

FILED MAR 22 1979

SENATE FILE 446

By COMMITTEE ON AGRICULTURE
Approved 3/22 (p 917)

*Passed Senate 4-2-79 (# 1052)
Ayes 28, Nays 9*

Introduced
Passed Senate, Date 3-28-79 (p 993) Passed House, Date _____

Vote: Ayes 21 Nays 26 Vote: Ayes _____ Nays _____

Approved _____

Referred to Committee on 3/24/79

A BILL FOR

1 An Act relating to weighing and measuring.

2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Chapter two hundred fourteen (214), Code 1979,
2 is amended by adding the following new section:

3 NEW SECTION. RULES. The department of agriculture may
4 promulgate rules pursuant to chapter seventeen A (17A) of
5 the Code as necessary to promptly and effectively enforce
6 the provisions of this chapter.

7 Sec. 2. Section two hundred fourteen point six (214.6),
8 Code 1979, is amended to read as follows:

9 214.6 OATH OF WEIGHMASTERS. ~~All~~ Before serving as
10 weighmasters, all persons keeping using public scales, before
11 entering-upon-their-duties-as-weighmasters, shall obtain a
12 certificate from the department and shall be-sworn swear
13 before some person having authority to administer oaths, to
14 keep ~~their~~ the scales correctly balanced, to make true weights,
15 and to render a correct account to the person having weighing
16 done and to comply with all statutes and rules promulgated
17 pursuant to section one (1) of this Act, relating to
18 weighmasters and weighing operations.

19 Sec. 3. Chapter two hundred fifteen (215), Code 1979,
20 is amended by adding the following new section:

21 NEW SECTION. DEFINITIONS. As used in this chapter:

22 1. "Commercial weighing and measuring device" means a
23 weight or measure or weighing or measuring device used to
24 establish size, quantity, area or other quantitative measure-
25 ment of a commodity sold by weight or measurement, or where
26 the price to be paid for producing the commodity is based
27 upon the weight or measurement of the commodity. The term
28 includes an accessory attached to or used in connection with
29 a commercial weighing or measuring device when the accessory
30 is so designed or installed that its operation may affect
31 the accuracy of the device.

32 2. "Servicer" means an individual who installs, services
33 or repairs a commercial weighing or measuring device for hire,
34 commission or salary.

35 3. "Service agency" means an individual, firm or corpora-

1 tion which holds itself out to the public as having servicers
2 available to install, service or repair a weighing or mea-
3 suring device for hire.

4 Sec. 4. Chapter two hundred fifteen (215), Code 1979,
5 is amended by adding the following new section:

6 NEW SECTION. SERVICER'S LICENSE. A servicer shall not
7 install, service or repair a commercial weighing or measuring
8 device until the servicer has demonstrated that he or she
9 has available adequate testing equipment, and that he or she
10 possesses a working knowledge of all devices he or she intends
11 to install or repair and of all appropriate weights, measures,
12 statutes and rules, as evidenced by passing a qualifying
13 examination to be conducted by the department and obtaining
14 a license. The secretary of agriculture shall establish by
15 rule pursuant to chapter seventeen A (17A) of the Code,
16 requirements for and contents of the examination. In
17 determining these qualifications, the secretary shall consider
18 the specifications of the national bureau of standards,
19 handbook forty-four, "specifications, tolerances, and technical
20 requirements for commercial weighing and measuring devices".
21 The secretary shall require an annual license fee of not more
22 than five dollars for each license. Each license shall ex-
23 pire one year from date of issuance.

24 Sec. 5. Chapter two hundred fifteen (215), Code 1979,
25 is amended by adding the following new section:

26 NEW SECTION. RULES. The department of agriculture may
27 promulgate rules pursuant to chapter seventeen A (17A) of
28 the Code as necessary to promptly and effectively enforce
29 the provisions of this chapter.

30 Sec. 6. Chapter two hundred fifteen (215), Code 1979,
31 is amended by adding the following new section:

32 NEW SECTION. RAILROAD TRACK SCALES. The department of
33 agriculture shall inspect the railroad track scales referred
34 to in section three hundred twenty-seven D point one hundred
35 twenty-seven (327D.127) of the Code. The department may adopt

1 rules establishing standards for the scales. The rules may
2 include but are not limited to safety standards, accuracy
3 and the style and content of forms and certificates to be
4 used for weighing.

5 Sec. 7. Section two hundred fifteen point one (215.1),
6 Code 1979, is amended to read as follows:

7 215.1 DUTY TO INSPECT. The department shall ~~make an~~
8 ~~inspection of~~ regularly inspect all ~~weights and measures~~
9 ~~wherever the same are kept for use in connection with the~~
10 ~~sale of any commodity sold by weight or measurement, or where~~
11 ~~the price to be paid for producing any commodity is based~~
12 ~~upon the weight or measurement thereof,~~ commercial weighing
13 and measuring devices, and when complaint is made to the
14 department that any false or incorrect weights or measures
15 are being made ~~under said conditions, said,~~ the department
16 shall ~~have the same inspected~~ inspect the commercial weighing
17 and measuring devices which caused the complaint.

18 Sec. 8. Section two hundred fifteen point ten (215.10),
19 Code 1979, is amended to read as follows:

20 215.10 INSTALLATION OF NEW SCALES. It shall be unlawful
21 to install a ~~livestock or truck~~ scale ~~or a hopper scale,~~ used
22 for commercial purposes in this state, unless ~~said~~ the scale
23 is so installed that ~~the same~~ it is easily accessible for
24 inspection and testing by equipment of the state department
25 of agriculture and with due regard to the scale's size and
26 capacity ~~thereof~~. Every scale manufacturer or dealer shall,
27 upon selling a scale of the above types in Iowa, submit to
28 the department of agriculture upon forms provided by ~~said~~
29 the department, the make, capacity of the scale, the date
30 of sale, and the date and location of its installation.

31 Sec. 9. Section two hundred fifteen point fourteen
32 (215.14), Code 1979, is amended to read as follows:

33 215.14 APPROVAL BY DEPARTMENT--ELECTRONIC SCALES. No
34 scale known in the commercial field as a railroad, truck or
35 livestock scale shall be installed in the state of Iowa without

1 first being approved by the state department of agriculture.
 2 ~~Said~~ The approval being shall be based upon the recommendations
 3 of the U. S. bureau of standards. All motor truck scales,
 4 livestock scales, and grain dump scales, hereafter installed
 5 and regardless of capacity shall have a clearance of not less
 6 than four feet from the finished floor line of scale pit to
 7 the bottom of the "I" beam of the scale bridge, except an
 8 electronic scale may be installed in a building and ~~said~~ the
 9 scale shall be placed on concrete footings with concrete
 10 floor. ~~Said~~ The specifications for same-to these scales shall
 11 be furnished by the scale manufacturer after approval by the
 12 state department of agriculture. ~~Said~~ The approval to shall
 13 be based upon the recommendation of the U. S. bureau of
 14 standards.

15 Sec. 10. Section two hundred fifteen point nineteen
 16 (215.19), Code 1979, is amended to read as follows:

17 215.19 AUTOMATIC RECORDERS ON SCALES. All ~~motor-truck~~
 18 ~~scales,--livestock-scales,--grain-dump-scales,--and-combination~~
 19 ~~truck-and-railroad-track~~ scales with a capacity over five
 20 hundred pounds, which are used for commercial purposes in
 21 the state of Iowa, ~~except-motor-truck-scales-used-solely-in~~
 22 ~~the-weighing-of-construction-aggregates-and-agricultural~~
 23 ~~limestone,~~ shall be equipped with either a type-registering
 24 weigh beam, a dial with a mechanical ticket printer, an
 25 automatic weight recorder, or some similar device which shall
 26 be used for printing or stamping the weight values on scale
 27 tickets.

28 Sec. 11. Section three hundred twenty-seven D point one
 29 hundred twenty-seven (327D.127), Code 1979, is amended to
 30 read as follows:

31 327D.127 ~~BULK-COMMODITIES-IN-CAR-LOTS~~ RAILROAD TRACK
 32 SCALES--WEIGHING--FEE. Every ~~person-engaged-in-operating~~
 33 ~~any~~ railroad corporation operating within the state and having
 34 track scales shall maintain the scales in good order, ~~track~~
 35 ~~scales~~ and of sufficient capacity to weigh ~~all~~ carloads of

1 bulk commodities ~~which-the-department-may-specify-that-may~~
2 ~~be~~ transported over the railroad, and. The railroad shall
3 weigh ~~the-same~~ car lots of bulk commodities at the request
4 of any owner, consignor, or consignee of such commodities,
5 and furnish written certificates of ~~such~~ the weights to ~~such~~
6 the owner, consignor, or consignee. A reasonable charge may
7 be made for such requested weighing.

