

# WEST VIRGINIA LEGISLATURE

## 2018 REGULAR SESSION

Introduced

### House Bill 4401

FISCAL  
NOTE

BY DELEGATES AMBLER, SOBONYA, WESTFALL, FRICH,  
COOPER, FOSTER, HOUSEHOLDER, BATES, BARRETT AND  
PHILLIPS

[Introduced February 1, 2018; Referred  
to the Committee on Industry and Labor then  
Finance.]

1 A BILL to amend and reenact §47-1-21 of the Code of West Virginia, 1931, as amended, relating  
2 to the registration of business; removing a requirement that the Division of Labor charge  
3 an annual device registration fee; and removing a provision related to the fees that are  
4 collected pursuant to this section.

*Be it enacted by the Legislature of West Virginia:*

## **ARTICLE 1. WEIGHTS AND MEASURES.**

### **§47-1-21. Registration of business.**

1 (a) On or before October 1, 1994, every commercial business in the state which, in the  
2 course of conducting business, utilizes weights, measures and weighing and measuring devices  
3 covered by this article shall obtain a certificate of device registration for the commercial devices  
4 covered by this article, from the division. After October 1, 1994, it shall be unlawful in the state to  
5 conduct business subject to the provisions of this article without having first obtained a certificate  
6 of device registration from the division. Application for a certificate of device registration shall be  
7 made on a form provided by the division.

8 (b) A certificate of device registration is valid for 12 months from the date of issue. The  
9 certificate of device registration shall be posted within the place of business.

10 (c) Application for the renewal of a certificate of device registration shall be made on a  
11 form provided by the division at least 30 days prior to the renewal due date. The commissioner  
12 may deny the renewal of device registration for cause where the cause is the result of the  
13 conviction of the applicant, in a court of competent jurisdiction, for a violation of this article.

14 ~~(d) Beginning January 1, 2018, the division shall charge an annual device registration fee,~~  
15 ~~to be established by legislative rule. The commissioner may file an emergency rule prior to~~  
16 ~~January 1, 2018, to implement and administer the amendments made to this section during the~~  
17 ~~2017 regular session. The commissioner may also propose rules for legislative approval, in~~  
18 ~~accordance with article three, chapter twenty-nine-a of this code for the implementation and~~  
19 ~~enforcement of this section.~~

20           ~~(e) All fees paid pursuant to this section shall be paid to the Commissioner of Labor and~~  
21 ~~deposited in the Weights and Measures Fund for use by the commissioner for the implementation~~  
22 ~~and enforcement of this article. Amounts collected which are found from time to time to exceed~~  
23 ~~funds needed for the purposes set forth in this article may be utilized by the commissioner as~~  
24 ~~needed to meet the division's funding obligations~~

NOTE: The purpose of this bill is to remove the requirement that the Division of Labor shall charge an annual device registration fee. The bill also removes a subsection that directs the use of the fees paid pursuant to this section.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.