

RÉSUMÉ DIGEST

ACT 210 (HB 240)

2024 Regular Session

Romero

New law provides fees for subsequent inspections and changes the penalty structure of the La. Weights and Measures Law.

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

New 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.

Existing law sets the registration fees for each weighing and measuring device as follows:

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|-----|---|----------------|
| (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 |

New law retains existing law but changes the word "weight" to "capacity".

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

New law establishes the fees for a subsequent inspection for each weighing and measuring device as follows:

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|-----|---|----------|
| (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 |

Existing law requires each licensed weighmaster to pay an annual license fee of \$100.

Existing law 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.

Existing law requires a registration fee of \$100 for each service agency. Further requires a registration fee of \$65 for each service person.

Existing law creates 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.

Prior law required a violator of any provision of existing law to be subject to a civil penalty of not more than \$500 for each violation. New law removes the mandate of a penalty of up to \$500 for each violation and instead just authorizes a civil penalty for each violation. Existing law provides that for each day that a violation occurs must be a separate offense.

New 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.

New 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.

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

Effective August 1, 2024.

(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))