

2016 Kansas Statutes

83-214. Testing and sealing on request; charge for services; weights and measures fee fund. (a) The secretary may try and prove weights, measures, balances and other measuring devices on request for any person, corporation or institution, and when the same are found or made to conform to the state standards, and otherwise fulfill such reasonable requirements as the secretary may make, the secretary, or an authorized representative of the secretary, may seal the same with a seal which is kept for that purpose.

(b) (1) Except as otherwise provided by statute, the secretary, or the authorized representative of the secretary, may charge for services provided by the department and other necessary and incidental expenses or both incurred in conjunction with the testing and proving of weights, measures and other devices at rates prescribed pursuant to this section. An in-state rate shall be charged to licensed service companies that have licensed technical representatives performing service work in Kansas. An additional fee for adjustment of any weight, measure or other device may be assessed. The rates charged by the secretary shall be as follows:

Category	In-State rate for quantities of 10 or more		In-State rate for quantities of 100 or more		Standard rate for quantities of 10 or more		Adjustment fee per piece
	Standard rate	In-State rate	Standard rate	In-State rate	Standard rate	In-State rate	
Large Mass ($\leq 1,250$ lbs through ≥ 100 lbs, 500 kg through $50 \geq$ kg)	\$16	\$8	\$6	\$20	\$10	\$5	
Medium Mass (< 100 lbs through ≥ 20 lbs, < 50 kg through $10 \geq$ kg)	\$6	\$4	\$2	\$10	\$5	\$5	
Small Mass (< 20 lbs through ≥ 0.001 lbs, < 10 kg through 1 mg)	\$6	\$4	\$2	\$10	\$5	\$5	
Small Mass Set (≤ 10 lbs through ≥ 0.001 lbs, ≤ 5 kg through ≥ 20 mg)	\$35	\$35		\$45	\$45	\$5	
Precision Mass (1,000 lbs through 0.001 lbs, 30 kg through 1 mg) ASTM 2, 3, 4, 5	\$20	\$20		\$30	\$30	\$40	
Precision Mass Echelon I (30 kg through 1 mg) ASTM 1 or ASTM 0	\$40	\$40		\$60	\$60		
Extra Large Headhouse Weights (3,000 lbs through $> 1,250$ lbs)	\$40	\$40		\$50	\$50	\$5	
Weight Carts (6,000 lbs through 2,000 lbs)	\$80	\$80		\$100	\$100	\$25	
Weight Carts (8,000 lbs)	\$200	\$200		\$220	\$220	\$25	
Large Volume (100 gal or less)	\$85	\$85		\$100	\$100	\$25	
Large Volume (greater than 100 gal and less than or equal to 200 gal)	\$185	\$185		\$200	\$200	\$25	
Large Volume (greater than 200 gal and less than or equal to 500 gal)	\$285	\$285		\$300	\$300	\$25	
Large Volume (greater than 500 gal)	\$485	\$485		\$500	\$500	\$25	
Small Volume (5 gal)	\$50	\$50		\$70	\$70	\$10	
Gravimetric Volume (5 gal)	\$180	\$180		\$200	\$200		
Thermometry (-35°C through 150°C) (Based on a per point calibration)	\$90	\$75		\$110	\$90		

(2) The secretary may charge the following additional fees for preparing items for shipment:

Category	Rate
Large Mass ($\leq 1,250$ lbs through ≥ 100 lbs, 500 kg through $50 \geq$ kg)	\$20
Medium Mass (< 100 lbs through ≥ 20 lbs, < 50 kg through ≥ 10 kg)	\$30
Small Mass (< 20 lbs through ≥ 0.001 lbs, < 10 kg through 1 mg)	\$20
Small Mass Set (≤ 10 lbs through ≥ 0.001 lbs, ≤ 5 kg through ≥ 1 mg)	\$20
Precision Mass (1,000 lbs through 0.001 lbs, 30 kg through 1 mg)	\$10
Precision Mass Set (1,000 lbs through 0.001 lbs, 30 kg through 1 mg)	\$20
Extra Large Headhouse Weights (3,000 lbs through $> 1,250$ lbs)	\$40
Weight Carts (8,000 lbs through 2,000 lbs)	\$100
Large Volume (1,000 gal through 20 gal)	\$100
Large Volume LPG (1,000 gal through 20 gal)	\$100
Small Volume (5 gal)	\$20
Gravimetric Volume (5 gal)	\$20
Thermometry (-35°C through 150°C) (Based on a 2 point calibration)	\$20

(3) For any service provided pursuant to this subsection that is not listed in the fee schedules in subsections (b)(1) and (b)(2), the secretary shall determine that fee to be charged.

(4) For any service provided pursuant to this subsection, the secretary may charge a minimum fee of \$50 per invoice. The secretary may charge for subsistence and transportation of personnel and equipment to such point and return. Such charges shall be set by rules and regulations adopted by the secretary of agriculture.

(5) The secretary may fix the manner in which any charges made pursuant to this subsection are collected.

(c) The secretary shall remit all moneys received under subsection (b) to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the weights and measures fee fund which is hereby created. All expenditures from the weights and measures fee fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the secretary or by a person designated by the secretary.

(d) Except as provided in K.S.A. 83-301 through 83-311, and amendments thereto, nothing in article 2 of chapter 83 of the Kansas Statutes Annotated, and amendments thereto, shall prohibit the owner of a weighing or measuring device or the owner's employee or agent from servicing or repairing such device. However, if such device is found out of tolerance and is rejected by the department of agriculture, the owner is responsible for repairing the device within the time specified on the rejection tag and notifying the department when the device is repaired and in operation. The owner shall pay a fee commensurate with the expense incurred by the secretary in performing the follow-up inspections or tests.

History: L. 1985, ch. 345, § 14; L. 1990, ch. 364, § 6; L. 1994, ch. 336, § 14; L. 1996, ch. 146, § 21; L. 2001, ch. 5, § 482; L. 2016, ch. 101, § 5; July 1.