

AGRICULTURE CODE (3 PA.C.S.) - SPECIFIC POWERS AND DUTIES OF
DEPARTMENT OF AGRICULTURE AND REGULATIONS, CERTIFIED PARKING
METER INSPECTORS AND GENERAL TESTING AND INSPECTIONS

Act of Oct. 24, 2012, P.L. 1332, No. 169

Cl. 03

Session of 2012

No. 2012-169

HB 2366

AN ACT

Amending Title 3 (Agriculture) of the Pennsylvania Consolidated Statutes, adding the definitions of "certified parking meter inspector" and "local government unit"; further providing for specific powers and duties of department and regulations; providing for certified parking meter inspectors and for general testing and inspections; and making editorial changes.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. Section 4102 of Title 3 of the Pennsylvania Consolidated Statutes is amended by adding definitions to read: § 4102. Definitions.

The following words and phrases when used in this chapter shall have the meanings given to them in this section unless the context clearly indicates otherwise:

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" **Certified parking meter inspector.** " **An individual who is certified by the Department of Agriculture to inspect and certify the accuracy of parking meters.**

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" **Local government unit.** " **Any city, borough, township or town or any home rule municipality, optional charter municipality or similar general purpose unit of government which may be created or authorized by statute.**

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Section 1.1. Section 4110(a)(4) and (d) of Title 3 are amended to read:

§ 4110. Specific powers and duties of department; regulations.

(a) Regulations.--The department shall issue from time to time regulations for the enforcement and administration of this subchapter, which regulations, upon being promulgated pursuant to law, shall have the force and effect of law. These regulations may include:

* * *

(4) Institution of a program containing standards whereby individuals shall be department-certified as Certified Examiners of Weights and Measures. Certification under such program may be for a given category or categories of measuring or weighing devices or for a particular type of device **except for commercially used truck-mounted fuel oil meters and retail motor fuel dispensers.** The department shall certify only such individuals who:

(i) successfully complete the appropriate training course or courses prescribed by the National Institute of Standards and Technology for the type of certification sought and who comply with departmental certification standards promulgated under this paragraph; **and**

(ii) are not the owner or lessee of the devices tested and inspected or an employee or agent of the owner or lessee of the devices tested and inspected.

Any program instituted under this paragraph shall include testing and inspection performance standards, reporting procedures, random inspection and testing by [State] inspectors [of weights and measures] of a sample of devices inspected and tested by Certified Examiners of Weights and Measures and any other type of standards or procedures the department deems necessary to implement the program.

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(d) Reports.--On or before March 1 of each year after the effective date of this subsection, the department shall submit a report to the Agriculture and Rural Affairs Committee of the Senate and the Agriculture and Rural Affairs Committee of the House of Representatives which shall describe all relevant activities of [State] inspectors [of weights and measures], Certified Examiners of Weights and Measures and city and county sealers of weights and measures for the preceding calendar year. The report shall contain, at a minimum, the following:

(1) An identification of the regions of this Commonwealth served by [State] inspectors and city and county sealers of weights and measures and the number of such inspectors and city and county sealers of weights and measures in each region.

(2) The number of inspections made by each [State] inspector, Certified Examiners of Weights and Measures and city and county sealers of weights and measures.

(3) The number and nature of enforcement actions initiated by each [State] inspector and city and county sealers of weights and measures.

(4) The disposition of each enforcement action, including the number and nature of warnings issued by each [State] inspector and city and county sealers of weights and measures.

Section 2. Section 4112(b) and (c) of Title 3 are amended and the section is amended by adding subsections to read:
§ 4112. General testing and inspections.

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(b) [Annual inspections] **Inspections**.--Notwithstanding subsection (a), it shall be the duty of the department at [least once within a 12-month period, or more frequently if deemed necessary] **intervals not greater than 18 months**, to assure that all commercially used [small capacity retail computing scales, retail package shipping scales,] vehicle scales, [small platform scales which weigh items to 1,000 pounds,] truck-mounted fuel oil meters, truck-mounted liquid petroleum gas meters, compressed natural gas meters and retail motor fuel dispensers are inspected and tested to ascertain if they are correct. The department may accept reports of Certified Examiners of Weights and Measures as sufficient to meet the inspection and testing [requirements of this subsection] **regulations promulgated under section 4110(a)(4) (relating to specific powers and duties of department; regulations)**, provided such inspection and testing is performed in accordance with all applicable standards and procedures adopted under section 4110(a)(4) [(relating to specific powers and duties of department; regulations)], provided that [State] inspectors [of weights and measures] shall conduct inspection and testing of a sample of devices inspected and tested by Certified Examiners of Weights and Measures.

(b.1) **Time**.--Unless the department is responding to a consumer complaint, the department shall conduct inspections

of truck-mounted fuel oil meters at a mutually agreed upon time. The mutually agreed upon time shall not unreasonably interfere with the delivery of fuel oil during winter months. Both parties shall make a good faith effort to schedule the inspections.

(b.2) **Inspection of parking meters.--**Notwithstanding subsections (a) and (b) , if a local government unit , authority organized by a local government unit or person makes use of parking meters, it shall be the duty of the local government unit , the appropriate authority or the person at intervals not greater than 60 months to assure that all such parking meters are inspected and tested to ascertain if they are correct. The local government unit , appropriate authority or person may accept reports of certified parking meter inspectors as sufficient to meet the inspection and testing requirements of this subsection . The department shall make investigations of parking meters under section 4116 (relating to investigations).

(c) **General testing and inspection of scanning devices.--**Notwithstanding any other provision of this chapter to the contrary, [within the 12-month period ending on June 30, 1999, and every 12-month period thereafter,] the department shall test and inspect [to ascertain if they are correct] all commercially used Universal Product Code scanning systems and Price Look Up devices **at intervals not greater than 36 months to ascertain if they are correct.** A city or county may test and inspect such devices and systems if specified in its memorandum of understanding entered into with the department in accordance with section 4125 (relating to division of responsibilities). Such devices and systems shall be exempt from the [annual] **triennial** testing and inspection requirements of this subsection if the device or system is inspected at least annually on an unannounced basis as part of a private certification program which conforms with the examination procedures for price verification as adopted by the National Conference of Weights and Measures.

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Section 3. Section 4115 of Title 3 is amended to read:
§ 4115. Training program.

(a) **Inspectors and county and city sealers.--**The department shall establish by regulation minimum training which shall be required to be met by all inspectors and county and city sealers. The department shall adopt the training program prescribed by the National Institute of Standards and Technology for inspectors and sealers of weights and measures.

(b) **Certified parking meter inspectors.--**The department shall promulgate regulations that establish training and certification requirements and procedures for certified parking meter inspectors. Prior to the promulgation of regulations under this subsection, the department may issue a temporary order establishing training and certification requirements and procedures for certified parking meter inspectors. A temporary order shall not be effective until on or after it is published in the Pennsylvania Bulletin and shall remain in effect for no more than one year, unless reissued or supplanted sooner by regulations.

Section 4. All acts and parts of acts are repealed insofar as they are inconsistent with this act.

Section 5. This act shall take effect immediately.

APPROVED--The 24th day of October, A.D. 2012.

TOM CORBETT