

CHAPTER 214

COMMERCIAL WEIGHING AND MEASURING DEVICES —
MOTOR FUEL PUMPS

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214.1 Definitions.

As used in this chapter, unless the context otherwise requires:

1. “*Biodiesel*”, “*biodiesel fuel*”, “*biofuel*”, “*ethanol*”, “*motor fuel*”, “*retail dealer*”, “*retail motor fuel site*”, and “*wholesale dealer*” mean the same as defined in section 214A.1.

2. “*Commercial weighing and measuring device*” or “*device*” means the same as defined in section 215.26.

3. “*Motor fuel blender pump*” or “*blender pump*” means a motor fuel pump that dispenses a type of motor fuel that is blended from two or more different types of motor fuels and which may dispense more than one type of blended motor fuel.

4. “*Motor fuel pump*” means a pump, meter, or similar commercial weighing and measuring device used to measure and dispense motor fuel on a retail basis.

5. “*Motor fuel storage tank*” or “*storage tank*” means an aboveground or belowground container that is a fixture used to store an accumulation of motor fuel.

[C73, §2065; C97, §3027; SS15, §3009-m; C24, 27, 31, 35, 39, §3258; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §214.1]

80 Acts, ch 1054, §20; 87 Acts, ch 93, §1, 2; 90 Acts, ch 1084, §1; 2006 Acts, ch 1142, §2, 26; 2008 Acts, ch 1169, §12, 30

[P] Further definitions, see §189.1

214.2 License.

A person who uses or displays for use any commercial weighing and measuring device, as defined in section 215.26, shall secure a license from the department.

[SS15, §3009-m; C24, 27, 31, 35, 39, §3259; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §214.2]

87 Acts, ch 93, §3; 90 Acts, ch 1084, §2

214.3 Fee.

1. The license for inspection of a commercial weighing and measuring device shall expire on December 31 of each year, and for a motor fuel pump on June 30 of each year. The amount of the fee due for each license shall be as provided in subsection 3, except that the fee for a motor fuel pump shall be four dollars and fifty cents if paid within one month from the date the license is due.

2. The license inspection fee on a commercial weighing and measuring device is due the day the device is placed into service. A license inspection fee shall be charged to the person owning or operating a commercial weighing and measuring device inspected in accordance with the class or section for devices as established by handbook 44 of the United States national institute of standards and technology.

3. The fee due under this section for a commercial weighing and measuring device shall be as follows:

a. Class S-III.L.

(1) Railroad track scales, one hundred six dollars and fifty cents.

(2) Other scales.

(a) 500 to 1,000 pounds capacity, sixteen dollars and fifty cents.

(b) 1,001 to 30,000 pounds capacity, thirty-one dollars and fifty cents.

- (c) 30,001 to 50,000 pounds capacity, sixty-one dollars and fifty cents.
 - (d) 50,001 pounds capacity or more, eighty-four dollars.
 - (3) A minimum fee of forty-six dollars and fifty cents shall be charged for each vehicle or livestock scale.
 - b. Class S-II and S-III, nine dollars.
 - (1) Bench scale, nine dollars.
 - (2) Counter scale, nine dollars.
 - (3) Portable platform scale, nine dollars.
 - (4) Livestock monorail scale, nine dollars.
 - (5) Single animal scale, nine dollars.
 - (6) Grain test scale, nine dollars.
 - (7) Precious metal and gems scale, nine dollars.
 - (8) Postal scale, nine dollars.
 - c. (1) Grain moisture meters, twenty-four dollars.
 - (2) Additional meters at the same location, sixteen dollars and fifty cents.
 - d. Class M-I. One hundred-gallon prover.
 - (1) Bulk meters, nine dollars.
 - (2) Bulk liquid petroleum gas meters, fifty-two dollars and fifty cents.
 - (3) Bulk refined fuel meters, nine dollars.
 - (4) Mass flow meters, nine dollars.
 - e. Class M-II. Five-gallon prover.
 - (1) Slow flow meters, nine dollars.
 - (2) Retail motor fuel pump, nine dollars.
- [SS15, §3009-m; C24, 27, 31, 35, 39, §3260; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §214.3]
 87 Acts, ch 93, §4; 88 Acts, ch 1272, §21; 90 Acts, ch 1084, §3; 92 Acts, ch 1239, §36, 37; 2006 Acts, ch 1142, §83