8 Sec. 12. Section three hundred twenty-seven D point one
9 hundred twenty-eight (327D.128), Code 1979, is amended to
10 read as follows:

11 327D.128 ~~COMMODITY WEIGHING--DISAGREEMENT.~~ If a railroad
12 corporation and the owner, consignor, or consignee of car
13 lots of bulk commodities which-are-specified-by-the-department
14 cannot reach agreement relative to the weighing of ~~such~~ the
15 commodities, appeal may be made to the board ~~which-shall.~~
16 The board, after a hearing, shall issue ~~such~~ an order ~~as-may~~
17 be equitable to all parties. ~~--The-order-may-include,~~ including
18 but not be limited to allocation of ~~installation~~ costs and
19 ~~other-costs~~ and specification of the place and manner of
20 weighing. ~~The-board-may-adopt-rules-for-the-administration~~
21 ~~of-this-section.~~

22 Sec. 13. Section three hundred twenty-seven D point one
23 hundred twenty-nine (327D.129), Code 1979, is amended to read
24 as follows:

25 327D.129 ~~WEIGHT AT DESTINATION--FEE.~~ ~~Such-bulk~~ Bulk
26 commodities ~~designated-by-the-department~~ shall be weighed
27 at the destination upon request of the consignee when there
28 are track scales at ~~such-point~~ the destination. If the
29 destination is not equipped with track scales ~~at-such-point~~,
30 then the weighing shall be done at the nearest practicable
31 point agreed to by both parties. ~~A-reasonable-charge-may~~
32 ~~be-made-for-such-weighing-on-request.~~

33 Sec. 14. Section three hundred twenty-seven D point one
34 hundred thirty (327D.130), Code 1979, is amended by striking
35 the section and inserting in lieu thereof the following:

1 327D.130 WEIGHING COMMODITIES. A scale ticket printed
2 or stamped by automatic recorders pursuant to section two
3 hundred fifteen point nineteen (215.19) of the Code, shall
4 be furnished to the consignee. Settlement of freight charges
5 shall be based upon those weights, but weight shall not be
6 warranted for any other commercial purpose unless so stated
7 upon the face of the scale ticket.

8 Sec. 15. This Act, except section ten (10), is effective
9 January first following its enactment. Section ten (10) of
10 this Act is effective six months after the January first
11 effective date.

12 EXPLANATION

13 This bill requires all persons using public scales to ob-
14 tain a certificate from the department of agriculture before
15 serving as weighmasters. Currently all that is required of
16 a weighmaster is that he or she take an oath to keep his or
17 her scale correctly balanced, to make true weights, and to
18 render a correct amount to the person having the weighing
19 done. This bill would require that the weighmaster take an
20 additional oath to comply with all relevant laws and rules.

21 Section 3 of the bill defines "commercial weighing and
22 measuring device", "servicer" and "service agency". Cur-
23 rently chapter 215 of the Code concerning "inspection of
24 weights and measures" fails to so define these concepts.

25 Section 4 of the bill provides licensing of servicers.

26 The bill transfers the responsibility for establishing
27 standards for weighing bulk commodities on railroad scales
28 and the inspection of such scales from the department of
29 transportation to the department of agriculture. Sections
30 11, 12 and 13 of the bill also clarify the procedures relative
31 to bulk commodity weighing and section 11 authorizes a railroad
32 corporation to charge a fee for a requested weighing of bulk
33 commodities.

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SENATE FILE 446

S-3306

- 1 Amend Senate File 446 as follows:
2 1. Page 1, by striking lines 9 through 11 and
3 inserting in lieu thereof the following:
4 "214.6 OATH OF WEIGHMASTERS. All persons
5 ~~-serving as weighmasters keeping-public-scales,~~
6 ~~before-entering-upon-their-duties-as-weighmasters,~~
7 shall obtain a".

S-3306 FILED & ADOPTED (p. 993) BY JACK W. HESTER
MARCH 28, 1979 *motion to reconsider by committee 4/2 (p. 1051) Withdrawn 4/2 (p. 1051)*

SENATE FILE 446

S-3336

- 1 Amend Senate File 446 as follows:
2 1. Page 1, by striking lines 7 through 18.
3 2. By renumbering to conform to this amendment.

S-3336 FILED *(Adopted 4/2 (p. 1051))* BY JACK W. HESTER
MARCH 30, 1979

SENATE FILE 446

S-3341

- 1 Amend Senate File 446 as follows:
2 1. Page 2, by inserting after line 3 the following:
3 "Sec. Chapter two hundred fifteen (215),
4 Code 1979, is amended by adding the following new
5 section:
6 NEW SECTION. PACKER--MONORAIL SCALE. Speed of
7 a packer-monorail scale operation shall not exceed
8 the manufacturer's recommendation or specifications
9 for accurate weighing under normal, in-use operating
10 conditions. The operational speed shall be permanently
11 marked on the indicating element. Adequate measures
12 shall be provided whereby testing and inspections
13 can be conducted under normal in-use conditions.
14 Tare weights for trolleys or gambles shall be
15 registered with the department. The registered tare
16 adjustment on the indicating element shall be sealed
17 or pinned."
18 2. By renumbering to conform to this amendment.

BY BERL E. PRIEBE
JACK W. HESTER
ARNE WALDSTEIN
JOHN W. JENSEN
C. W. HUTCHINS
BASS VAN GILST
JAMES V. GALLAGHER

S-3341 FILED & ADOPTED (p. 1051)
APRIL 2, 1979

House Ag 4/3

SENATE BILL 446

Amended per S 250 : Do Pass 2/18 (p. 566)
Amended per S 330 : " " 2/28 (p. 704)

BY COMMITTEE ON AGRICULTURE

(AS AMENDED AND PASSED BY THE SENATE APRIL 2, 1979)

Passed Senate, Date ^{HW} 3-6-80 (p. 728) Passed House, Date 2-3-80 (p. 741)

Vote: Ayes 47 Nays 0 Vote: Ayes 94 Nays 0

Approved April 21 1980

Amended, Reported 3-10-80 (p. 769)
43-1

Repassed House as amended by Senate
4/8/80 (p. 7423)
87-0

A BILL FOR

1 An Act relating to weighing and measuring.

2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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_____ = New Language
by the Senate

* = Language Stricken
by the Senate

1 Section 1. Chapter two hundred fourteen (214), Code 1979,
2 is amended by adding the following new section:

3 NEW SECTION. ROLLS. The department of agriculture may
4 promulgate rules pursuant to chapter seventeen A (17A) of
5 the Code as necessary to promptly and effectively enforce
6 the provisions of this chapter.

7 Sec. 2. Chapter two hundred fifteen (215), Code 1979,
8 is amended by adding the following new section:

9 NEW SECTION. DEFINITIONS. As used in this chapter:

10 1. "Commercial weighing and measuring device" means a
11 weight or measure or weighing or measuring device used to
12 establish size, quantity, area or other quantitative measure-
13 ment of a commodity sold by weight or measurement, or where
14 the price to be paid for producing the commodity is based
15 upon the weight or measurement of the commodity. The term
16 includes an accessory attached to or used in connection with
17 a commercial weighing or measuring device when the accessory
18 is so designed or installed that its operation may affect
19 the accuracy of the device.

20 2. "Servicer" means an individual who installs, services
21 or repairs a commercial weighing or measuring device for hire,
22 commission or salary.

23 3. "Service agency" means an individual, firm or corpora-
24 tion which holds itself out to the public as having servicers
25 available to install, service or repair a weighing or mea-
26 suring device for hire.

27 Sec. 3. Chapter two hundred fifteen (215), Code 1979,
28 is amended by adding the following new section:

29 NEW SECTION. PACKER--MONORAIL SCALE. Speed of a packer-
30 monorail scale operation shall not exceed the manufacturer's
31 recommendation or specifications for accurate weighing under
32 normal, in-use operating conditions. The operational speed
33 shall be permanently marked on the indicating element.
34 Adequate measures shall be provided whereby testing and
35 inspections can be conducted under normal in-use conditions.

