

TITLE 4 DEPARTMENT OF AGRICULTURE

SUBTITLE 7 DIVISION OF MEASUREMENT STANDARDS

CHAPTER 96

SCHEDULE AND FEES FOR LICENSING DEVICES
SUSCEPTIBLE OF COMMERCIAL USAGE, AND
MEASURING DEVICES AND MEASUREMENT STANDARDS
FOR TESTING OR CERTIFICATION

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Historical note: This chapter is based substantially upon Section 9.500 of Rule 9.000/486-71, entitled "Relating to Schedules and Fees for Licensing Commercial Weighing or Measuring Devices for Testing or Certification," of the Division of Measurement Standards. [Eff. 1/27/72; R 12/26/81]

§4-96-1 Severability. If any provision of this chapter is held invalid, the invalidity shall not affect the remainder of this chapter and, to this end, the provisions of this chapter are severable. [Eff. 12/26/81] (Auth: HRS §§486-9, 486-33, 486D-5) (Imp: HRS §§486-9, 486D5)

§4-96-2 Violation. Any person omitting the required acts or committing the proscribed acts, or failing to pay the fees as established herein shall be in violation

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of this chapter and subject to the provisions of chapters 486 and 486D, Hawaii Revised Statutes. [Eff. 12/26/81] (Auth: HRS §§486-9, 486D-5) (Imp: HRS §§486-9, 486-16, 486-30, 486D-5, 486D-6)

§4-96-3 Applicability. This chapter shall apply to all weighing and measuring devices engaged in or susceptible of commercial usage. [Eff. 12/26/81] (Auth: HRS §§486-9, 486D-5) (Imp: HRS §§486-9, 486D-5, 486D-7)

§4-96-4 Definitions. As used in this chapter,

"Batch" means the number of thermometers that can be tested, together, at one time and shall vary according to the type of bath used;

"Certification fee" means the charge for testing for the certification of measuring devices or measurement standards;

"Commercial usage" means persons, things, and actions, including governmental agencies, involved in establishing the net, gross or tare measure, cost, or value of any part, portion or proration of the total, as it may be used in the quantification or measurement of anything impacting upon salary or wages, commerce or trade, or its documentation, including the establishing of taxes due;

"Correctness" means that a piece of equipment, in addition to being accurate, meets all applicable specifications, tolerances, and other technical requirements;

"License fee" means a fixed charge for permission granted by the director authorizing usage of a device susceptible of commercial usage;

"Suitability" means a measurement standard, which has been submitted to and approved by the director as to correctness and type for its intended use; and

"Testing fee" means the charge for services rendered, by the director, for testing measuring devices or measurement standards on a request basis.

[Eff. 12/26/81] (Auth: HRS §§486-9, 486D-5) (Imp: HRS §§486-1, 486-9, 486D-1, 486D-5)

§4-96-5 Commercial usage device annual license required. (a) Prior to the use of any device susceptible of commercial usage, an annual license fee shall be paid as prescribed in table I, located at the end of this chapter.

(b) The license fee, payable to the State director of finance by check, cash, or money order, shall be mailed or delivered to the director of measurement standards as scheduled in this section:

- (1) Scales and linears (except taximeters) shall:
 - (A) Be due and payable February 1; and

- (B) Be valid from February 1 to January 31 of the following year;
- (2) Taximeters shall:
 - (A) Be due and payable June 1; and
 - (B) Be valid from June 1 to May 31 of the following year;
- (3) Volumetric meters and dispensers shall:
 - (A) Be due and payable September 1; and
 - (B) Be valid from September 1 to August 31 of the following year; and
- (4) All other noncategorized measurement standards shall:
 - (A) Be due and payable October 1; and
 - (B) Be valid from October 1 to September 30 of the following year.

(c) The fee shall be due immediately for any measuring device placed in service after the due date and the license shall be valid to its respective termination date stated in this section. [Eff. 12/26/81] (Auth: HRS §§486-9, 486D-5) (Imp: HRS §§486-9, 486D-5)

§4-96-6 License renewal. (a) Any measuring device engaged in or susceptible of commercial usage shall be licensed for the year of potential use. The license fee shall become due and payable as scheduled in §4-96-5.

