
DIGEST

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HB 240 Reengrossed

2024 Regular Session

Romero

Abstract: Provides fees for subsequent inspections and changes the penalty structure of the Louisiana Weights and Measures Law.

Proposed law defines "annual inspection" as the first inspection completed by the department on a commercial weighing and measuring device in a calendar year.

Proposed law defines "subsequent inspection" as any additional inspection, after the annual inspection, completed by the department on a commercial weighing and measuring device within the same calendar year.

Present law provides the registration fees for each weighing and measuring device as follows:

- | | | |
|-----|---|----------------|
| (1) | Category 1 – zero to 1,000 lbs weight | \$50.00 |
| (2) | Category 2 – over 1,000-10,000 lbs weight | up to \$135.00 |
| (3) | Category 3 – over 10,000 lbs weight | up to \$250.00 |

Proposed law retains present law but changes the word "weight" to "capacity".

Proposed law requires a subsequent inspection fee for each subsequent inspection of a weighing and measuring device.

Proposed law provides the fees for a subsequent inspection for each weighing and measuring device as follows:

- | | | |
|-----|---|----------|
| (1) | Category 1 – zero to 1,000 lbs capacity | \$0.00 |
| (2) | Category 2 – over 1,000-10,000 lbs capacity | \$135.00 |
| (3) | Category 3 – over 10,000 lbs capacity | \$250.00 |
| (4) | Mass Flow Meters | \$250.00 |

Proposed law retains present law which requires each licensed weighmaster to pay an annual license fee of \$100.

Proposed law retains present law which requires the commissioner to adopt the fees charged for weighing and measuring devices performed by the department, including services performed by the State Metrology Lab, based on the work performed.

Proposed law retains present law which requires a registration fee of \$100 for each service agency. Further requires a registration fee of \$65 for each service person.

Proposed law retains present law which provides a special fund in the state treasury known as the Weights and Measures Fund, to be in compliance with requirements of Art. VII, Sect. 9(B) of La. Const.. Further requires that the monies in the fund be used to provide for the expenses of the program and to carry out powers, duties, functions, and responsibilities of the commission and the commissioner.

Present law requires a violator of any provision of present law to be subject to a civil penalty of not more than \$500 for each violation. Proposed law removes such requirement but otherwise retains present law. Present law provides that for each day that a violation occurs shall be a separate offense.

Proposed law authorizes the commissioner to assess a civil penalty of not more than \$500 for each violation if the violator has not been assessed a civil penalty. Further authorizes the commissioner to assess a civil penalty of not more than \$750 for each violation if the violator subject to a civil penalty has been assessed a penalty in the five years preceding the violation. Additionally, authorizes the commissioner to assess a civil penalty of not more than \$1,000 for each violation if the violator has been assessed two or more civil penalties in the five years preceding the violation.

Proposed law authorizes the commissioner to require a violator to submit a corrective action plan to the department that includes the following:

- (1) A statement acknowledging the violation.
- (2) An identification of the cause of the violation and timeline of events.
- (3) A plan outlining actions the violator will take to meet program requirements, the persons responsible for implementing the corrective action plan, and the date the plan will be implemented.

Proposed law provides that failure to submit the corrective action plan within 30 days from notice may result in additional civil penalties.

(Amends R.S. 3:4602, 4622(B)(1), (2), and (3), (C), (D), (E), and (G), and 4624; Adds R.S. 3:4622(F) and (H))

Summary of Amendments Adopted by House

The House Floor Amendments to the engrossed bill:

1. Make technical changes.