1 Tare weights for trolleys or gambles shall be registered with
2 the department. The registered tare adjustment on the
3 indicating element shall be sealed or pinned.

4 Sec. 4. Chapter two hundred fifteen (215), Code 1979,
5 is amended by adding the following new section:

6 NEW SECTION. SERVICER'S LICENSE. A servicer shall not
7 install, service or repair a commercial weighing or measuring
8 device until the servicer has demonstrated that he or she
9 has available adequate testing equipment, and that he or she
10 possesses a working knowledge of all devices he or she intends
11 to install or repair and of all appropriate weights, measures,
12 statutes and rules, as evidenced by passing a qualifying
13 examination to be conducted by the department and obtaining
14 a license. The secretary of agriculture shall establish by
15 rule pursuant to chapter seventeen A (17A) of the Code,
16 requirements for and contents of the examination. In
17 determining these qualifications, the secretary shall consider
18 the specifications of the national bureau of standards,
19 handbook forty-four, "specifications, tolerances, and technical
20 requirements for commercial weighing and measuring devices".
21 The secretary shall require an annual license fee of not more
22 than five dollars for each license. Each license shall ex-
23 pire one year from date of issuance.

24 Sec. 5. Chapter two hundred fifteen (215), Code 1979,
25 is amended by adding the following new section:

26 NEW SECTION. RULES. The department of agriculture may
27 promulgate rules pursuant to chapter seventeen A (17A) of
28 the Code as necessary to promptly and effectively enforce
29 the provisions of this chapter.

30 Sec. 6. Chapter two hundred fifteen (215), Code 1979,
31 is amended by adding the following new section:

32 NEW SECTION. RAILROAD TRACK SCALES. The department of
33 agriculture shall inspect the railroad track scales referred
34 to in section three hundred twenty-seven D point one hundred
35 twenty-seven (327D.127) of the Code. The department may adopt

1 rules establishing standards for the scales. The rules may
2 include but are not limited to safety standards, accuracy
3 and the style and content of forms and certificates to be
4 used for weighing.

5 Sec. 7. Section two hundred fifteen point one (215.1),
6 Code 1979, is amended to read as follows:

7 215.1 DUTY TO INSPECT. The department shall make an
8 ~~inspection of~~ regularly inspect all weights and measures
9 ~~wherever the same are kept for use in connection with the~~
10 ~~sale of any commodity sold by weight or measurement, or where~~
11 ~~the price to be paid for producing any commodity is based~~
12 ~~upon the weight or measurement thereof;~~ commercial weighing
13 and measuring devices, and when complaint is made to the
14 department that any false or incorrect weights or measures
15 are being made ~~under said conditions;~~ said, the department
16 shall ~~have the same inspected~~ inspect the commercial weighing
17 and measuring devices which caused the complaint.

18 Sec. 8. Section two hundred fifteen point ten (215.10),
19 Code 1979, is amended to read as follows:

20 215.10 INSTALLATION OF NEW SCALES. It shall be unlawful
21 to install a ~~livestock or truck~~ scale ~~or a hopper scale~~, used
22 for commercial purposes in this state, unless ~~said~~ the scale
23 is so installed that ~~the same~~ it is easily accessible for
24 inspection and testing by equipment of the state department
25 of agriculture and with due regard to the scale's size and
26 capacity ~~thereof~~. Every scale manufacturer or dealer shall,
27 upon selling a scale of the above types in Iowa, submit to
28 the department of agriculture upon forms provided by ~~said~~
29 the department, the make, capacity of the scale, the date
30 of sale, and the date and location of its installation.

31 Sec. 9. Section two hundred fifteen point fourteen
32 (215.14), Code 1979, is amended to read as follows:

33 215.14 APPROVAL BY DEPARTMENT--ELECTRONIC SCALES. No
34 scale known in the commercial field as a railroad, truck or
35 livestock scale shall be installed in the state of Iowa without

1 first being approved by the state department of agriculture.
 2 ~~Said~~ The approval being shall be based upon the recommendations
 3 of the U. S. bureau of standards. All motor truck scales,
 4 livestock scales, and grain dump scales, hereafter installed
 5 and regardless of capacity shall have a clearance of not less
 6 than four feet from the finished floor line of scale pit to
 7 the bottom of the "I" beam of the scale bridge, except an
 8 electronic scale may be installed in a building and ~~said~~ the
 9 scale shall be placed on concrete footings with concrete
 10 floor. ~~Said~~ The specifications for same-to these scales shall
 11 be furnished by the scale manufacturer after approval by the
 12 state department of agriculture. ~~Said~~ The approval to shall
 13 be based upon the recommendation of the U. S. bureau of
 14 standards.

15 Sec. 10. Section two hundred fifteen point nineteen
 16 (215.19), Code 1979, is amended to read as follows:

17 215.19 AUTOMATIC RECORDERS ON SCALES. All motor-truck
 18 ~~scales, livestock scales, grain dump scales, and combination~~
 19 ~~truck and railroad track scales with a capacity over five~~
 20 ~~hundred pounds, which are used for commercial purposes in~~
 21 ~~the state of Iowa, except motor truck scales used solely in~~
 22 ~~the weighing of construction aggregates and agricultural~~
 23 ~~limestone, shall be equipped with either a type-registering~~
 24 weigh beam, a dial with a mechanical ticket printer, an
 25 automatic weight recorder, or some similar device which shall
 26 be used for printing or stamping the weight values on scale
 27 tickets.

28 Sec. 11. Section three hundred twenty-seven D point one
 29 hundred twenty-seven (327D.127), Code 1979, is amended to
 30 read as follows:

31 327D.127 ~~BULK-COMMODITIES-IN-CAR-LOTS~~ RAILROAD TRACK
 32 SCALES--WEIGHING--FEE. Every person engaged in operating
 33 any railroad corporation operating within the state and having
 34 track scales shall maintain the scales in good order, ~~truck~~
 35 ~~scales~~ and of sufficient capacity to weigh ~~all~~ carloads of

1 bulk commodities ~~which the department may specify that may~~
2 be transported over the railroad, ~~and.~~ The railroad shall
3 ~~weigh the same~~ car lots of bulk commodities at the request
4 of any owner, consignor, or consignee of such commodities,
5 and furnish written certificates of ~~such~~ the weights to ~~such~~
6 the owner, consignor, or consignee. A reasonable charge may
7 be made for such requested weighing.

8 Sec. 12. Section three hundred twenty-seven D point one
9 hundred twenty-eight (327D.128), Code 1979, is amended to
10 read as follows:

11 327D.128 ~~COMMODITY WEIGHING--DISAGREEMENT.~~ If a railroad
12 corporation and the owner, consignor, or consignee of car
13 lots of bulk commodities which are specified by the department
14 cannot reach agreement relative to the weighing of ~~such~~ the
15 commodities, appeal may be made to the board ~~which shall.~~
16 The board, after a hearing, shall issue such an order as may
17 ~~be~~ equitable to all parties. ~~The order may include, including~~
18 but not ~~be~~ limited to allocation of installation costs and
19 other costs and specification of the place and manner of
20 weighing. ~~The board may adopt rules for the administration~~
21 ~~of this section.~~

22 Sec. 13. Section three hundred twenty-seven D point one
23 hundred twenty-nine (327D.129), Code 1979, is amended to read
24 as follows:

25 327D.129 ~~WEIGHT AT DESTINATION--FBB.~~ ~~Such bulk~~ bulk
26 commodities ~~designated by the department~~ shall be weighed
27 at the destination upon request of the consignee when there
28 are track scales at ~~such point~~ the destination. If the
29 destination is not equipped with track scales at such point,
30 then the weighing shall be done at the nearest practicable
31 point agreed to by both parties. ~~A reasonable charge may~~
32 ~~be made for such weighing on request.~~

33 Sec. 14. Section three hundred twenty-seven D point one
34 hundred thirty (327D.130), Code 1979, is amended by striking
35 the section and inserting in lieu thereof the following:

1 327D.130 WEIGHING COMMODITIES. A scale ticket printed
2 or stamped by automatic recorders pursuant to section two
3 hundred fifteen point nineteen (215.19) of the Code, shall
4 be furnished to the consignee. Settlement of freight charges
5 shall be based upon those weights, but weight shall not be
6 warranted for any other commercial purpose unless so stated
7 upon the face of the scale ticket.