214.4 Tagging of equipment.

1. If the department does not receive payment of the license fee required pursuant to section 214.3 within one month from the due date, the department shall send a notice to the owner or operator of the device. The notice shall be delivered by certified mail. The notice shall state all of the following:
 - a. The owner or operator is delinquent in the payment of the required fee.
 - b. The owner or operator has fifteen days after receipt of the notice to pay the license fee required pursuant to section 214.3.
 - c. If the department does not receive payment of the license fee as required, the department may summarily tag and remove from service the commercial weighing and measuring device.
2. If the license fee is not received by the department within fifteen days after receipt of the notice by the owner or operator of the commercial weighing and measuring device, the department may tag and remove from service the device for which the license fee has not been paid.

94 Acts, ch 1198, §43

214.5 Inspection stickers.

For each commercial weighing and measuring device licensed, the department shall issue an inspection sticker, which shall not exceed two inches by two inches in size. The inspection sticker shall be displayed prominently on the front of the commercial weighing and measuring device and the defacing or wrongful removal of the sticker shall be punished as provided in chapter 189. Absence of an inspection sticker is prima facie evidence that the commercial weighing and measuring device is being operated contrary to law.

[SS15, §3009-m; C24, 27, 31, 35, 39, §3262; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §214.5]

87 Acts, ch 93, §5; 90 Acts, ch 1084, §4

214.6 Oath of weighmasters.

All persons keeping a commercial weighing and measuring device, before entering upon their duties as weighmasters, shall be sworn before some person having authority to administer oaths, to keep their device correctly balanced, to make true weights, and to render a correct account to the person having weighing done.

[C73, §2065; C97, §3027; C24, 27, 31, 35, 39, §3263; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §214.6]

2007 Acts, ch 126, §42

214.7 Registers.

Weighmasters are required to make true weights and keep a correct register of all weighing done by them, giving the amount of each weight, date thereof, and the name of the person or persons for whom done, and give, upon demand, to any person having weighing done, a certificate showing the weight, date, and for whom weighed.

[C73, §2066, 2067; C97, §3028; C24, 27, 31, 35, 39, §3264; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §214.7]

214.8 Penalty.

Any weighmaster violating any of the provisions of sections 214.6 and 214.7, shall be guilty of a simple misdemeanor, and be liable to the person injured for all damages sustained.

[C73, §2068; C97, §3029; C24, 27, 31, 35, 39, §3265; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §214.8]

214.9 Self-service motor fuel pumps.

A self-service motor fuel pump located at a retail motor fuel site may be equipped with an automatic latch-open device on the fuel dispensing hose nozzle only if the nozzle valve is the automatic closing type.

[C81, §214.9]

87 Acts, ch 93, §6; 2006 Acts, ch 1142, §83; 2008 Acts, ch 1169, §13, 30

214.10 Rules.

The department of agriculture and land stewardship may promulgate rules pursuant to chapter 17A as necessary to promptly and effectively enforce the provisions of this chapter.

[C81, §214.10]

214.11 Inspections — recalibrations — penalty.

The department of agriculture and land stewardship shall provide for annual inspections of all motor fuel pumps licensed under this chapter. Inspections shall be for the purpose of determining the accuracy of the pumps' measuring mechanisms, and for such purpose the department's inspectors may enter upon the premises of any wholesale dealer or retail dealer, as they are defined in section 214A.1, of motor fuel or fuel oil within this state. Upon completion of an inspection, the inspector shall affix the department's seal to the measuring mechanism of the pump. The seal shall be appropriately marked, dated, and recorded by the inspector. If the owner of an inspected and sealed pump is registered with the department as a servicer in accordance with section 215.23, or employs a person so registered as a servicer, the owner or other servicer may open the pump, break the department's seal, recalibrate the measuring mechanism if necessary, and reseal the pump as long as the department is notified of the recalibration within forty-eight hours, on a form provided by the department. A person violating a provision of this section is, upon conviction, guilty of a simple misdemeanor.

87 Acts, ch 93, §7; 2006 Acts, ch 1142, §83

214.12 Repealed by 80 Acts, ch 1054, § 20.