(b) The use of any measuring device, not licensed as required in this chapter, is prohibited.

(c) Any license issued under this chapter shall not be transferred from one device to another. This shall not preclude the transfer of the title of a measuring device, along with its current license, to another person, provided the complete device is transferred. [Eff. 12/26/81] (Auth: HRS §§486-9, 486D-5) (Imp: HRS §§486-9, 486D-5)

§4-96-7 License application form. Measurement standards application on MSP 4-123, as cited in chapter 76, title 4, Administrative Rules, for licensing a commercial measuring device, may be obtained from the director upon request. [Eff. 12/26/81] (Auth: HRS §§486-9, 486D-5) (Imp: HRS §§486-9, 486D-5)

§4-96-8 Fee responsibility. The payment of a license fee shall be the responsibility of the person deriving the direct economic benefit from the use of the device. [Eff. 12/26/81] (Auth: HRS §§486-9, 486D-5) (Imp: HRS §§486-9, 486D-5)

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§4-96-9 Certification of measurement standards; fee. (a) An artifact, used in proving the correctness of equipment engaged in or susceptible of commercial usage, shall be submitted annually to the director for examination as to suitability.

(b) Certification fees shall be paid according to table II, located at the end of this chapter. [Eff. 12/26/81] (Auth: HRS §§486-9, 486D-5) (Imp: HRS §§486-9, 486D-5)

§4-96-10 Special test request; fee. Payment for a requested test shall be as established in table II, located at the end of this chapter and, as applicable, the following:

- (1) Overtime wages and per diem;
- (2) Indirect costs, which include an amount to off-set the employer's contribution to:
 - (A) Employee's retirement system;
 - (B) Social security;
 - (C) Employee's health fund;
 - (D) Workers' compensation; and
 - (E) Unemployment compensation;
- (3) Roundtrip barge costs and wharfage;
- (4) Test-weight truck at thirty dollars per hour and twenty-five cents per mile; and
- (5) One-thousand-gallon petroleum test equipment at thirty dollars per hour and twenty-five cents per mile.

[Eff. 12/26/81] (Auth: HRS §§486-9, 486D-5) (Imp: HRS §§486-9, 486D-5)

§4-96-11 Returned-check charge. When the payment of any fee established in this chapter is made by check, a charge of seven dollars and fifty cents shall be assessed, in addition to the amount of the fee, if the check is not honored due to insufficient funds. [Eff. 12/26/81] (Auth: HRS §486-9) (Imp: HRS §486-9)

§4-96-12 Exemptions. The director may exempt a device or class of devices from the fee requirements of this chapter when such exemption is in the public interest. [Eff. 12/26/81] (Auth: HRS §486-9) (Imp: HRS §486-9)

Table I. Schedule of Annual License Fees

<u>DEVICE DESCRIPTION</u>	<u>UNIT FEE</u>
<u>Dispensers, retail level type</u>	
Oil/ATF (Automatic transmission fluid) type	5.00
Gas pump--each hose and nozzle	5.00
Gas pump with key control system--each hose and nozzle	25.00
In addition to the above charges for each dispenser, the following charges are applicable to establishments so equipped:	
Remote indication or control, per system	25.00
Currency reader operated/credit card operated, per system	25.00
<u>Linear measures</u>	
Yardstick, tape measures	5.00
Fabric measures	5.00
Wire & cordage measures	5.00
Odometers	5.00
Taximeters	5.00
<u>Meters, volumetric indicating</u>	
0 up to 50 GPM (Gallons per minute)	25.00
Over 50 up to 100 GPM	50.00
Over 100 up to 1,000 GPM	75.00
Over 1,000 GPM	100.00
<u>Scales</u>	
0 up to 100 pounds	\$ 5.00
Over 100 up to 500 pounds	10.00
Over 500 up to 1,000 pounds	15.00
Over 1,000 up to 9,000 pounds	20.00
Over 9,000 up to 25,000 pounds	30.00
Over 25,000 up to 60,000 pounds	40.00
Over 60,000 up to 100,000 pounds	50.00
Over 100,000 pounds	100.00
<u>Non-categorized measurement standards</u>	5.00