8 Sec. 15. This Act, except section ten (10), is effective
9 January first following its enactment. Section ten (10) of
10 this Act is effective six months after the January first
11 effective date.

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SF 446
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HOUSE CLIP SHEET

FRIDAY, FEBRUARY 29, 1980

SENATE FILE 446

H-5330

1 Amend Senate File 446 as amended, passed, and
2 reprinted by the Senate as follows:

3 1. Page 1, by inserting after line 6, the
4 following:

5 "Sec. 2. Chapter two hundred fourteen (214), Code
6 1979, is amended by adding the following new section:

7 NEW SECTION. HALF PRICING OF MOTOR VEHICLE FUEL.

8 A motor vehicle fuel pump at a retail service station
9 may record the price per half gallon of fuel dispensed
10 when the price per gallon exceeds ninety-nine and
11 nine-tenths cents per gallon and if the following
12 conditions are met:

13 1. All pumps at the service station shall be
14 uniform in the method of computing the price of motor
15 vehicle fuel.

16 2. Signs at the service station visible from the
17 street shall display only the full gallon price.

18 3. The price per gallon shall be displayed in
19 a conspicuous place near or on the pump.

20 4. A large and conspicuous window or street sign
21 shall be posted indicating that the pumps register
22 half gallon prices.

23 5. The service station shall comply with rules
24 that the secretary of agriculture may adopt imposing
25 additional requirements on the size and location of
26 notices relating to half gallon pricing.

27 All motor vehicle fuel sold by the gallon at re-
28 tail service stations shall be priced at the pump
29 by the gallon, by the half gallon, or by any other
30 method of pricing approved by the department of
31 agriculture by rule-making pursuant to chapter
32 seventeen A (17A) of the Code. Any other method of
33 pricing is prohibited.

34 Sec. 3. Chapter two hundred fourteen (214), Code
35 1979, is amended by adding the following new section:

36 NEW SECTION. MOTOR VEHICLE FUEL PUMP PRICING

37 LABELS. A retail dealer selling motor vehicle fuel
38 may use pricing labels on the face of any existing
39 motor vehicle fuel pump for the purpose of providing
40 the pump with the capability of measuring and recording
41 sales of motor vehicle fuel priced in excess of ninety-
42 nine and nine-tenths cents per gallon. However, such
43 pricing labels shall consist only of half-price pump
44 postings or one-tenth calibrated pricing labels
45 providing the consumer with a view of an added zero
46 digit equal in size to the adjoining price digits
47 on the price display face of the existing motor vehicle
48 fuel pump, to which the added zero digit is attached,
49 or any other pricing labels approved by the department
50 of agriculture by rule-making pursuant to chapter

H-5330
Page Two

1 seventeen A (17A) of the Code.

2 Sec. 4. Section two hundred fourteen point one
3 (214.1), Code 1979, is amended by adding the following
4 new subsections:

5. NEW SUBSECTION. "Retail dealer" means retail
6 dealer as defined in section two hundred fourteen
7 A point one (214A.1), subsection three (3), of the
8 Code.

9. NEW SUBSECTION. "Motor vehicle fuel" means motor
10 vehicle fuel as defined in section two hundred fourteen
11 A point one (214A.1), subsection one (1), of the Code.

12. NEW SUBSECTION. "Existing motor vehicle fuel pump"
13 shall mean any pump, meter, or similar measuring
14 device, existing on the effective date of this Act,
15 with the capability of measuring and recording sales
16 of motor vehicle fuel not priced in excess of ninety-
17 nine and nine-tenths cents per gallon.

18. NEW SUBSECTION. "One tenth calibrated pricing
19 labels" shall mean pricing labels which, when applied
20 to an existing motor vehicle fuel pump face, cause
21 increases by multiples of ten in the amounts shown
22 on the price display face and the price per gallon
23 display face of any such pump.

24. NEW SUBSECTION. "Added zero digit" shall mean
25 a pricing label bearing the digit "zero" which is
26 secured to the pump face of any existing motor vehicle
27 fuel pump immediately adjacent to the penny wheel
28 on the price display face of such pump."

29 2. Page 1, line 20 by inserting after the word B
30 "individual", the words "employed by a service agency".

31 3. Page 1, by inserting after line 26 the
32 following:

33 "4. "Packer" means a person engaged in the business
34 of any of the following:

35 a. Buying livestock in commerce for purposes of
36 slaughter;

37 b. Manufacturing or preparing meats or meat food
38 products for sale or shipment in commerce;

39 c. Marketing meats, meat food products, or
40 livestock products in an unmanufactured form acting
41 as a wholesale broker, dealer, or distributor in
42 commerce.

43 Sec. 6. Chapter two hundred fifteen (215), Code
44 1979, is amended by adding the following new section:

45 NEW SECTION. INDIVIDUAL CARCASS WEIGHTS. With
46 payment for each purchase of livestock except poultry
47 bought on a carcass weight or grade and yield basis,
48 each packer shall provide the seller with one statement
49 displaying the individual carcass weights of all the
50 animals sold."

HOUSE AMENDMENT TO SENATE FILE 446

S-5258

1 Amend Senate File 446, as amended, passed, and
2 reprinted by the Senate as follows:

3 1. Page 1, by inserting after line 6, the
4 following:

5 "Sec. 2. Chapter two hundred fourteen (214), Code
6 1979, is amended by adding the following new section:

7 NEW SECTION. HALF PRICING OF MOTOR VEHICLE FUEL.

8 A motor vehicle fuel pump at a retail service station
9 may record the price per half gallon of fuel dispensed
10 when the price per gallon exceeds ninety-nine and
11 nine-tenths cents per gallon and if the following
12 conditions are met:

13 1. All pumps at the service station shall be
14 uniform in the method of computing the price of motor
15 vehicle fuel.

16 2. Signs at the service station visible from the
17 street shall display only the full gallon price.

18 3. The price per gallon shall be displayed in
19 a conspicuous place near or on the pump.

20 4. A large and conspicuous window or street sign
21 shall be posted indicating that the pumps register
22 half gallon prices.

23 5. The service station shall comply with rules
24 that the secretary of agriculture may adopt imposing
25 additional requirements on the size and location of
26 notices relating to half gallon pricing.

27 All motor vehicle fuel sold by the gallon at re-
28 tail service stations shall be priced at the pump
29 by the gallon, by the half gallon, or by any other
30 method of pricing approved by the department of
31 agriculture by rule-making pursuant to chapter
32 seventeen A (17A) of the Code. Any other method of
33 pricing is prohibited.

34 Sec. 3. Chapter two hundred fourteen (214), Code
35 1979, is amended by adding the following new section:

36 NEW SECTION. MOTOR VEHICLE FUEL PUMP PRICING

37 LABELS. A retail dealer selling motor vehicle fuel
38 may use pricing labels on the face of any existing
39 motor vehicle fuel pump for the purpose of providing
40 the pump with the capability of measuring and recording
41 sales of motor vehicle fuel priced in excess of ninety-
42 nine and nine-tenths cents per gallon. However, such
43 pricing labels shall consist only of half-price pump
44 postings or one-tenth calibrated pricing labels
45 providing the consumer with a view of an added zero
46 digit equal in size to the adjoining price digits
47 on the price display face of the existing motor vehicle
48 fuel pump, to which the added zero digit is attached,
49 or any other pricing labels approved by the department
50 of agriculture by rule-making pursuant to chapter

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Page 2

1 seventeen A (17A) of the Code.

2 Sec. 4. Section two hundred fourteen point one
3 (214.1), Code 1979, is amended by adding the following
4 new subsections:

5 NEW SUBSECTION. "Retail dealer" means retail
6 dealer as defined in section two hundred fourteen
7 A point one (214A.1), subsection three (3), of the
8 Code.

9 NEW SUBSECTION. "Motor vehicle fuel" means motor
10 vehicle fuel as defined in section two hundred fourteen
11 A point one (214A.1), subsection one (1), of the Code.

