S T A T E O F N E W Y O R K

2419

2009-2010 Regular Sessions

I N S E N A T E

February 19, 2009

Introduced by Sen. YOUNG -- read twice and ordered printed, and when printed to be committed to the Committee on Agriculture

AN ACT to amend the agriculture and markets law, in relation to inspection and testing of optical scanning devices and systems

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Subdivisions 10 and 11 of section 179 of the agriculture and markets law, as added by chapter 874 of the laws of 1977, are amended to read as follows:

10. Supervise the weights and measures, weighing and measuring devices and systems, and accessories related thereto, AND OPTICAL SCANNING DEVICES AND SYSTEMS which are sold, offered or exposed for sale, or used in the state.

11. Test, calibrate and certify, upon the request of any person, firm or corporation, standards of weights and measures, weighing and measuring devices and systems, and accessories related thereto, AND OPTICAL SCANNING DEVICES AND SYSTEMS; and charge such fees therefor as he deems appropriate.

S 2. Subdivision 12 of section 179 of the agriculture and markets law, as amended by chapter 716 of the laws of 1989, is amended to read as follows:

12. (a) Establish specifications, amounts of tolerances and reasonable variations allowable for weights and measures, weighing and measuring devices and systems, and accessories relating thereto, AND OPTICAL SCANNING DEVICES AND SYSTEMS, for packaged commodities sold, or offered or exposed for sale in the state, for the composition and quality of petroleum products, and the testing methods therefor, giving due recognition to federal and state requirements, and enter into such written agreements as the commissioner may deem appropriate, with federal agencies and other state agencies for the purpose of establishing and enforcing uniform specifications and tolerances and (b) establish, by regulation,

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

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and collect an appropriate fee commensurate with costs, for the examination of all new types of weighing and measuring devices and systems, and accessories relating thereto, AND OPTICAL SCANNING DEVICES AND SYSTEMS prior to their introduction into commerce.

S 3. Subdivision 13 of section 179 of the agriculture and markets law, as amended by chapter 402 of the laws of 1998, is amended to read as follows:

13. Inspect and test, either personally or through his authorized agents, weights and measures, weighing and measuring devices and systems, and accessories relating thereto, AND OPTICAL SCANNING DEVICES AND SYSTEMS which are used commercially within the state by any person, firm or corporation in determining the weight, measure or count of commodities or things sold, or offered or exposed for sale on the basis of weight, measure or count, or in computing the basic charge or payment for services rendered on the basis of weight, measure or count, or in the case of coin counting machines which are used commercially within the state by any coin processor required to be licensed pursuant to article twenty-seven-A of the general business law ("coin processor licensing act"), in determining an accurate count of coins, OR IN SCANNING THE PRICE OR DETERMINING THE IDENTITY OF COMMODITIES OR OTHER THINGS SOLD, in order to ascertain if such weights and measures, weighing and measuring devices and systems, or accessories related thereto, OR OPTICAL SCANNING DEVICES AND SYSTEMS are correct and are being used correctly; and charge fees commensurate with the cost of each such inspection or test for inspections and tests which are not otherwise conducted by municipalities. The commissioner is also authorized to charge fees commensurate with the cost of each such inspection or test for inspections and tests conducted for the purpose of certifying municipal weighing and measuring devices and systems. Fees authorized by this subdivision shall be established by the commissioner by regulation.

S 4. Subdivision 15 of section 179 of the agriculture and markets law, as added by chapter 874 of the laws of 1977, is amended to read as follows:

15. Cause to be tested, as often as he deems necessary by a weights and measures official all weights and measures, weighing and measuring devices and systems, and accessories related thereto, AND OPTICAL SCANNING DEVICES AND SYSTEMS used in checking the receipt or disbursement of supplies in every state agency or institution, and report in writing to the head of the agency or institution concerned; and, at the request of the head of any state agency or institution, appoint in writing one or more employees, then in actual service of such agency or institution, who shall act as special deputies for the purpose of checking the receipt or disbursement of supplies.

S 5. Subdivisions 5 and 8 of section 181 of the agriculture and markets law, as amended by chapter 665 of the laws of 2006, are amended to read as follows:

5. Inspect, test and ascertain, as frequently as prescribed by the commissioner, if weights and measures, weighing and measuring devices and systems and pricing devices and systems, and accessories related thereto, AND OPTICAL SCANNING DEVICES AND SYSTEMS which are used commercially by any person, firm or corporation, including but not limited to coin counting machines used by any coin processor required to be licensed pursuant to article twenty-seven-A of the general business law ("coin processor licensing act"), are correct and being used correctly.

8. Have authority to establish and collect fees for the inspection and testing of all weights and measures, weighing and measuring devices and

systems and pricing devices and systems, and accessories related thereto, AND OPTICAL SCANNING DEVICES AND SYSTEMS within his jurisdiction. Provided, however, that the commissioner shall, after public hearing, promulgate rules and regulations fixing maximum levels for such fees and governing any other aspect thereof, including the frequency of such inspections, as he deems necessary. All fees collected by the municipal director shall be paid into the appropriate municipal treasury. No additional inspection fees shall be assessed for pricing accuracy inspections where the retail store being inspected has previously passed two consecutive inspections during the calendar year.

S 6. This act shall take effect on the one hundred twentieth day after it shall have become a law except that any rules and regulations necessary for the timely implementation of this act on its effective date shall be promulgated on or before such date.