

Chapter 589

(House Bill 293)

AN ACT concerning

Weights and Measures – Registration Fees

FOR the purpose of prohibiting certain balances in the Weights and Measures Fund from reverting to the General Fund of the State; ~~requiring the Secretary of Agriculture to adopt regulations establishing certain registration fees for certain weights and measures; repealing certain registration fees for certain weights and measures; requiring the Secretary to adjust the fees under certain circumstances~~ altering the cap on certain fees for registering certain scales and meters; and generally relating to registration fees for weights and measures.

BY repealing and reenacting, with amendments,
 Article – Agriculture
 Section 11–204.6 and 11–204.7
 Annotated Code of Maryland
 (2007 Replacement Volume and 2010 Supplement)

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

Article – Agriculture

11–204.6.

- (a) (1) There is a “Weights and Measures Fund”.
- (2) All fees collected under §§ 11–204.3, 11–204.4, and 11–204.7 of this subtitle shall be credited to the Fund.
- (3) The Fund shall be used to defray the expenses of administering this title.
- (b) (1) The Fund shall be used for the purposes stated in this title [and unspent portions of the Fund shall revert to the General Fund of the State].
- (2) **AT THE END OF A FISCAL YEAR, ANY UNSPENT OR UNENCUMBERED BALANCE IN THE FUND MAY NOT REVERT TO THE GENERAL FUND OF THE STATE, BUT SHALL REMAIN IN THE WEIGHTS AND MEASURES FUND.**

11-204.7.

~~(A) ¶The fees for registering each weight and measure used for commercial purposes under this subtitle are as follows: THE SECRETARY SHALL ESTABLISH BY REGULATION AN APPROPRIATE FEE TO DEFRAY THE COSTS OF ADMINISTERING THIS TITLE FOR EACH OF THE FOLLOWING WEIGHTS AND MEASURES:~~

- (1) Scales with a capacity of up to 100 pounds ~~¶(maximum fee per business location: \$225~~ \$325) \$20~~¶~~;
- (2) Scales with a capacity of more than 100 pounds, up to 2,000 pounds ~~¶~~..... \$50~~¶~~;
- (3) Scales with a capacity of more than 2,000 pounds~~¶~~ \$75~~¶~~;
- (4) Belt conveyor scales~~¶~~ \$300~~¶~~;
- (5) Railroad track scales~~¶~~..... \$300~~¶~~;
- (6) Vehicle scales~~¶~~ \$225~~¶~~;
- (7) Grain moisture meter~~¶~~ \$100~~¶~~;
- (8) Retail motor fuel dispenser meter of under 20 gallons per minute ~~¶(maximum fee per business location: \$275~~ \$375) \$15~~¶~~;
- (9) Retail motor fuel dispenser meter of 20 gallons per minute or more~~¶~~..... \$35~~¶~~;
- (10) Bulk petroleum fuel meter of 20 gallons per minute, up to 150 gallons per minute~~¶~~..... \$50~~¶~~;
- (11) Bulk petroleum fuel meter of 150 gallons per minute or more ~~¶~~\$85~~¶~~;
- (12) Liquefied petroleum gas meters~~¶~~ \$75~~¶~~; and
- (13) Point of sale system, as defined by the National Institute of Standards and Technology (NIST) Handbook 44, connected to a weighing or measuring device ~~¶(per business location)~~..... \$100~~¶~~.

~~(B) IF THE FEE SCHEDULE ESTABLISHED BY THE SECRETARY EXCEEDS THE AMOUNT NECESSARY TO COVER THE COST OF INSPECTING AND TESTING ANY WEIGHT AND MEASURE REQUIRED TO BE REGISTERED UNDER THIS SUBTITLE, THE SECRETARY SHALL REDUCE THE FEE SCHEDULE ACCORDINGLY.~~

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect ~~October~~ July 1, 2011.

Approved by the Governor, May 19, 2011.