12 NEW SUBSECTION. "Existing motor vehicle fuel pump"
13 shall mean any pump, meter, or similar measuring
14 device, existing on the effective date of this Act,
15 with the capability of measuring and recording sales
16 of motor vehicle fuel not priced in excess of ninety-
17 nine and nine-tenths cents per gallon.

18 NEW SUBSECTION. "One tenth calibrated pricing
19 labels" shall mean pricing labels which, when applied
20 to an existing motor vehicle fuel pump face, cause
21 increases by multiples of ten in the amounts shown
22 on the price display face and the price per gallon
23 display face of any such pump.

24 NEW SUBSECTION. "Added zero digit" shall mean
25 a pricing label bearing the digit "zero" which is
26 secured to the pump face of any existing motor vehicle
27 fuel pump immediately adjacent to the penny wheel
28 on the price display face of such pump."

29 2. Page 1, line 20, by inserting after the word
30 "individual", the words "employed by a service agency".

31 3. Page 1, by inserting after line 26 the
32 following:

33 "4. "Packer" means a person engaged in the business
34 of any of the following:

35 a. Buying livestock in commerce for purposes of
36 slaughter;

37 b. Manufacturing or preparing meats or meat food
38 products for sale or shipment in commerce;

39 c. Marketing meats, meat food products, or
40 livestock products in an unmanufactured form acting
41 as a wholesale broker, dealer, or distributor in
42 commerce.

43 Sec. 6. Chapter two hundred fifteen (215), Code
44 1979, is amended by adding the following new section:

45 NEW SECTION. INDIVIDUAL CARCASS WEIGHTS. With
46 payment for each purchase of livestock except poultry
47 bought on a carcass weight or grade and yield basis,
48 each packer shall provide the seller with one statement
49 displaying the individual carcass weights of all the
50 animals sold."

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Page 3

1 4. Page 1, by striking lines 29 and 30, and
2 inserting in lieu thereof the following:

3 "NEW SECTION. PACKER-MONORAIL SCALE. The speed
4 of a monorail scale operation used by a packer shall
5 not exceed the manufacturer's".

6 5. Page 4, by striking lines 17 through 20 and
7 inserting in lieu thereof the following:

8 "215.19 AUTOMATIC RECORDERS ON SCALES. All-meter
9 truck-scales, livestock-scales, grain-dump-scales,
10 and-combination-truck-and-railroad-track Except for
11 scales used by packers slaughtering fewer than one
12 hundred twenty head of livestock per day, all scales
13 with a capacity over five hundred pounds, which are
14 used for commercial purposes in".

15 6. Page 4, line 23, by inserting before the word
16 "shall", the words "and installed after January 1,
17 1981,".

18 7. Page 4, by inserting after line 27 the
19 following:

20 "Sec. _____. Section two hundred fifteen A point
21 three (215A.3), Code 1979, is amended to read as
22 follows:

23 215A.3 RULES ADOPTED--HEARING. The department
24 is hereby charged with the enforcement of this chapter
25 and, after due publicity and due public hearing, is
26 empowered to establish rules, regulations,
27 specifications, standards, and tests as may be
28 necessary in order to secure the efficient
29 administration of this chapter. Publicity concerning
30 the public hearing shall be reasonably calculated
31 to give interested parties adequate notice and adequate
32 opportunity to be heard. In establishing such rules,
33 regulations, specifications, standards, and tests
34 the department may use such the specifications and
35 tolerances established in section 215.18, or these
36 and shall use the specifications and tolerances
37 established by the United States department of
38 agriculture, -until-established-by-the-United-States
39 bureau-of-standards as of November 15, 1971, in chapter
40 XII of GR instruction 916-6, equipment manual, used
41 by the federal grain inspection service. The
42 department may from time to time publish such data
43 in connection with the administration of this chapter
44 as may be of public interest."

45 8. Page 6, line 11, by adding the following after
46 the word "date." "Sections two (2), three (3) and
47 four (4) of this Act are repealed January 1, 1985."

48 9. Title page, line 1, by inserting after the
49 word "measuring" the words "by granting the department
50 of agriculture the authority to promulgate rules to

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Page 4

1 implement chapters two hundred fourteen (214) and
2 two hundred fifteen (215) and enforce its regulations,
3 by defining various weighing and measuring devices
4 and providing related definitions, relating to persons
5 who service weighing and measuring devices, relating
6 to weighing and measuring devices and procedures used
7 in the transportation of commodities, relating to
8 measuring devices used in the retail sale of motor
9 vehicle fuel, and relating to weighing regulations
10 in the sale of animal carcasses".
11 10. Renumbering the remaining sections and internal
12 references as are necessary to conform to this
13 amendment.

S-5258 FILED
MARCH 5, 1980

RECEIVED FROM THE HOUSE

*Senate concurred 3/6 (p. 128)
Motion to reconsider 3/7 Rejected 4/10
Senate amended per 5308 r
Concurred 3/10 (p. 138)*

HOUSE CLIP SHEET

TUESDAY, FEBRUARY 19, 1980

SENATE FILE 446

H-5250

1 Amend Senate File 446 as amended, passed, and
2 reprinted by the Senate as follows:

3 1. Page 1, by inserting after line 6, the
4 following:

5 "Sec. 2. Chapter two hundred fourteen (214), Code
6 1979, is amended by adding the following new section:

7 NEW SECTION. HALF PRICING OF MOTOR VEHICLE FUEL.

8 A gasoline pump or special fuel pump at a retail
9 service station may record the price per half gallon
10 of fuel dispensed when the price per gallon exceeds
11 ninety-nine and nine-tenths cents per gallon and if
12 the following conditions are met:

13 1. All pumps at the service station shall be
14 uniform in the method of computing the price of
15 gasoline and special fuel.

16 2. Signs at the service station visible from the
17 street shall display only the full gallon price.

18 3. The price per gallon shall be displayed in
19 a conspicuous place near or on the pump.

20 4. A large and conspicuous window or street sign
21 shall be posted indicating that the pumps register
22 half gallon prices.

23 5. The service station shall comply with rules
24 that the secretary of agriculture may adopt imposing
25 additional requirements on the size and location of
26 notices relating to half gallon pricing.

27 All gasoline and special fuel sold by the gallon
28 at retail service stations shall be priced at the
29 pump by the gallon or by the half gallon according
30 to this section. Any other fractional unit of pricing
31 per gallon is prohibited.

32 Sec. 3. Chapter two hundred fourteen (214), Code
33 1979, is amended by adding the following new section:

34 NEW SECTION. MOTOR FUEL AND SPECIAL FUEL PUMP
35 PRICING. A retail dealer selling less than two hundred
36 forty thousand gallons of motor fuel during a calendar
37 year period and less than two hundred forty thousand
38 gallons of special fuel during a calendar year period
39 may use pricing labels on the face of any existing
40 motor fuel or existing special fuel pump, for the
41 purpose of providing the pump with the capability
42 of measuring and recording sales of motor fuel or
43 special fuel priced in excess of ninety-nine and nine-
44 tenths cents per gallon. However, such pricing labels
45 shall consist only of half-price pump postings or
46 one-tenth calibrated pricing labels providing the
47 consumer with a view of an added zero digit equal
48 in size to the adjoining price digits on the price
49 display face of the existing motor fuel or existing
50 special fuel pump, to which the added zero digit is

1 attached.

2 Sec. 4. Section two hundred fourteen point one
3 (214.1), Code 1979, is amended by adding the following
4 new subsections:

5 NEW SUBSECTION. "Retail dealer" shall mean and
6 include any person, firm, partnership, association,
7 or corporation, who operates, maintains, or conducts,
8 either by himself or itself, or by any agent, employee,
9 or servant, any place of business, filling station,
10 pump station, or tank wagon, from which any motor
11 fuel or special fuel, as defined in this section,
12 is sold or offered for sale, at retail, or to the
13 final or ultimate consumer.

14 NEW SUBSECTION. "Motor fuel" means motor fuel
15 as defined in section three hundred twenty-four point
16 two (324.2), subsection one (1), of the Code.

17 NEW SUBSECTION. "Special fuel" means special fuel
18 as defined in section three hundred twenty-four point
19 thirty-three (324.33), subsection one (1) of the Code.

