

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2366 Session of 2012

INTRODUCED BY MACKENZIE, HANNA, EVERETT, BAKER, CALTAGIRONE, CONKLIN, GEORGE, GINGRICH, LAWRENCE, MAHER, MARSHALL, MILLARD, MILLER, PICKETT, K. SMITH, GIBBONS, M.K. KELLER, SONNEY AND MURT, MAY 16, 2012

SENATOR VOGEL, AGRICULTURE AND RURAL AFFAIRS, IN SENATE, AS AMENDED, JUNE 19, 2012

AN ACT

1 Amending Title 3 (Agriculture) of the Pennsylvania Consolidated
2 Statutes, adding the definitions of "certified parking meter
3 inspector" and "local government unit"; FURTHER PROVIDING FOR ←
4 SPECIFIC POWERS AND DUTIES OF DEPARTMENT AND REGULATIONS; and
5 providing for certified parking meter inspectors and for
6 general testing and inspections.

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

9 Section 1. Section 4102 of Title 3 of the Pennsylvania
10 Consolidated Statutes is amended by adding definitions to read:
11 § 4102. Definitions.

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

15 * * *

16 "Certified parking meter inspector." An ~~individual~~ EMPLOYEE ←
17 OF A LOCAL GOVERNMENT UNIT who is certified by the Department of
18 Agriculture to inspect and certify the accuracy of parking

1 meters.

2 * * *

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

7 * * *

8 SECTION 1.1. SECTION 4110 (A) (4) OF TITLE 3 IS AMENDED TO
9 READ: ←

10 § 4110. SPECIFIC POWERS AND DUTIES OF DEPARTMENT; REGULATIONS.

11 (A) REGULATIONS.--THE DEPARTMENT SHALL ISSUE FROM TIME TO
12 TIME REGULATIONS FOR THE ENFORCEMENT AND ADMINISTRATION OF THIS
13 SUBCHAPTER, WHICH REGULATIONS, UPON BEING PROMULGATED PURSUANT
14 TO LAW, SHALL HAVE THE FORCE AND EFFECT OF LAW. THESE
15 REGULATIONS MAY INCLUDE:

16 * * *

17 (4) INSTITUTION OF A PROGRAM CONTAINING STANDARDS
18 WHEREBY INDIVIDUALS SHALL BE DEPARTMENT-CERTIFIED AS
19 CERTIFIED EXAMINERS OF WEIGHTS AND MEASURES. CERTIFICATION
20 UNDER SUCH PROGRAM MAY BE FOR A GIVEN CATEGORY OR CATEGORIES
21 OF MEASURING OR WEIGHING DEVICES OR FOR A PARTICULAR TYPE OF
22 DEVICE EXCEPT FOR COMMERCIALLY USED TRUCK-MOUNTED FUEL OIL
23 METERS AND RETAIL MOTOR FUEL DISPENSERS. THE DEPARTMENT SHALL
24 CERTIFY ONLY SUCH INDIVIDUALS WHO:

25 (I) SUCCESSFULLY COMPLETE THE APPROPRIATE TRAINING
26 COURSE OR COURSES PRESCRIBED BY THE NATIONAL INSTITUTE OF
27 STANDARDS AND TECHNOLOGY FOR THE TYPE OF CERTIFICATION
28 SOUGHT AND WHO COMPLY WITH DEPARTMENTAL CERTIFICATION
29 STANDARDS PROMULGATED UNDER THIS PARAGRAPH; AND

30 (II) DO NOT HAVE AN OWNERSHIP INTEREST IN OR ARE NOT

1 AN EMPLOYEE OR AGENT OF A COMPANY OR BUSINESS ENTITY
2 SUBJECT TO TESTING OR INSPECTION BY A CERTIFIED EXAMINER
3 OF WEIGHTS AND MEASURES UNDER THIS CHAPTER.

4 ANY PROGRAM INSTITUTED UNDER THIS PARAGRAPH SHALL INCLUDE
5 TESTING AND INSPECTION PERFORMANCE STANDARDS, REPORTING
6 PROCEDURES, RANDOM INSPECTION AND TESTING BY STATE INSPECTORS
7 OF WEIGHTS AND MEASURES OF A SAMPLE OF DEVICES INSPECTED AND
8 TESTED BY CERTIFIED EXAMINERS OF WEIGHTS AND MEASURES AND ANY
9 OTHER TYPE OF STANDARDS OR PROCEDURES THE DEPARTMENT DEEMS
10 NECESSARY TO IMPLEMENT THE PROGRAM.

11 * * *

12 Section 2. Section ~~4112~~ 4112(B) AND (C) of Title 3 ARE ←
13 AMENDED AND THE SECTION is amended by adding a subsection to
14 read:

15 § 4112. General testing and inspections.

