

Rule Summary and Fiscal Analysis (Part A)**Department of Agriculture**

Agency Name

Weights and Measures

Division

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901:6-4-01

Rule Number

AMENDMENT

TYPE of rule filing

Rule Title/Tag Line

Device registration and permitting.**RULE SUMMARY**

1. Is the rule being filed for five year review (FYR)? **Yes**
2. Are you proposing this rule as a result of recent legislation? **No**
3. Statute prescribing the procedure in accordance with the agency is required to adopt the rule: **119.03**
4. Statute(s) authorizing agency to adopt the rule: **1327.50, 1327.501**
5. Statute(s) the rule, as filed, amplifies or implements: **1327.49, 1327.501**
6. State the reason(s) for proposing (i.e., why are you filing,) this rule:
This rule is up for five year rule review.
7. If the rule is an AMENDMENT, then summarize the changes and the content of the proposed rule; If the rule type is RESCISSION, NEW or NO CHANGE, then summarize the content of the rule:

Ohio Administrative Code (OAC) 901:6-4-01 outlines the application process for

obtaining a permit to operate a commercially used weighing and measuring device in the state of Ohio. The rule is being amended to correct the number of days an applicant may submit his application late before the Department may issue a late fee. Currently, the rule states ninety days while the statute (ORC 1327.501) states sixty days. This revision ensures that the rule and the statute are aligned.

This rule is administered by the Ohio Department of Agriculture, Division of Weights and Measures (Department). The Department is tasked with protecting Ohio businesses and consumers by ensuring products are accurately measured, labeled, and sold. Further, the Department works with county and city weights and measures programs to test devices ranging from fuel meters and retail store scanners to vehicle and livestock scales for consistent measuring standards.

8. If the rule incorporates a text or other material by reference and the agency claims the incorporation by reference is exempt from compliance with sections 121.71 to 121.74 of the Revised Code because the text or other material is **generally available** to persons who reasonably can be expected to be affected by the rule, provide an explanation of how the text or other material is generally available to those persons:

Pursuant to section 121.76 of the Revised Code, the code sections incorporated into this rule are exempt from compliance with sections 121.71 to 121.74 of the Revised Code.

9. If the rule incorporates a text or other material by reference, and it was **infeasible** for the agency to file the text or other material electronically, provide an explanation of why filing the text or other material electronically was infeasible:

Not applicable.

10. If the rule is being **rescinded** and incorporates a text or other material by reference, and it was **infeasible** for the agency to file the text or other material, provide an explanation of why filing the text or other material was infeasible:

Not Applicable.

11. If **revising** or **refiling** this rule, identify changes made from the previously filed version of this rule; if none, please state so. If applicable, indicate each specific paragraph of the rule that has been modified:

Not Applicable.

12. Five Year Review (FYR) Date: **6/23/2017**

(If the rule is not exempt and you answered NO to question No. 1, provide the scheduled review date. If you answered YES to No. 1, the review date for this rule is the filing date.)

NOTE: If the rule is not exempt at the time of final filing, two dates are required: the current review date plus a date not to exceed 5 years from the effective date for Amended rules or a date not to exceed 5 years from the review date for No Change rules.

FISCAL ANALYSIS

13. Estimate the total amount by which *this proposed rule* would **increase / decrease** either **revenues / expenditures** for the agency during the current biennium (in dollars): Explain the net impact of the proposed changes to the budget of your agency/department.

This will have no impact on revenues or expenditures.

\$0.00

Not applicable.

14. Identify the appropriation (by line item etc.) that authorizes each expenditure necessitated by the proposed rule:

Not applicable.

15. Provide a summary of the estimated cost of compliance with the rule to all directly affected persons. When appropriate, please include the source for your information/estimated costs, e.g. industry, CFR, internal/agency:

Individuals who operate a commercially used weighing and measuring device must pay a license fee in order to permit their device. These devices include livestock scales, vehicle scales, railway scales, vehicle tank meters, bulk rack meter, and a liquefied propane gas meter. In accordance with ORC 1327.501, the permit fees for the weighing and measuring devices listed in paragraph (a) above are seventy-five dollars. Failure to submit an application timely may result in the addition of a late fee. Individuals who are more than 60 days late may be subject to the late fee of twenty dollars.

16. Does this rule have a fiscal effect on school districts, counties, townships, or municipal corporations? **No**

17. Does this rule deal with environmental protection or contain a component dealing with environmental protection as defined in R. C. 121.39? **No**

S.B. 2 (129th General Assembly) Questions

18. Has this rule been filed with the Common Sense Initiative Office pursuant to R.C. 121.82? **Yes**

19. Specific to this rule, answer the following:

A.) Does this rule require a license, permit, or any other prior authorization to engage in or operate a line of business? **Yes**

Individuals who operate a commercially used weighing and measuring device must pay a license fee in order to permit their device. These devices include livestock scales, vehicle scales, railway scales, vehicle tank meters, bulk rack meter, and a liquefied propane gas meter.

B.) Does this rule impose a criminal penalty, a civil penalty, or another sanction, or create a cause of action, for failure to comply with its terms? **Yes**

Individuals who are more than 60 days late may be subject to the late fee of twenty dollars.

C.) Does this rule require specific expenditures or the report of information as a condition of compliance? **Yes**

Individuals who operate a commercially used weighing and measuring device must pay a license fee of \$30 in order to permit their device. Individuals who are more than 60 days late may be subject to the late fee of twenty dollars.