20 NEW SUBSECTION. "Existing motor fuel pump or
21 existing special fuel pump" shall mean any pump,
22 meter, or similar measuring device, existing on the
23 effective date of this Act, with the capability of
24 measuring and recording sales of motor fuel or special
25 fuel not priced in excess of ninety-nine and nine-
26 tenths cents per gallon.

27 NEW SUBSECTION. "One tenth calibrated pricing
28 labels" shall mean pricing labels which, when applied
29 to an existing motor fuel or existing special fuel
30 pump face, cause increases by multiples of ten in
31 the amounts shown on the price display face and the
32 price per gallon display face of any such pump.

33 NEW SUBSECTION. "Added zero digit" shall mean
34 a pricing label bearing the digit "zero" which is
35 secured to the pump face of any existing motor fuel
36 or existing special fuel pump immediately adjacent
37 to the penny wheel on the price display face of such
38 pump."

39 2. Page 1, line 22, by inserting after the word
40 "salary", the words "employed by a service agency".

41 3. Page 1, by inserting after line 26 the
42 following:

43 "4. "Packer" means a person engaged in the business
44 of any of the following:

45 a. Buying livestock in commerce for purposes of
46 slaughter;

47 b. Manufacturing or preparing meats or meat food
48 products for sale or shipment in commerce;

49 c. Marketing meats, meat food products, or
50 livestock products in an unmanufactured form acting

SENATE FILE 446

AN ACT

RELATING TO WEIGHING AND MEASURING BY GRANTING THE DEPARTMENT OF AGRICULTURE THE AUTHORITY TO PROMULGATE RULES TO IMPLEMENT CHAPTERS TWO HUNDRED FOURTEEN (214) AND TWO HUNDRED FIFTEEN (215) AND ENFORCE ITS REGULATIONS, BY DEFINING VARIOUS WEIGHING AND MEASURING DEVICES AND PROVIDING RELATED DEFINITIONS, RELATING TO PERSONS WHO SERVICE WEIGHING AND MEASURING DEVICES, RELATING TO WEIGHING AND MEASURING DEVICES AND PROCEDURES USED IN THE TRANSPORTATION OF COMMODITIES, RELATING TO MEASURING DEVICES USED IN THE RETAIL SALE OF MOTOR VEHICLE FUEL, AND RELATING TO WEIGHING REGULATIONS IN THE SALE OF ANIMAL CARCASSES.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Chapter two hundred fourteen (214), Code 1979, is amended by adding the following new section:

NEW SECTION. RULES. The department of agriculture may promulgate rules pursuant to chapter seventeen A (17A) of the Code as necessary to promptly and effectively enforce the provisions of this chapter.

Sec. 2. Chapter two hundred fourteen (214), Code 1979, is amended by adding the following new section:

NEW SECTION. HALF PRICING OF MOTOR VEHICLE FUEL. A motor vehicle fuel pump at a retail service station may record the price per half gallon of fuel dispensed when the price per gallon exceeds ninety-nine and nine-tenths cents per gallon and if the following conditions are met:

1. All pumps at the service station shall be uniform in the method of computing the price of motor vehicle fuel.

2. Signs at the service station visible from the street shall display only the full gallon price.

3. The price per gallon shall be displayed in a conspicuous place near or on the pump.

4. A large and conspicuous window or street sign shall be posted indicating that the pumps register half gallon prices.

5. The service station shall comply with rules that the secretary of agriculture may adopt imposing additional requirements on the size and location of notices relating to half gallon pricing.

All motor vehicle fuel sold by the gallon at retail service stations shall be priced at the pump by the gallon, by the half gallon, or by any other method of pricing approved by the department of agriculture by rule-making pursuant to chapter seventeen A (17A) of the Code. Any other method of pricing is prohibited.

Sec. 3. Chapter two hundred fourteen (214), Code 1979, is amended by adding the following new section:

NEW SECTION. MOTOR VEHICLE FUEL PUMP PRICING LABELS. A retail dealer selling motor vehicle fuel may use pricing labels on the face of any existing motor vehicle fuel pump for the purpose of providing the pump with the capability of measuring and recording sales of motor vehicle fuel priced in excess of ninety-nine and nine-tenths cents per gallon. However, such pricing labels shall consist only of half-price pump postings or one-tenth calibrated pricing labels providing the consumer with a view of an added zero digit equal in size to the adjoining price digits on the price display face of the existing motor vehicle fuel pump, to which the added zero digit is attached, or any other pricing labels approved by the department of agriculture by rule-making pursuant to chapter seventeen A (17A) of the Code.

Sec. 4. Section two hundred fourteen point one (214.1), Code 1979, is amended by adding the following new subsections:

NEW SUBSECTION. "Retail dealer" means retail dealer as

defined in section two hundred fourteen A point one (214A.1), subsection three (3), of the Code.

NEW SUBSECTION. "Motor vehicle fuel" means motor vehicle fuel as defined in section two hundred fourteen A point one (214A.1), subsection one (1), of the Code.

NEW SUBSECTION. "Existing motor vehicle fuel pump" shall mean any pump, meter, or similar measuring device, existing on the effective date of this Act, with the capability of measuring and recording sales of motor vehicle fuel not priced in excess of ninety-nine and nine-tenths cents per gallon.

NEW SUBSECTION. "One tenth calibrated pricing labels" shall mean pricing labels which, when applied to an existing motor vehicle fuel pump face, cause increases by multiples of ten in the amounts shown on the price display face and the price per gallon display face of any such pump.

NEW SUBSECTION. "Added zero digit" shall mean a pricing label bearing the digit "zero" which is secured to the pump face of any existing motor vehicle fuel pump immediately adjacent to the penny wheel on the price display face of such pump.

Sec. 5. Chapter two hundred fifteen (215), Code 1979, is amended by adding the following new section:

NEW SECTION. DEFINITIONS. As used in this chapter:

1. "Commercial weighing and measuring device" means a weight or measure or weighing or measuring device used to establish size, quantity, area or other quantitative measurement of a commodity sold by weight or measurement, or where the price to be paid for producing the commodity is based upon the weight or measurement of the commodity. The term includes an accessory attached to or used in connection with a commercial weighing or measuring device when the accessory is so designed or installed that its operation may affect the accuracy of the device.

2. "Servicer" means an individual employed by a service agency who installs, services or repairs a commercial weighing or measuring device for hire, commission or salary.

3. "Service agency" means an individual, firm or corporation which holds itself out to the public as having servicers available to install, service or repair a weighing or measuring device for hire.

4. "Packer" means a person engaged in the business of any of the following:

- a. Buying livestock in commerce for purposes of slaughter;
- b. Manufacturing or preparing meats or meat food products for sale or shipment in commerce;
- c. Marketing meats, meat food products, or livestock products in an unmanufactured form acting as a wholesale broker, dealer, or distributor in commerce.

Sec. 6. Chapter two hundred fifteen (215), Code 1979, is amended by adding the following new section:

NEW SECTION. INDIVIDUAL CARCASS WEIGHTS. With payment for each purchase of livestock except poultry bought on a carcass weight or grade and yield basis, each packer shall provide the seller with one statement displaying the individual carcass weights of all the animals sold.

Sec. 7. Chapter two hundred fifteen (215), Code 1979, is amended by adding the following new section:

NEW SECTION. PACKER-MONORAIL SCALE. The speed of a monorail scale operation used by a packer shall not exceed the manufacturer's recommendation or specifications for accurate weighing under normal, in-use operating conditions. The operational speed shall be permanently marked on the indicating element. Adequate measures shall be provided whereby testing and inspections can be conducted under normal in-use conditions. Tare weights for trolleys or gambles shall be registered with the department. The registered tare adjustment on the indicating element shall be sealed or pinned.

Sec. 8. Chapter two hundred fifteen (215), Code 1979, is amended by adding the following new section:

NEW SECTION. SERVICER'S LICENSE. A servicer shall not install, service or repair a commercial weighing or measuring device until the servicer has demonstrated that he or she has available adequate testing equipment, and that he or she possesses a working knowledge of all devices he or she intends to install or repair and of all appropriate weights, measures, statutes and rules, as evidenced by passing a qualifying examination to be conducted by the department and obtaining a license. The secretary of agriculture shall establish by rule pursuant to chapter seventeen A (17A) of the Code, requirements for and contents of the examination. In determining these qualifications, the secretary shall consider the specifications of the national bureau of standards, handbook forty-four, "specifications, tolerances, and technical requirements for commercial weighing and measuring devices". The secretary shall require an annual license fee of not more than five dollars for each license. Each license shall expire one year from date of issuance.

