

CHAPTER 7602
DEPARTMENT OF COMMERCE
WEIGHTS AND MEASURES; INSPECTION FEES

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Subpart 1. **Generally.** The Weights and Measures Division of the Department of Commerce shall charge the following fees for all regular and special inspections as required by Minnesota Statutes, section 239.101:

- A. For scales classified by capacity;
- (1) \$9 for scales up to and including six pounds capacity;
 - (2) \$19 for scales of seven pounds capacity up to and including 250 pounds capacity;
 - (3) \$30 for scales of 251 pounds capacity up to and including 1,100 pounds capacity;
 - (4) \$50 for scales of 1,101 pounds capacity up to and including 2,000 pounds capacity;
 - (5) \$75 for scales of 2,001 pounds capacity up to and including 4,000 pounds capacity;
 - (6) \$145 for scales of 4,001 pounds capacity up to and including 10,000 pounds capacity;
 - (7) \$175 for scales of 10,001 pounds capacity up to and including 30,000 pounds capacity; and
 - (8) \$240 for scales over 30,000 pounds capacity.
- B. For specific classes of scales;
- (1) \$170 for a two-section vehicle scale;
 - (2) \$180 for a three-section vehicle scale;
 - (3) \$190 for a four-section vehicle scale;
 - (4) \$200 for a five-section vehicle scale;
 - (5) \$210 for a six-section vehicle scale;
 - (6) \$500 for a railroad track scale tested with equipment owned by the department;
 - (7) \$200 for a railroad track scale test monitored by the department, or for an additional test at a location with two or more railroad track scales;
 - (8) \$250 for a livestock scale;
 - (9) \$100 for a wheel load weigher used for law enforcement purposes; and
 - (10) \$125 for an agricultural liquid chemical scale.
- C. For liquid measuring devices;
- (1) \$75 for an agricultural chemical meter;
 - (2) \$135 for a liquefied petroleum gas meter or stationary dispenser of liquefied petroleum gas; and
 - (3) \$100 for a milk meter.
- D. For a linear measuring machine, \$15.
- E. For issuance or renewal of a placing-in-service permit, \$100. This fee includes administrative costs, supplies to registered agents, and 20 minutes of equipment calibration

time. When calibration costs exceed this limit, the regular laboratory calibration rate will be charged.

F. For an inspection at an individual business location to determine whether a single lot of packaged commodities complies with the net content requirements of Minnesota Statutes, section 239.011, subdivision 2:

(1) \$30 when the lot of packages kept, offered, or exposed for sale at a single business location includes 300 or fewer packages;

(2) \$75 when the lot of packages kept, offered, or exposed for sale at a single business location includes at least 301 packages, up to and including 1,000 packages;

(3) \$200 when the lot of packages kept, offered, or exposed for sale at a single business location includes at least 1,001 packages, up to and including 2,500 packages; and

(4) \$300 when the lot of packages kept, offered, or exposed for sale at a single business location includes more than 2,500 packages.

G. A surcharge of \$100 is added to the applicable inspection fee in item F for a reinspection at an individual business location conducted within 60 days after an inspector has issued a written caution or warning statement to the business for failure to comply with the net content requirements of Minnesota Statutes, section 239.011.

Subp. 2. **Hourly rates.** The fees in subpart 1 are based on the average amount of time required for an individual inspection and test. This average includes travel, equipment, and administrative costs. For a nonroutine inspection and test, or when a device is not specified in subpart 1, the inspector shall calculate the total charge based on the following hourly rates:

A. \$65 for one inspector and appropriate test equipment designated for light capacity scale and volumetric equipment testing;

B. \$75 for one inspector and appropriate test equipment designated for heavy capacity scale testing; and

C. \$125 for metrology laboratory calibration time.

Subp. 3. **Zone charges for heavy capacity scales.** A zone charge is added to the fees in subparts 1 and 2 for the initial inspection of a new or newly installed vehicle, industrial, livestock, hopper, or railroad track scale, as follows:

