

By: Senator(s) Thames

To: Agriculture

SENATE BILL NO. 2505
(As Passed the Senate)

1 AN ACT TO AMEND SECTION 75-27-19, MISSISSIPPI CODE OF 1972,
2 TO TRANSFER THE AUTHORITY FOR THE REGULATION OF WEIGHING DEVICES
3 USED TO WEIGH ROAD CONSTRUCTION MATERIALS FROM THE DEPARTMENT OF
4 TRANSPORTATION TO THE DEPARTMENT OF AGRICULTURE AND COMMERCE; AND
5 FOR RELATED PURPOSES. BE IT ENACTED BY THE LEGISLATURE OF THE
6 STATE OF MISSISSIPPI:

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8 SECTION 1. Section 75-27-19, Mississippi Code of 1972, is
9 amended as follows:

10 75-27-19. The director shall have power to prescribe, after
11 public hearing following due public notice, and issue reasonable
12 regulations for the enforcement of this article, which regulations
13 shall have the force and effect of law. These regulations may
14 include (1) standards of net weight, measure, or count, and
15 reasonable standards of fill, for any commodity in package form,
16 (2) rules governing the technical and reporting procedures to be
17 followed and the report and record forms and marks of approval and
18 rejection to be used by inspectors of weights and measures in the
19 discharge of their official duties, and (3) exemptions from the
20 sealing or marking requirements of Section 75-27-31 with respect
21 to weights and measures of such character or size that such
22 sealing or marking would be inappropriate, impracticable, or
23 damaging to the apparatus in question. These regulations shall
24 include specifications, tolerances, and regulations for weights
25 and measures of the character of those specified in Section
26 75-27-23, designed to eliminate from use, without prejudice to
27 apparatus that conforms as closely as practicable to the official
28 standards, those (1) that are not accurate, (2) that are of such

29 construction that they are faulty--that is, that are not
30 reasonably permanent in their adjustment or will not repeat their
31 indications correctly, or (3) that facilitate the perpetration of
32 fraud. The specifications, tolerances, and regulations for
33 commercial weighing and measuring devices, together with
34 amendments thereto, as recommended by the National Bureau of
35 Standards and published in National Bureau of Standards Handbook
36 44 and supplements thereto, or in any publication revising or
37 superseding Handbook 44, shall be the specifications, tolerances,
38 and regulations for commercial weighing and measuring devices of
39 the State of Mississippi, except insofar as specifically modified,
40 amended, or rejected by a regulation issued by the director. For
41 the purposes of this article, apparatus shall be deemed to be
42 "correct" when it conforms to all applicable requirements
43 promulgated as specified in this section; other apparatus shall be
44 deemed to be "incorrect." The division shall levy no charges or
45 fees for the field tests or inspections made under this article;
46 however, the director shall adopt a schedule of fees for
47 calibration and testing services provided by the State Metrology
48 Laboratory. Fees collected for such calibration and testing shall
49 be deposited in the State Treasury in the special fund for the
50 Department of Agriculture and Commerce. The director shall
51 require persons installing scales with a weight capacity of ten
52 thousand (10,000) pounds or more to secure a permit for each such
53 scale installed, establish a fee not to exceed Fifty Dollars
54 (\$50.00) for such permit and require such person to supply the
55 director with scale and scale foundation blueprints and
56 specifications for each installation before installation of the
57 scale. Applications for permit shall be made on forms prescribed
58 and furnished by the director. The director shall establish and
59 adopt scale pit and approach specifications for scales with a
60 capacity of ten thousand (10,000) pounds or more. However,
61 weighing devices with a capacity of ten thousand (10,000) pounds
62 or more used to weigh road construction materials only shall * * *
63 have a tolerance of one-half of one percent (1/2 of 1%) in lieu of
64 the requirements of Handbook 44 * * *. For purposes of this
65 section, the term "road construction materials" shall include, but

66 not be limited to, sand, gravel, asphalt, fill dirt, topsoil and
67 concrete. The term "road construction materials" shall not
68 include timber or timber products.

69 SECTION 2. This act shall take effect and be in force from
70 and after its passage.