Sec. 9. Chapter two hundred fifteen (215), Code 1979, is amended by adding the following new section:

NEW SECTION. RULES. The department of agriculture may promulgate rules pursuant to chapter seventeen A (17A) of the Code as necessary to promptly and effectively enforce the provisions of this chapter.

Sec. 10. Chapter two hundred fifteen (215), Code 1979, is amended by adding the following new section:

NEW SECTION. RAILROAD TRACK SCALES. The department of agriculture shall inspect the railroad track scales referred to in section three hundred twenty-seven D point one hundred twenty-seven (327D.127) of the Code. The department may adopt rules establishing standards for the scales. The rules may include but are not limited to safety standards, accuracy

and the style and content of forms and certificates to be used for weighing.

Sec. 11. Section two hundred fifteen point one (215.1), Code 1979, is amended to read as follows:

215.1 DUTY TO INSPECT. The department shall ~~make an inspection of~~ regularly inspect all weights and measures ~~wherever the same are kept for use in connection with the sale of any commodity sold by weight or measurement, or where the price to be paid for producing any commodity is based upon the weight or measurement thereof~~ commercial weighing and measuring devices, and when complaint is made to the department that any false or incorrect weights or measures are being made ~~under said conditions, said~~ the department shall ~~have the same inspected~~ inspect the commercial weighing and measuring devices which caused the complaint.

Sec. 12. Section two hundred fifteen point ten (215.10), Code 1979, is amended to read as follows:

215.10 INSTALLATION OF NEW SCALES. It shall be unlawful to install a ~~livestock or truck scale or a hopper scale~~ used for commercial purposes in this state, unless ~~said~~ the scale is so installed that ~~the same~~ it is easily accessible for inspection and testing by equipment of the state department of agriculture and with due regard to the scale's size and capacity ~~thereof~~. Every scale manufacturer or dealer shall, upon selling a scale of the above types in Iowa, submit to the department of agriculture upon forms provided by ~~said~~ the department, the make, capacity of the scale, the date of sale, and the date and location of its installation.

Sec. 13. Section two hundred fifteen point fourteen (215.14), Code 1979, is amended to read as follows:

215.14 APPROVAL BY DEPARTMENT--ELECTRONIC SCALES. No scale known in the commercial field as a railroad, truck or livestock scale shall be installed in the state of Iowa without first being approved by the state department of agriculture.

~~Said~~ The approval ~~shall~~ be based upon the recommendations of the U. S. Bureau of standards. All motor truck scales, livestock scales, and grain dump scales, hereafter installed and regardless of capacity shall have a clearance of not less than four feet from the finished floor line of scale pit to the bottom of the "I" beam of the scale bridge, except an electronic scale may be installed in a building and ~~said~~ the scale shall be placed on concrete footings with concrete floor. ~~Said~~ The specifications for ~~some~~ ~~of~~ ~~these~~ ~~scales~~ shall be furnished by the scale manufacturer after approval by the state department of agriculture. ~~Said~~ The approval ~~to~~ shall be based upon the recommendation of the U. S. bureau of standards.

Sec. 14. Section two hundred fifteen point nineteen (215.19), Code 1979, is amended to read as follows:

215.19 AUTOMATIC RECORDERS ON SCALES. ~~All~~ ~~motor~~ ~~truck~~ ~~scales~~; ~~livestock~~ ~~scales~~; ~~grain~~ ~~dump~~ ~~scales~~; ~~and~~ ~~combination~~ ~~truck~~ ~~and~~ ~~railroad~~ ~~scales~~ Except for scales used by packers slaughtering fewer than one hundred twenty head of livestock per day, all scales with a capacity over five hundred pounds, which are used for commercial purposes in the state of Iowa, except motor truck scales used solely in the weighing of construction aggregates and agricultural limestone, and installed after January 1, 1961, shall be equipped with either a type-registering weigh beam, a dial with a mechanical ticket printer, an automatic weight recorder, or some similar device which shall be used for printing or stamping the weight values on scale tickets.

Sec. 15. Section two hundred fifteen A point three (215A.3), Code 1979, is amended to read as follows:

215A.3 RULES ADOPTED--HEARING. The department is hereby charged with the enforcement of this chapter and, after due publicity and due public hearing, is empowered to establish rules, regulations, specifications, standards, and tests as

may be necessary in order to secure the efficient administration of this chapter. Publicity concerning the public hearing shall be reasonably calculated to give interested parties adequate notice and adequate opportunity to be heard. In establishing such rules, regulations, specifications, standards, and tests the department may use ~~such~~ the specifications and tolerances established in section 215.18, ~~or these~~ and shall use the specifications and tolerances established by the United States department of agriculture, ~~until established by the United States bureau of standards as of November 15, 1971, in chapter XII of GR instruction 916-6, equipment manual, used by the federal grain inspection service.~~ The department may from time to time publish such data in connection with the administration of this chapter as may be of public interest.

Sec. 16. Section three hundred twenty-seven D point one hundred twenty-seven (327D.127), Code 1979, is amended to read as follows:

327D.127 BULK COMMODITIES IN CAR LOTS RAILROAD TRACK SCALES--WEIGHING--FEE. Every person engaged in operating any railroad corporation operating within the state and having track scales shall maintain the scales in good order, track scales and of sufficient capacity to weigh all carloads of bulk commodities ~~which the department may specify that may be transported over the railroad, and.~~ The railroad shall weigh the same car lots of bulk commodities at the request of any owner, consignor, or consignee of such commodities, and furnish written certificates of ~~such~~ the weights to ~~such~~ the owner, consignor, or consignee. A reasonable charge may be made for such requested weighing.

Sec. 17. Section three hundred twenty-seven D point one hundred twenty-eight (327D.128), Code 1979, is amended to read as follows:

327D.128 ~~COMMODITY~~ WEIGHING--DISAGREEMENT. If a railroad corporation and the owner, consignor, or consignee of car lots of bulk commodities ~~which are specified by the department~~ cannot reach agreement relative to the weighing of such the commodities, appeal may be made to the board ~~which shall~~. The board, after a hearing, shall issue such an order as may be equitable to all parties--~~The order may include, including~~ but not be limited to allocation of ~~installation costs and other costs~~ and specification of the place and manner of weighing. ~~The board may adopt rules for the administration of this section.~~

Sec. 18. Section three hundred twenty-seven D point one hundred twenty-nine (327D.129), Code 1979, is amended to read as follows:

327D.129 WEIGHT AT DESTINATION--~~FRE~~. ~~Such bulk~~ Bulk commodities ~~designated by the department~~ shall be weighed at the destination upon request of the consignee when there are track scales at such point the destination. If the destination is not equipped with track scales ~~at such point~~, then the weighing shall be done at the nearest practicable point agreed to by both parties. ~~A reasonable charge may be made for such weighing on request.~~

Sec. 19. Section three hundred twenty-seven D point one hundred thirty (327D.130), Code 1979, is amended by striking the section and inserting in lieu thereof the following:

327D.130 WEIGHING COMMODITIES. A scale ticket printed or stamped by automatic recorders pursuant to section two hundred fifteen point nineteen (215.19) of the Code, shall be furnished to the consignee. Settlement of freight charges shall be based upon those weights, but weight shall not be warranted for any other commercial purpose unless so stated upon the face of the scale ticket.

Sec. 20. This Act, except section two (2) relating to the half pricing of motor vehicle fuel, section three (3)

relating to motor vehicle fuel pump pricing labels, section four (4) relating to definitions for chapter two hundred fourteen (214) of the Code, and section fourteen (14) relating to automatic recorders on scales, is effective January first following its enactment. Sections two (2), three (3) and four (4) of this Act are effective July first following its enactment and are repealed January 1, 1985. Section fourteen (14) of this Act is effective July 1, 1981.

TERRY E. BRANSTAD
President of the Senate

WILLIAM H. HARBOR
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 446, Sixty-eighth General Assembly.

