

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:

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

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

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

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

16 12. (a) Establish specifications, amounts of tolerances and reasonable
17 variations allowable for weights and measures, weighing and measuring
18 devices and systems, and accessories relating thereto, AND OPTICAL SCAN-
19 NING DEVICES AND SYSTEMS, for packaged commodities sold, or offered or
20 exposed for sale in the state, for the composition and quality of petro-
21 leum products, and the testing methods therefor, giving due recognition
22 to federal and state requirements, and enter into such written agree-
23 ments as the commissioner may deem appropriate, with federal agencies
24 and other state agencies for the purpose of establishing and enforcing
25 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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1 and collect an appropriate fee commensurate with costs, for the examina-
2 tion of all new types of weighing and measuring devices and systems, and
3 accessories relating thereto, AND OPTICAL SCANNING DEVICES AND SYSTEMS
4 prior to their introduction into commerce.

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

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

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

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

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

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

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

1 systems and pricing devices and systems, and accessories related
2 thereto, AND OPTICAL SCANNING DEVICES AND SYSTEMS within his jurisdic-
3 tion. Provided, however, that the commissioner shall, after public hear-
4 ing, promulgate rules and regulations fixing maximum levels for such
5 fees and governing any other aspect thereof, including the frequency of
6 such inspections, as he deems necessary. All fees collected by the
7 municipal director shall be paid into the appropriate municipal treas-
8 ury. No additional inspection fees shall be assessed for pricing accura-
9 cy inspections where the retail store being inspected has previously
10 passed two consecutive inspections during the calendar year.

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