16 * * *

17 (B) [ANNUAL INSPECTIONS] INSPECTIONS.--NOTWITHSTANDING ←
18 SUBSECTION (A), IT SHALL BE THE DUTY OF THE DEPARTMENT AT [LEAST
19 ONCE WITHIN A 12-MONTH PERIOD, OR MORE FREQUENTLY IF DEEMED
20 NECESSARY] INTERVALS NOT GREATER THAN 18 MONTHS, TO ASSURE THAT
21 ALL COMMERCIALY USED [SMALL CAPACITY RETAIL COMPUTING SCALES,
22 RETAIL PACKAGE SHIPPING SCALES,] VEHICLE SCALES, [SMALL PLATFORM
23 SCALES WHICH WEIGH ITEMS TO 1,000 POUNDS,] TRUCK-MOUNTED FUEL
24 OIL METERS, TRUCK-MOUNTED LIQUID PETROLEUM GAS METERS,
25 COMPRESSED NATURAL GAS METERS AND RETAIL MOTOR FUEL DISPENSERS
26 ARE INSPECTED AND TESTED TO ASCERTAIN IF THEY ARE CORRECT. THE
27 DEPARTMENT MAY ACCEPT REPORTS OF CERTIFIED EXAMINERS OF WEIGHTS
28 AND MEASURES AS SUFFICIENT TO MEET THE INSPECTION AND TESTING
29 [REQUIREMENTS OF THIS SUBSECTION] REGULATIONS PROMULGATED UNDER
30 SECTION 4110(A) (4) (RELATING TO SPECIFIC POWERS AND DUTIES OF

1 DEPARTMENT; REGULATIONS), PROVIDED SUCH INSPECTION AND TESTING
2 IS PERFORMED IN ACCORDANCE WITH ALL APPLICABLE STANDARDS AND
3 PROCEDURES ADOPTED UNDER SECTION 4110(A)(4) [(RELATING TO
4 SPECIFIC POWERS AND DUTIES OF DEPARTMENT; REGULATIONS)],
5 PROVIDED THAT STATE INSPECTORS OF WEIGHTS AND MEASURES SHALL
6 CONDUCT INSPECTION AND TESTING OF A SAMPLE OF DEVICES INSPECTED
7 AND TESTED BY CERTIFIED EXAMINERS OF WEIGHTS AND MEASURES.

8 (b.1) Local government unit inspection of parking meters.--

9 Notwithstanding subsections (a) and (b), (B) AND (C), if a local ←
10 government unit or authority organized by a local government
11 unit makes use of parking meters, it shall be the duty of the
12 local government unit or the appropriate authority at least once ←
13 within a 60 month period, or more frequently if deemed necessary
14 by the local government unit or authority responsible for
15 conducting the inspections AT INTERVALS NOT GREATER THAN 60 ←
16 MONTHS, to assure that all such parking meters are inspected and
17 tested to ascertain if they are correct. The local government
18 unit or appropriate authority may accept reports of certified
19 parking meter inspectors as sufficient to meet the inspection
20 and testing requirements of this subsection if an inspector
21 conducts inspection and testing of a sample of devices inspected
22 and tested by certified parking meter inspectors.

23 (C) GENERAL TESTING AND INSPECTION OF SCANNING DEVICES.-- ←
24 NOTWITHSTANDING ANY OTHER PROVISION OF THIS CHAPTER TO THE
25 CONTRARY, [WITHIN THE 12-MONTH PERIOD ENDING ON JUNE 30, 1999,
26 AND EVERY 12-MONTH PERIOD THEREAFTER,] THE DEPARTMENT SHALL TEST
27 AND INSPECT [TO ASCERTAIN IF THEY ARE CORRECT] ALL COMMERCIALY
28 USED UNIVERSAL PRODUCT CODE SCANNING SYSTEMS AND PRICE LOOK UP
29 DEVICES AT INTERVALS NOT GREATER THAN 36 MONTHS TO ASCERTAIN IF
30 THEY ARE CORRECT. A CITY OR COUNTY MAY TEST AND INSPECT SUCH

1 DEVICES AND SYSTEMS IF SPECIFIED IN ITS MEMORANDUM OF
2 UNDERSTANDING ENTERED INTO WITH THE DEPARTMENT IN ACCORDANCE
3 WITH SECTION 4125 (RELATING TO DIVISION OF RESPONSIBILITIES).
4 SUCH DEVICES AND SYSTEMS SHALL BE EXEMPT FROM THE ANNUAL TESTING
5 AND INSPECTION REQUIREMENTS OF THIS SUBSECTION IF THE DEVICE OR
6 SYSTEM IS INSPECTED AT LEAST ANNUALLY ON AN UNANNOUNCED BASIS AS
7 PART OF A PRIVATE CERTIFICATION PROGRAM WHICH CONFORMS WITH THE
8 EXAMINATION PROCEDURES FOR PRICE VERIFICATION AS ADOPTED BY THE
9 NATIONAL CONFERENCE OF WEIGHTS AND MEASURES.

10 * * *

11 Section 3. Section 4115 of Title 3 is amended to read:

12 § 4115. Training program.

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

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

30 SECTION 4. ALL ACTS AND PARTS OF ACTS ARE REPEALED INSOFAR



1 AS THEY ARE INCONSISTENT WITH THIS ACT.

2 Section 4 5. This act shall take effect ~~in 90 days~~ ←

3 IMMEDIATELY. ←