FRANK J. STORK
Secretary of the Senate

Approved April 21, 1980

ROBERT D. RAY
Governor

1 as a wholesale broker, dealer, or distributor in
2 commerce.
3 Sec. 6. Chapter two hundred fifteen (215), Code
4 1979, is amended by adding the following new section:
5 NEW SECTION. INDIVIDUAL CARCASS WEIGHTS. With
6 payment for each purchase of livestock except poultry
7 bought on a carcass weight or grade and yield basis,
8 each packer shall provide the seller with one statement
9 displaying the individual carcass weights of all the
10 animals sold."
11 4. Page 1, by striking lines 29 and 30, and
12 inserting in lieu thereof the following:
13 "NEW SECTION. PACKER-MONORAIL SCALE. The speed
14 of a monorail scale operation used by a packer shall
15 not exceed the manufacturer's".
16 5. Page 4, by striking lines 17 through 20 and
17 inserting in lieu thereof the following:
18 "215.19 AUTOMATIC RECORDERS ON SCALES. All-meter
19 truck-scales, livestock-scales, grain-dump-scales,
20 and-combination-truck-and-railroad-track Except for
21 scales used by packers slaughtering fewer than one
22 hundred twenty head of livestock per day, all scales
23 with a capacity over five hundred pounds, which are
24 used for commercial purposes in".
25 6. Page 4, line 23, by inserting before the word
26 "shall", the words "and installed after January 1,
27 1981,".
28 7. Page 6, line 11, by adding the following after
29 the word "date." "Sections two (2), three (3) and
30 four (4) of this Act are repealed January 1, 1985."
31 8. By renumbering the remaining sections and
32 internal references as are necessary to conform to
33 this amendment.

H-5250 FILED *1/18 3/3 (p. 734)*
FEBRUARY 18, 1980

COMMITTEE ON AGRICULTURE
Pellett, Chairperson

SENATE FILE 446

H-3759

1 Amend Senate File 446 as amended, passed and
2 reprinted by the Senate, as follows:
3 1. Page 1, by inserting after line 26, the follow-
4 ing:
5 "Sec. ____ Chapter two hundred fifteen (215),
6 Code 1979, is amended by adding the following new
7 section:
8 NEW SECTION. INSPECTION OF GAS AND ELECTRIC METERS.
9 The department shall annually inspect one quarter
10 of one percent of all gas and electric meters in
11 operation in the state of Iowa. The department shall
12 charge the utility so supplying the gas or electricity,
13 or both, a reasonable fee for the inspection."
14 2. By renumbering to conform to this amendment.

H-3759 FILED
APRIL 5, 1979

BY O'KANE of Woodbury

Revised not germane 3/3 (p. 741)

SENATE FILE 446

S-5308

1 Amend the House amendment, S-5258 to Senate File
2 446, as follows:
3 1. Page 3, by striking lines 45 through 47, and
4 inserting in lieu thereof the following:
5 "8. Page 6, by striking lines 8 through 11 and
6 inserting in lieu thereof the following:
7 "Sec. _____. This Act, except section two (2)
8 relating to the half pricing of motor vehicle fuel,
9 section three (3) relating to motor vehicle fuel pump
10 pricing labels, section four (4) relating to
11 definitions for chapter two hundred fourteen (214)
12 of the Code, and section ten (10) relating to automatic
13 recorders on scales, is effective January first
14 following its enactment. Sections two (2), three
15 (3) and four (4) of this Act are effective July first
16 following its enactment and are repealed January 1,
17 1985. Section ten (10) of this Act is effective July
18 1, 1981."

S-5308 FILED
MARCH 7, 1980

Adopted 3/10 (p. 763)

BY C. W. HUTCHINS

SENATE AMENDMENT TO HOUSE AMENDMENT
TO SENATE FILE 446

H-5428

1 Amend the House amendment, S-5258 to Senate File
2 446, as follows:
3 1. Page 3, by striking lines 45 through 47, and
4 inserting in lieu thereof the following:
5 "8. Page 6, by striking lines 8 through 11 and
6 inserting in lieu thereof the following:
7 "Sec. _____. This Act, except section two (2)
8 relating to the half pricing of motor vehicle fuel,
9 section three (3) relating to motor vehicle fuel pump
10 pricing labels, section four (4) relating to
11 definitions for chapter two hundred fourteen (214)
12 of the Code, and section ten (10) relating to automatic
13 recorders on scales, is effective January first
14 following its enactment. Sections two (2), three
15 (3) and four (4) of this Act are effective July first
16 following its enactment and are repealed January 1,
17 1985. Section ten (10) of this Act is effective July
18 1, 1981."

H-5428 FILED MARCH 11, 1980

RECEIVED FROM THE SENATE

House Amendment 418 (p. 1122)

H-5330
Page Three

- 1 4. Page 1, by striking lines 29 and 30, and
2 inserting in lieu thereof the following:
3 "NEW SECTION. PACKER-MONORAIL SCALE. The speed
4 of a monorail scale operation used by a packer shall
5 not exceed the manufacturer's".
6 5. Page 4, by striking lines 17 through 20 and
7 inserting in lieu thereof the following:
8 "215.19 AUTOMATIC RECORDERS ON SCALES. All-meter
9 truck-scales,--livestock-scales,--grain-dump-scales,
10 and-combination-truck-and-railroad-track Except for
11 scales used by packers slaughtering fewer than one
12 hundred twenty head of livestock per day, all scales
13 with a capacity over five hundred pounds, which are
14 used for commercial purposes in".
15 6. Page 4, line 23, by inserting before the word
16 "shall", the words "and installed after January 1,
17 1981,".
18 7. Page 6, line 11, by adding the following after
19 the word "date." "Sections two (2), three (3) and
20 four (4) of this Act are repealed January 1, 1985."
21 8. Title page, line 1, by inserting after the
22 word "measuring" the words "by granting the department
23 of agriculture the authority to promulgate rules to
24 implement chapters two hundred fourteen (214) and
25 two hundred fifteen (215) and enforce its regulations,
26 by defining various weighing and measuring devices
27 and providing related definitions, relating to persons
28 who service weighing and measuring devices, relating
29 to weighing and measuring devices and procedures used
30 in the transportation of commodities, relating to
31 measuring devices used in the retail sale of motor
32 vehicle fuel, and relating to weighing regulations
33 in the sale of animal carcasses".
34 9. By renumbering the remaining sections and
35 internal references as are necessary to conform to
36 this amendment.

H-5330 FILED
FEBRUARY 28, 1980
Adopted 3/3 (p. 739)

BY COMMITTEE ON AGRICULTURE
PELLETT, Chair

SENATE FILE 446

H-5337

1 Amend Senate File 446 as follows:

2 1. Page 4, by inserting after line 27 the
3 following:

4 "Sec. _____ Section two hundred fifteen A point
5 three (215A.3), Code 1979, is amended to read as
6 follows:

7 215A.3 RULES ADOPTED--HEARING. The department
8 is hereby charged with the enforcement of this chapter
9 and, after due publicity and due public hearing, is
10 empowered to establish rules, regulations,
11 specifications, standards, and tests as may be
12 necessary in order to secure the efficient
13 administration of this chapter. Publicity concerning
14 the public hearing shall be reasonably calculated
15 to give interested parties adequate notice and adequate
16 opportunity to be heard. In establishing such rules,
17 regulations, specifications, standards, and tests
18 the department may shall use such the specifications
19 and tolerances ~~established in section 215.18, or these~~
20 ~~specifications and tolerances~~ established by the
21 United States department of agriculture, ~~until~~
22 ~~established by the United States bureau of standards~~
23 as of November 15, 1971, in chapter XII of GR
24 instruction 916-6, equipment manual, used by the
25 federal grain inspection service. The department
26 may from time to time publish such data in connection
27 with the administration of this chapter as may be
28 of public interest."

29 2. By renumbering remaining sections as necessary.

H-5337 FILED

FEBRUARY 28, 1980

*Adopted as amended by 5346
3/3 (p. 741)*

BY COCHRAN of Webster

DAVITT of Warren

SENATE FILE 446

H-5346

1 Amend amendment H-5337 to Senate File 446 as
2 follows:

3 1. Page 1, by striking lines 18 through 20 and
4 inserting in lieu thereof the following:
5 "the department may use such the specifications and
6 tolerances established in section 215.18, ~~or these~~
7 and shall use the specifications and tolerances
8 established by the".

H-5346 FILED

MARCH 3, 1980

ADOPTED (p. 740)

BY COCHRAN of Webster

DAVITT of Warren