

OFFICE OF THE SECRETARY OF STATE

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ARCHIVES DIVISION

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NOTICE OF PROPOSED RULEMAKING
INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 603
DEPARTMENT OF AGRICULTURE

FILED

08/27/2024 9:36 AM
ARCHIVES DIVISION
SECRETARY OF STATE

FILING CAPTION: Increasing annual device licensing fees for the Weights and Measures Program.

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 11/01/2024 5:00 PM

The Agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing negative economic impact of the rule on business.

CONTACT: Steven Harrington
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Filed By:
Sunny Summers
Rules Coordinator

HEARING(S)

Auxiliary aids for persons with disabilities are available upon advance request. Notify the contact listed above.

DATE: 10/21/2024

TIME: 10:00 AM - 11:00 AM

OFFICER: Sunny Summers

REMOTE HEARING DETAILS

MEETING URL: [Click here to join the meeting](#)

PHONE NUMBER: 503-446-4951

CONFERENCE ID: 210456646973

SPECIAL INSTRUCTIONS:

Meeting ID: 210 456 646 973

Passcode: JpgYfm

+1 503-446-4951,,28317941#

NEED FOR THE RULE(S)

The Weights and Measures Program is 100% funded by annual device license fees. These fees are paid by all businesses employing commercial weighing and measuring equipment commercially in the State of Oregon. It is hard to imagine many products or commodities that are not weighed or measured many times from production to consumption/disposal and it is the program's primary mission is to ensure that the equipment used is fair, unbiased, and otherwise worthy of the trust we place in them every day. The program maintains a staff of 21 field staff deployed statewide along with the vehicles and associated equipment needed to inspect and test some 64,000 licensed devices on an annual basis. The license fees set in this rule provide the funding necessary to carry out these inspection and device testing duties.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE

From: <https://www.oregonlegislature.gov>

- ORS 618

STATEMENT IDENTIFYING HOW ADOPTION OF RULE(S) WILL AFFECT RACIAL EQUITY IN THIS STATE

No impact is anticipated.

FISCAL AND ECONOMIC IMPACT:

Little to no fiscal impact to state agencies, units of local government, or the average citizen. An approximate \$450,000 fiscal impact spread over 2 years dispersed across approximately 12,000 small businesses in Oregon that license and operate approximately some 64,000 weighing and measuring devices with ODA.

COST OF COMPLIANCE:

(1) Identify any state agencies, units of local government, and members of the public likely to be economically affected by the rule(s). (2) Effect on Small Businesses: (a) Estimate the number and type of small businesses subject to the rule(s); (b) Describe the expected reporting, recordkeeping and administrative activities and cost required to comply with the rule(s); (c) Estimate the cost of professional services, equipment supplies, labor and increased administration required to comply with the rule(s).

(1) Identify any state agencies, units of local government, and members of the public likely to be economically affected by the rule(s):

State Agencies:

- Oregon Department of Agriculture is the agency responsible for enforcing these rules. The license fees collected pursuant to ORS 618.136 are used entirely to fund the Weights and Measures device testing and inspection program.
- Oregon Department of Transportation. The Weights and Measures Program tests and certifies ODOT highway weigh station scales annually.

Local Government:

- County governments operating weigh stations certified by the Weights and Measures Program (including Lane, Jackson, and Marion counties).

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- County governments operating weigh stations certified by the Weights and Measures Program (including Lane, Jackson, and Marion counties).

In all the Weights and Measures program tests 89 scales at highway weigh stations operated by ODOT and county governments. The impact of this amendment will largely be felt in the testing fees charged by ODA to these entities and will be very minimal given the small number of devices involved.

Members of the Public:

- Customers of the approximately 12,000 businesses operating in Oregon use some 64,000 ODA licensed commercial weighing and measuring devices daily including those found at all retail gas stations and grocery stores. The public may see minimal increases in related goods and services as these license fee increases may be passed along to their customers as a part of the normal cost of doing business.

