

SENATE BILL NO. 335

102ND GENERAL ASSEMBLY

INTRODUCED BY SENATOR CRAWFORD.

1086S.02I

KRISTINA MARTIN, Secretary

AN ACT

To repeal sections 196.311, 196.316, 323.100, and 413.225, RSMo, and to enact in lieu thereof four new sections relating to duties of the division of weights, measures and consumer protection.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Sections 196.311, 196.316, 323.100, and
2 413.225, RSMo, are repealed and four new sections enacted in
3 lieu thereof, to be known as sections 196.311, 196.316, 323.100,
4 and 413.225, to read as follows:

196.311. Unless otherwise indicated by the context,
2 when used in sections 196.311 to 196.361:

3 (1) "Consumer" means any person who purchases eggs for
4 his or her own family use or consumption; or any restaurant,
5 hotel, boardinghouse, bakery, or other institution or
6 concern which purchases eggs for serving to guests or
7 patrons thereof, or for its own use in cooking, baking, or
8 manufacturing their products;

9 (2) "Container" means any box, case, basket, carton,
10 sack, bag, or other receptacle. "Subcontainer" means any
11 container when being used within another container;

12 (3) "Dealer" means any person who purchases eggs from
13 the producers thereof, or another dealer, for the purpose of
14 selling such eggs to another dealer, a processor, or
15 retailer;

16 (4) "Denatured" means eggs (a) made unfit for human
17 food by treatment or the addition of a foreign substance, or

EXPLANATION-Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

(b) with one-half or more of the shell's surface covered by a permanent black, dark purple or dark blue dye;

(5) "Director" means the director of the department of agriculture;

(6) "Eggs" means the shell eggs of a domesticated chicken, turkey, duck, **quail**, goose, or guinea that are intended for human consumption;

(7) "Inedible eggs" means eggs which are defined as such in the rules and regulations of the director adopted under sections 196.311 to 196.361, which definition shall conform to the specifications adopted therefor by the United States Department of Agriculture;

(8) "Person" means and includes any individual, firm, partnership, exchange, association, trustee, receiver, corporation or any other business organization, and any member, officer or employee thereof;

(9) "Processor" means any person engaged in breaking eggs or manufacturing or processing egg liquids, whole egg meats, yolks, whites, or any mixture of yolks and whites, with or without the addition of other ingredients, whether chilled, frozen, condensed, concentrated, dried, powdered or desiccated;

(10) "Retailer" means any person who sells eggs to a consumer;

(11) "Sell" means offer for sale, expose for sale, have in possession for sale, exchange, barter, or trade.

196.316. 1. All persons engaged in buying, selling, trading or trafficking in, or processing eggs, except those listed in section 196.313, shall be required to be licensed under sections 196.311 to 196.361. Such persons shall file an annual application for such license on forms to be prescribed by the director, and shall obtain an annual

license for each separate place of business from the director. The following types of licenses shall be issued:

(1) A "retailer's license" shall be required of any person defined as a retailer in section 196.311. A holder of a retailer's license shall not, by virtue of such license, be permitted or authorized to buy eggs from any person other than a licensed dealer, and any retailer desiring to buy eggs from persons other than licensed dealers shall obtain a dealer's license in addition to a retailer's license.

(2) A "dealer's license" shall be required of any person defined as a dealer in section 196.311. A holder of a dealer's license shall not, by virtue of such license, be authorized or permitted to sell eggs to consumers, and any dealer desiring to sell eggs to consumers shall obtain a retailer's license in addition to a dealer's license.

(3) A "processor's license" shall be required of any person defined as a processor in section 196.311. A holder of a processor's license shall not, by virtue of such license, be authorized or permitted to sell eggs in the shell to other persons, and any person desiring to sell eggs in the shell to other persons shall obtain a dealer's license in addition to a processor's license.

