NOTICE OF INTENT
Louisiana Department of Agriculture and Forestry
Office of Agro Consumer Services
Division of Weights and Measures

Weights and Measures Fee Structure and Registration
(LAC 7:XXXV.125, 127)

In accordance with the Administrative Procedure Act, R.S. 49:950, *et seq.*, notice is hereby given that the Department of Agriculture and Forestry ("Department"), through the Office of Agro Consumer Services and the Division of Weights and Measures intends to amend LAC 7:XXXV.125 and 127. The proposed rules create a new category of devices called "mass flow meters." Currently, mass flow meters were registered with the department as a Class 3 scale and the fee for registering the device was $185. Mass flow meters are not actually scales and should have their own category. The amendment to LAC 7:XXXV.125 creates a new fee for registration of mass flow meters based on the internal diameter of the meter tube. Under the proposed rule, mass flow meters will be separated in to 2 classes: those with tubes whose internal diameter is 2 inches or more and those with tubes that are less than 2 inches.

Title 7
AGRICULTURE AND ANIMALS
Part XXXV. Agro-Consumer Services

Chapter 1. Weights and Measures
§125. Weights and Measures Fee Structure

A. – G. ...

H. The annual fee for registration of mass flow meters will be based on the internal diameter of the meter tube.

Class	Internal Tube Diameter	Fee
1	Less than 2 inches	$80
2	2 inches or greater	$185

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:4608 and 3:4622.
HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agro-Consumer Services, Division of Weights and Measures, LR 19:1534 (December 1993), amended LR 23:857 (July 1997), LR 30:1142 (June 2004), LR 42:218 (February 2016); LR 42:

§127. Registration

A. – D.4. ...

E. Mass flow meters shall be registered according to the following criteria:

1. make;

2. model;

3. serial number;

4. internal tube diameter in inches; and

5. intended use.

F. A late fee of $25 will be assessed for each device, the maximum penalty of $100 per outlet, when the application is submitted after December 31.

G.. A late fee of $25 will be assessed for each new device not registered within 30 days from the date it is put into service.

H. A compound weighing device shall be considered one or more devices for the purpose of registration in accordance with the following.

1. A compound weighing device that consists of a single load receiving element and more than one indicating element shall be considered a single device when all indicating elements may be tested during the same test for the purpose of sealing the device as correct. Said device shall be considered separate devices for each separate test necessary for sealing.

2. A compound weighing device that consists of one indicating element and more than one load receiving element shall for the purpose of registration be considered a separate device for each load receiving element.

I. Applicants for registration may request application forms, verbally or in writing, from the Division of Weights and Measures of the Department of Agriculture and Forestry.

J. Each application for annual registration shall be accompanied by payment of the required fee and said registration shall be valid until December 31. To remain valid, each annual registration must be renewed before January 1. This Subsection shall not apply to the registration of taxicab meters.

K. Taxicab meters shall be registered annually with the division. Each registration shall be valid for one year from the date of issuance. Taxi meters may only be registered with the division upon completion of an inspection of the taxi meter by the department and payment of the required registration fee. The inspection period for taxicab meters for registration purposes shall occur from January 1 through June 30 each year. After June 30, inspections for registration purposes will be done by appointment only.

1. If a taxicab operates in a municipality or parish which requires a local inspection, the inspection required under this Part shall be completed no later than the month in which the taxicab's parish, municipal, or airport inspection is due.

2. Taxicab meters inspected after June 30 will be charged a late fee of $25 unless the late inspection is due to a meter being new, repaired, replaced, or being placed in a different vehicle.

L. Any registration obtained without complying with all of the requirements of these regulations may be voided by the division.

M. Before a device may be sealed to certify the accuracy and correctness of a device, that device must be registered with the Division of Weights and Measures of the Louisiana Department of Agriculture and Forestry.

N. In accordance with R.S. 3:4611, no one shall use a weight, measure or weighing or measuring device which has not been sealed by the division, its director, or its inspectors, at its direction, within the year prior thereto, unless written notice has been given to the division to the effect that the weight, measure or weighing or measuring device is available for examination or is due for re-examination.

O. Application for registration or renewal of registration shall fulfill the requirement of notification in Subsection L of this Section.

P. Applications for annual renewal of registration shall be mailed by the Division of Weights and Measures of the Department of Agriculture and Forestry to all registrants, at the last address provided by the registrant, on or before November 15 and must be returned before January 1.

Q. The record of all registrations shall be maintained by the Division of Weights and Measures and the director of the Division of Weights and Measures in its office in Baton Rouge.

R. Any registrant having a device registered under provisions of this regulation, and that is taken out of commercial use at the location shown on the application for registration, shall notify the commission's office in writing to remove said device from its records.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:4603 (formerly R.S. 55:3), 3:4607, 4608, and 3:4622.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agro-Consumer Services, Commission of Weights and Measures, LR 13:158 (March 1987), amended LR 15:78 (February 1989), amended by the Department of Agriculture and Forestry, Office of Agro-Consumer Services, Division of Weights and Measures, LR 19:1534 (December 1993), LR 23:857 (July 1997), LR 41:2098 (October 2015); LR 42:

Family Impact Statement

The proposed Rule does not have any known or foreseeable impact on family formation, stability, and autonomy. In particular, the proposed Rule has no known or foreseeable impact on:
(1) the stability of the family;
(2) the authority and rights of persons regarding the education and supervision of their children;
(3) the functioning of the family;
(4) family earnings and family budget;
(5) the behavior and personal responsibility of children;
(6) the ability of the family or a local government to perform the function as contained in the proposed Rule.

Poverty Impact Statement

The proposed Rule does not have any known or foreseeable impact on any child, individual or family as defined by R.S. 49:973(B). In particular, there should be no known or foreseeable effect on:
(1) the effect on household income, assets, and financial security;
(2) the effect on early childhood development and preschool through postsecondary education development;
(3) the effect on employment and workforce development;
(4) the effect on taxes and tax credits;
(5) the effect on child and dependent care, housing, health care, nutrition, transportation, and utilities assistance.

Small Business Statement

The proposed Rule will have no adverse impact on small businesses as defined in the Regulatory Flexibility Act.

Provider Impact Statement

The proposed Rule does not have any known or foreseeable impact on providers as defined by HCR 170 of the 2014 Regular Legislative Session. In particular, there should be no known or foreseeable effect on:
(1) the effect on the staffing level requirements or qualifications required to provide the same level of service;
(2) the total direct and indirect effect on the cost to the providers to provide the same level of service; or
(3) the overall effect on the ability of the provider to provide the same level of service.

Public Comments

Interested persons may submit written comments, data, opinions and arguments regarding the proposed Rule. Written submissions must be directed to Dr. Steven O. Sessums, Director of the Division of Weights and Measures, Department of Agriculture & Forestry, 5825 Florida Blvd., Suite 5000, Baton Rouge, LA 70806 and must be received no later than 12:00 p.m. on September 6, 2016. No preamble is available.

Mike Strain, DVM
Commissioner of Agriculture and Forestry