(2) Effect on small businesses: (a) estimate the number and type of small businesses subject to the rule(s); (b) Describe the expected reporting, recordkeeping and administrative activities and cost required to comply with the rule(s); (c) Estimate the cost of professional services, equipment supplies, labor and increased administration required to comply with the rule(s).

a) Estimate the number of small business and types of businesses and industries with small businesses subject to the rule:

Approximately 12,000 businesses operating in Oregon are potentially affected by these amendments.

b) Projected reporting, recordkeeping and other administrative activities required for compliance, including costs of professional services:

This is a license fee increase only. There will be no new reporting, recordkeeping, or other administrative requirements.

c) Equipment, supplies, labor and increased administration required for compliance:

This is a license fee increase only. There will be no new equipment, supplies, or other additional administrative activities required to comply with the rules.

DESCRIBE HOW SMALL BUSINESSES WERE INVOLVED IN THE DEVELOPMENT OF THESE RULE(S):

The Oregon Fuels Association (OFA), the Renewable Energy Group (REG), the Western States Petroleum Association (WSPA), the Oregon Trucking Association (OTA), Northwest Grocer's Association (NWGA), AAA of Oregon, Kinder Morgan, the Northwest Propane and Gas Association are all members of the Weights and Measures Advisory Committee and were consulted. These members were all contacted via email and notified of the proposed rule change and given opportunities to offer input and advice.

WAS AN ADMINISTRATIVE RULE ADVISORY COMMITTEE CONSULTED? YES

AMEND: 603-027-0030

RULE SUMMARY: Implement 3% license fee increases effective July 1, 2025 and July 1, 2026.

CHANGES TO RULE:

603-027-0030

License Fees and Categories ¶¶

The annual license fees for weighing or measuring instruments or devices, as provided for in ORS 618.136 and 618.141 are as follows: License Period 20235; -- 20246.¶¶

(1) Discrete Weighing Devices (mfr. rated capacity):¶¶

(a) 0-400 pounds - \$459.00; -- \$479.00;¶¶

(b) 401-1,160 pounds - \$917.00; -- \$941.00;¶¶

(c) 1,161-7,500 pounds - \$1849.00; -- \$1902.00;¶¶

(d) 7,501-60,000 pounds - \$2769.00; -- \$2853.00;¶¶

(e) Over 60,000 pounds - \$2769.00; -- \$2853.00;¶¶

(f) Static Railroad Track Scales - \$1,195.00; -- \$1,230.00;¶¶

(2) Continuous Weighing Systems (mfr. rated capacity):¶¶

(a) Under 10 tons/hour - \$347.00; -- \$358.00;¶¶

(b) 10-150 tons/hour - \$538.00; -- \$559.00;¶¶

(c) 151-1,000 tons/hour - \$1,076.00; -- \$1,109.00;¶¶

(d) Over 1,000 tons/hour - \$2,390.00; -- \$2,462.00;¶¶

(e) In motion railroad track scales - \$1,195.00; -- \$1,230.00;¶¶

(3) Liquid Fuel Metering Devices for Noncorrosive Fuels Contained at Atmospheric Pressure (max. device flowrate):¶¶

(a) Under 20 gal/min - \$374.00; -- \$394.00;¶¶

(b) 20-150 gal/min - \$~~18496.00~~ -- \$~~190202.00~~;¶
(c) Over 150 gal/min - \$~~27694.00~~; -- \$~~285303.00~~;¶
(4) Special Liquid Fuel Measuring Equipment:¶
(a) Liquefied Petroleum Gas meters:¶
(A) 1" pipe diameter or under - \$~~27694.00~~; -- \$~~285303.00~~;¶
(B) Over 1" pipe diameter - \$~~27694.00~~; -- \$~~285303.00~~;¶
(b) Liquefied Petroleum Gas Vapor-Measuring Devices:¶
(A) 1" pipe diameter or under - \$15.00;¶
(B) Over 1" pipe diameter - \$20.00.
Statutory/Other Authority: ORS 618.031
Statutes/Other Implemented: ORS 618.136, ORS 618.141