2. [The annual license fee shall be:

(1)	Retailers	\$ 5.00
(2)	Dealers—License fees for dealers shall be determined on the basis of cases (30 dozen per case) of eggs sold in the shell in any one week, as follows:	
(a)	1 to 25 cases	\$ 5.00

37	(b)	26 to 50 cases	12.50
38	(c)	51 to 100 cases	25.00
39	(d)	more than 100 cases	50.00
40	(3)	Processors—License fees for processors shall be determined on the basis of cases (30 dozen per case) of eggs, or the equivalent in liquid or frozen eggs, processed in any one day, as follows:	
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46	(a)	Less than 50 cases	\$ 25.00
47	(b)	More than 50 and less than 250 cases	50.00
48	(c)	More than 250 and less than 1000 cases	75.00
49	(d)	More than 1000 cases	100.00 1

50 **The director of agriculture shall have the authority to**
51 **assess egg licensing fees to assist in defraying operating**
52 **expenses. A schedule of licensing fees shall be fixed by**
53 **rule or regulation promulgated pursuant to chapter 536 by**
54 **the director of the department of agriculture.**

55 3. All licenses shall be conspicuously posted in the
56 place of business to which it applies. The license year
57 shall be twelve months, or any fraction thereof, beginning
58 July first and ending June thirtieth.

59 4. No license shall be transferable, but it may be
60 moved from one place to another by the consent of the
61 director.

62 5. All moneys received from license fees collected
63 hereunder shall be deposited in the state treasury to the

64 credit of the agriculture protection fund created in section
65 261.200.

323.100. 1. The director of the department of
2 agriculture shall annually inspect and test all liquid
3 meters used for the measurement and retail sale of liquefied
4 petroleum gas and shall condemn all meters which are found
5 to be inaccurate. All meters shall meet the tolerances and
6 specifications of the National Institute of Standards and
7 Technology Handbook 44, 1994 edition and supplements
8 thereto. It is unlawful to use a meter for retail
9 measurement and sale which has been condemned. All
10 condemned meters shall be conspicuously marked "inaccurate",
11 and the mark shall not be removed or defaced except upon
12 authorization of the director of the department of
13 agriculture or his authorized representative. It is the
14 duty of each person owning or in possession of a meter to
15 pay to the director of the department of agriculture at the
16 time of each test a testing fee [of ten dollars. On January
17 1, 2014, the testing fee shall be twenty-five dollars. On
18 January 1, 2015, the testing fee shall be set at fifty
19 dollars. On January 1, 2016, and annually thereafter,].
20 The director shall ascertain the total expenses for
21 administering this section and shall set the testing fee at
22 a rate to cover the expenses for the ensuing year [but not
23 to exceed seventy-five dollars].

24 2. On the first day of October, 2014, and each year
25 thereafter, the director of the department of agriculture
26 shall submit a report to the general assembly that states
27 the current testing fee, the expenses for administering this
28 section for the previous calendar year, any proposed change
29 to the testing fee, and estimated expenses for administering
30 this section during the ensuing year. The proposed change

31 to the testing fee shall not yield revenue greater than the
32 total cost of administering this section during the ensuing
33 year.

34 3. Beginning August 28, 2013, and each year
35 thereafter, the director of the department of agriculture
36 shall publish the testing fee schedule on the departmental
37 website. The website shall be updated within thirty days of
38 a change in the testing fee schedule set forth in this
39 section.

413.225. 1. There is established a fee for
2 registration, inspection and calibration services performed
3 by the division of weights and measures. The fees are due
4 at the time the service is rendered and shall be paid to the
5 director by the person receiving the service. The director
6 shall collect fees according to the following schedule and
7 shall deposit them with the state treasurer into the
8 agriculture protection fund as set forth in section 261.200:

9 (1) [From August 28, 2013, until the next January
10 first, laboratory fees for metrology calibrations shall be
11 at the rate of sixty dollars per hour for tolerance testing
12 or precision calibration. Time periods over one hour shall
13 be computed to the nearest one-quarter hour. On the first
14 day of January, 2014, and each year thereafter,] The
15 director of agriculture shall ascertain the total receipts
16 and expenses for the metrology calibrations during the
17 preceding year and shall fix a fee schedule for the ensuing
18 year [at a rate per hour] as will yield revenue not more
19 than the total cost of operating the metrology laboratory
20 during the ensuing year[, but not to exceed one hundred
21 twenty-five dollars];