A. zone 1: \$25 for a scale located within and including a 20-mile radius of the work station;

B. zone 2: \$50 for a scale located beyond a 20-mile radius, but within and including a 50-mile radius of the work station;

C. zone 3: \$100 for a scale located beyond a 50-mile radius, but within and including a 100-mile radius of the work station;

D. zone 4: \$150 for a scale located beyond a 100-mile radius, but within and including a 150-mile radius of the work station; and

E. zone 5: \$200 for a scale located beyond a 150-mile radius of the work station.

Subp. 4. **Zone charges for liquefied petroleum gas meters.** A zone charge is added to the fees in subparts 1 and 2 for inspecting a newly installed liquefied petroleum gas meter or stationary dispenser of liquefied petroleum gas, or for inspecting a liquefied petroleum gas meter or stationary dispenser of liquefied petroleum gas at the request of its owner or operator, as follows:

A. zone 1: \$50 for a meter located within and including a 75-mile radius of the work station;

B. zone 2: \$75 for a meter located beyond a 75-mile radius, but within and including a 150-mile radius of the work station; and

C. zone 3: \$100 for a meter located beyond a 150-mile radius of the work station.

Subp. 5. **Petroleum laboratory charges.** In compliance with the requirement in Minnesota Statutes, section 239.75, to offer petroleum testing services to licensed petroleum distributors, and in compliance with the requirement in Minnesota Statutes, section 239.101, to charge for those services, the department will charge the fees specified in items A to D for the petroleum tests listed in subpart 6 and performed at the request of a licensed petroleum distributor. The ASTM tests listed in subpart 6 are incorporated in the ASTM petroleum product specifications incorporated by reference in Minnesota Statutes, section 296.01. The tests for compliance with United States Environmental Protection Agency (EPA) requirements, also listed in subpart 6, are offered strictly as a service to licensed petroleum distributors. The department does not enforce EPA requirements for gasoline volatility or sulfur-in-diesel fuel.

A. \$30 to ship one sample container to a licensed petroleum distributor located in Minnesota, and to perform one of the tests specified in subpart 6, which includes prepaid return shipping and all necessary shipping containers, labels, and documents;

B. \$20 for each additional test specified in subpart 6 and performed on a sample submitted according to item A;

C. \$20 for each test specified in subpart 6 performed on a sample delivered to the petroleum laboratory by a licensed petroleum distributor in a container provided by the distributor; and

D. \$100 per hour for the time required to perform a special test or other special service not specified in subpart 6.

Subp. 6. **Tests performed.** The petroleum laboratory will perform any of the following tests at the request of a licensed petroleum distributor:

A. gasoline distillation according to ASTM method D-86;

B. flash point for heating fuel or diesel fuel according to ASTM method D-56;

C. calculated cetane value for diesel fuel according to ASTM method D-976, including a distillation test according to ASTM method D-86;

D. gasoline octane by spectrophotometric methods;

E. gasoline oxygenate content according to ASTM method D-4815;

F. gasoline volatility (Reid Vapor Pressure) by the Grabner method, according to ASTM method D-323;

G. API gravity for gasoline, diesel fuel, or heating fuel;

H. compliance with the gasoline volatility requirements of the United States Environmental Protection Agency, including a volatility test according to ASTM method D-323, and an oxygenates test according to ASTM method D-4815;

I. sulfur content of diesel fuel according to ASTM method D-4294; and

J. compliance with the sulfur-in-diesel fuel requirements of the United States Environmental Protection Agency, including a sulfur content test according to ASTM method D-4294, and a cetane value calculation according to ASTM method D-976.

Statutory Authority: *MS s 239.06; 239.10; 239.101*

History: *9 SR 1204; 10 SR 998; 18 SR 1753; 21 SR 833; L 2001 ISp4 art 6 s 1*