Table II. Schedule of Testing and Certification Fees

<u>DEVICE DESCRIPTION</u>	<u>UNIT FEE</u>
<u>Dispensers, retail level type</u>	
Oil/ATF (Automatic transmission fluid) type	\$
5.00	
Gas pump--each hose and nozzle	5.00
Gas pump with key control system--each hose and nozzle	25.00
In addition to the above charges for each dispenser, the following charges are applicable to establishments so equipped:	
Remote indication or control, per system	25.00
Currency reader operated/credit card operated, per system	25.00
<u>Length standard</u>	
Up to 3 feet	5.00
Over 3 feet up to & including 25 feet	15.00
Over 25 feet up to & including 100 feet	30.00
Over 100 feet up to & including 500 feet	50.00
<u>Linear measures</u>	
Yardstick, tape measures	5.00
Fabric measures	5.00
Wire & cordage measures	5.00
Odometers	5.00
Taximeters	5.00
<u>Mass standards, direct weighing (class 6)</u>	
Up to 66 pounds	5.00
Over 66 pounds up to & including 100 pounds	10.00
Over 100 pounds up to & including 2500 pounds	15.00
Up to 30 kilograms	5.00
Over 30 kilograms up to & including 45.4 kilograms	10.00
Over 45.4 kilograms up to & including 1134 kilograms	15.00

Mass standards, precision weighing design (class 1-5)

Up to 6.6 pounds	5.00
Over 6.6 pounds up to & including 66 pounds	10.00
Over 66 pounds up to & including 100 pounds	15.00
Over 100 pounds up to & including 2500 pounds	50.00
Up to 3 kilograms	5.00
Over 3 kilograms up to & including 30 kilograms	10.00
Over 30 kilograms up to & including 45.4 kilograms	15.00
Over 45.4 kilograms up to & including 1134 kilograms	30.00

Meters, volumetric indicating

0 up to 50 GPM (Gallons per minute)	25.00
Over 50 up to 100 GPM	50.00
Over 100 up to 1,000 GPM	75.00
Over 1,000 GPM	100.00

Scales

0 up to 100 pounds	5.00
Over 100 up to 500 pounds	10.00
Over 500 up to 1,000 pounds	15.00
Over 1,000 up to 9,000 pounds	20.00
Over 9,000 up to 25,000 pounds	30.00
Over 25,000 up to 60,000 pounds	40.00
Over 60,000 up to 100,000 pounds	50.00
Over 100,000 pounds	100.00

Tanks, used as measures; calibration

Up to 5,000 gallons	50.00
Over 5,000 gallons up to & including 25,000 gallons	100.00
Over 25,000 gallons	500.00

Volumetric measures, glassware (graduates, burets); testing

Up to 1 quart	5.00
Over 1 quart up to & including 1 gallon	10.00
Up to 1 litre	5.00
Over 1 litre up to & including 5 litres	10.00

Volumetric measures, other than glass, testing

Up to	1 gallon	5.00	
Over	1 gallon up to & including	5 gallons	10.00
Over	5 gallons up to & including	100 gallons	25.00
Over	100 gallons up to & including	1,000 gallons	50.00
Over	1,000 gallons up to & including	5,000 gallons	100.00
Over	5,000 gallons	250.00	
Up to	4 litres	5.00	
Over	4 litres up to & including	20 litres	10.00
Over	20 litres up to & including	400 litres	25.00
Over	400 litres up to & including	3,800 litres	50.00
Over	3,800 litres up to & including	19,000 litres	100.00
Over	19,000 litres	250.00	

Non-categorized measurement standards

Time & material
Based on
Application

FEE PER
TEMPERATURE POINT
PER BATCH

Thermometers, below 0°C (32°F)

Dial type, bimetallic sensor	\$10.00
Liquid in glass type	10.00
Digital electronic type	10.00

Thermometers, 0°C (32°F) to 100°C (212°F)

Dial type, bimetallic sensor	5.00
Liquid in glass type	5.00
Digital electronic type	5.00

Thermometers, above 100°C (212°F)

Dial type, bimetallic sensor	10.00
Liquid in glass type	10.00
Digital electronic type	10.00