

State of Arizona
Senate
Fifty-fourth Legislature
First Regular Session
2019

CHAPTER 248
SENATE BILL 1185

AN ACT

AMENDING SECTION 3-3451, ARIZONA REVISED STATUTES; RELATING TO THE WEIGHTS
AND MEASURES SERVICES DIVISION.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 3-3451, Arizona Revised Statutes, is amended to
3 read:

4 3-3451. Licensing devices used for commercial purposes;
5 authorization to test devices used for all other
6 purposes; fees; certification; issuance of license;
7 violation; classification

8 A. A person shall not use a commercial device unless the device is
9 licensed or certified as provided in this chapter.

10 B. A license shall be obtained annually from the division on forms
11 prescribed and furnished by the division. The fee prescribed in this
12 chapter shall be submitted with the prescribed form. A license shall be
13 obtained not later than thirty days following the first day of commercial
14 use for original installations. If the ownership of a device that is
15 licensed is transferred, the ownership of the license may be transferred.
16 On transfer of a license, new licensees shall notify the division of the
17 licensee's name and address and the location of the device. A license for
18 a device shall be posted at the licensed business location in a manner
19 that provides the division with access to the license during normal
20 business hours. **THE DIVISION MAY ISSUE OR RENEW A DEVICE LICENSE FOR TWO**
21 **OR THREE YEARS AT THE OPTION OF THE APPLICANT OR LICENSEE IF THE APPLICANT**
22 **OR LICENSEE PAYS THE TOTAL AMOUNT OF APPLICABLE ANNUAL FEES IN FULL AT THE**
23 **TIME OF ISSUANCE OR RENEWAL.**

24 C. Any license issued under this chapter applies only to the
25 instrument or device specified in the license, except that the associate
26 director may ~~permit~~ **ALLOW** the license to ~~be applicable~~ **APPLY** to a
27 replacement for the original instrument or device.

28 D. Noncommercial devices may be tested by the division pursuant to
29 this chapter. A weighing device owned by a person who uses it only for
30 the purpose of weighing the person's own livestock or agricultural
31 products and for no commercial purposes is declared to be a noncommercial
32 device, and the owner of the device is exempt from paying any licensing
33 fees collected pursuant to this chapter.

34 E. If a commercial livestock scale is used for thirty or more days
35 in a calendar year, the scale is required to be licensed. If a commercial
36 livestock scale is used for fewer than thirty days in a calendar year, the
37 scale is required to be certified. If an owner or operator of a
38 commercial livestock scale requests that the division certify the scale,
39 the certification fee shall be comparable to the license fee prescribed in
40 section 3-3452. If an owner or operator of a noncommercial scale requests
41 that the division certify the scale, the certification fee shall be
42 comparable to the license fee prescribed in section 3-3452.

43 F. At the request of the owner or user of a portable batch plant,
44 the division may certify the portable batch plant. If the division

1 certifies a portable batch plant, the certification fee shall be
2 comparable to the license fee prescribed in section 3-3452.

3 G. Any portable measuring device that is five gallons or less and
4 that is properly marked by the manufacturer according to standards
5 established by the national institute of standards and technology is
6 exempt from the licensing and certification provisions of this chapter.

7 H. For the purpose of ascertaining compliance with the licensing
8 provisions of this article, the department of revenue shall provide the
9 division with a monthly report of all transaction privilege tax licenses
10 issued in the prior month. The report shall include the business name,
11 type of business and business address of the licensee.

12 I. The department of revenue shall annually notify each transaction
13 privilege tax licensee that the licensee is required to register new or
14 existing weighing or measuring devices with the division.

15 J. A person or the person's agent who knowingly files with the
16 division any notice, statement or other document required under this
17 section that is false or that contains any material misstatement of fact
18 is guilty of a class 2 misdemeanor.

APPROVED BY THE GOVERNOR MAY 22, 2019.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 22, 2019.