22 (2) All device test fees charged shall include, but
23 not be limited to, the following devices:

- 24 (a) Small scales;
- 25 (b) Vehicle scales;
- 26 (c) Livestock scales;
- 27 (d) Hopper scales;
- 28 (e) Railroad scales;
- 29 (f) Monorail scales;
- 30 (g) In-motion scales including but not limited to
- 31 vehicle, railroad and belt conveyor scales;
- 32 (h) Taximeters;
- 33 (i) [Timing devices;
- 34 (j) Fabric-measuring devices;
- 35 (k) Wire- and cordage-measuring devices;
- 36 (l)] Milk for quantity determination;
- 37 [(m)] (j) Vehicle tank meters;
- 38 [(n)] (k) Compressed natural gas meters;
- 39 [(o)] (l) Liquefied natural gas meters;
- 40 [(p)] (m) Electrical charging stations; and
- 41 [(q)] (n) Hydrogen fuel meters;
- 42 (3) Devices that require participation in on-site
- 43 field evaluations for National Type Evaluation Program
- 44 Certification and all tests of in-motion scales shall be
- 45 charged a fee, plus mileage from the inspector's official
- 46 domicile to and from the inspection site. The time shall
- 47 begin when the state inspector performing the inspection
- 48 arrives at the site to be inspected and shall end when the
- 49 final report is signed by the owner/operator and the
- 50 inspector departs;
- 51 (4) Every person shall register each location of such
- 52 person's place of business where devices or instruments are
- 53 used to ascertain the moisture content of grains and seeds
- 54 offered for sale, processing or storage in this state with
- 55 the director and shall pay a registration fee for each

location so registered and a fee for each additional device or instrument at such location. Thereafter, by January thirty-first of each year, each person who is required to register pursuant to this subdivision shall pay an annual fee for each location so registered and an additional fee for each additional machine at each location. The fee on newly purchased devices shall be paid within thirty days after the date of purchase. Application for registration of a place of business shall be made on forms provided by the director and shall require information concerning the make, model and serial number of the device and such other information as the director shall deem necessary. Provided, however, this subsection shall not apply to moisture-measuring devices used exclusively for the purpose of obtaining information necessary to manufacturing processes involving plant products. In addition to fees required by this subdivision, a fee shall be charged for each device subject to retest.

2. On the first day of January, 1995, and each year thereafter, the director of agriculture shall ascertain the total receipts and expenses for the testing of weighing and measuring devices referred to in subdivisions (2), (3), and (4) of subsection 1 of this section and shall fix the fees [or rate per hour] for such weighing and measuring devices to derive revenue not more than the total cost of the operation.

3. On the first day of October, 2014, and each year thereafter, the director of the department of agriculture shall submit a report to the general assembly that states the current laboratory fees for metrology calibration, the expenses for administering this section for the previous calendar year, any proposed change to the laboratory fee

88 structure, and estimated expenses for administering this
89 section during the ensuing year. The proposed change to the
90 laboratory fee structure shall not yield revenue greater
91 than the total cost of administering this section during the
92 ensuing year.

93 4. Beginning August 28, 2013, and each year
94 thereafter, the director of the department of agriculture
95 shall publish the laboratory fee schedule on the
96 departmental website. The website shall be updated within
97 thirty days of a change in the laboratory fee schedule set
98 forth in this section.

99 5. Retests for any device within the same calendar
100 year will be charged at the same rate as the initial test.
101 Devices being retested in the same calendar year as a result
102 of rejection and repair are exempt from the requirements of
103 this subsection.

104 6. All device inspection fees shall be paid **at time of**
105 **service or** within thirty days of the issuance of the
106 original invoice. Any fee not paid within [ninety] **thirty**
107 days after the date of the original invoice will be cause
108 for the director to deem the device as incorrect and it may
109 be condemned and taken out of service, and may be seized by
110 the director until all fees are paid.

111 7. No fee provided for by this section shall be
112 required of any person owning or operating a moisture-
113 measuring device or instrument who uses such device or
114 instrument solely in agricultural or horticultural
115 operations on such person's own land, and not in performing
116 services, whether with or without compensation, for another
117 person.

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