicles[:

20 (1) Technical services and evaluations.....\$45 per hour;

21 (2) Environmental chamber services.....\$250 per device;

22 (3) Endurance testing (included in type evaluation)....\$125 per  
device;

23 (4) Vapor or slow meter standards.....\$50 per device;

24 (5) Trailer-mounted provers, 200 gallon capacity....\$50 per day

25 plus \$0.35 per mile;

26 (6) Trailer-mounted provers, 1480 gallon capacity....\$125 per d

ay  
27 plus \$0.45 per mile;

28 (7) Farm milk tank test unit.....\$100 per day

29 plus \$0.50 per mile;

30 (8) Large scale test unit.....\$200 per day

31 plus \$1.25 per mile;

32 (9) Van or sedan.....\$0.35 per mile;

33 (10) 1-ton truck.....\$0.45 per mile; and

34 (11) Travel costs....full reimbursement from Annapolis, Marylan

d].

35 (2) IN ESTABLISHING FEES UNDER THIS SECTION, THE SECRETARY

HOUSE BILL 205

36 ~~SHALL CONSIDER THE CURRENT RATES CHARGED BY OTHER PARTICIPATING~~  
37 ~~LABORATORIES THAT PROVIDE SERVICES TO THE NATIONAL TYPE EVALUATION~~

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1 ~~PROGRAM~~ ONLY CHARGE A FEE TO COVER THE COST OF PROVIDING THE  
2 TECHNICAL SERVICE OR EVALUATION BY THOSE INDUSTRIES REQUESTING THE  
3 SERVICE.

4 SECTION 2. AND BE IT FURTHER ENACTED, That the Maryland  
5 Department of Agriculture shall report to the House Environmental Matters Committee  
6 no later than January 1, 1999, in accordance with § 2-1312 of the StateGovernment  
7 Article, on the implementation of this Act.

8 SECTION 2- 3. AND BE IT FURTHER ENACTED, That this Act shall take  
9 effect October 1, 1996.