

TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION

Control 80 Department of Agriculture and Industries

New Rule No.: 80-13-6-.05

Rule Title: Penalty for Failure to Operate, Use, or Possess Weighing and Measuring Devices not in Compliance with Current Laws and Regulations.

x New; Amend; Repeal; Adopt by Reference

Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety? No

Is there a reasonable relationship between the State's police power and the protection of the public health, safety or welfare? Yes

Is there another less restrictive method of regulation available that could adequately protect the public? No

Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved and, if so, to what degree? Minimum No

Is the increase in cost, if any, more harmful to the public than the harm that might result from the absence of the proposed rule? No

Are all facets of the rulemaking process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public? Yes

Does the proposed rule have any economic impact? No

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of Section 41-22-23, Code of Alabama 1975.

Certification of Authorized Official
I certify that the attached proposed rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama 1975, and that it conforms to all applicable filing requirements of the Administrative Procedure Division of the Legislative Reference Service.

Signature of certifying officer John Miller

Date: 3-17-2014

(DATE FILED)
(STAMP)

APA-2

ALABAMA DEPARTMENT OF AGRICULTURE AND INDUSTRIES
DIVISION OF MARKETING

NOTICE OF INTENDED ACTION

Agency Name: Alabama Department of Agriculture and Industries

Rule No. & Title: 80-13-6-.05 Penalty for Failure to Operate, Use, or Possess Weighing and Measuring Devices not in Compliance with Current Laws and Regulations.

Intended Action: To create rule.

Substance of Proposed Action: This rule will provide the Commissioner of Agriculture and Industries with the ability to implement testing of weighing and measuring devices through a registered service agent as described in Ala. Code §8-16-7.

Time, Place, Manner of Presenting Views: Views may be presented in writing to the contact person below or in person on the meeting date May 13, 2014 in the Auditorium of the Richard Beard Building, 1445 Federal Drive, Montgomery, Alabama.

Final Date for Comment and Completion of Notice: May 13, 2014,

Contact Person at Agency: Patrick B. Moody, Legal Counsel, Department of Agriculture and Industries, 1445 Federal Drive, Montgomery, Alabama 36107-1123, Telephone No. 240-7117.

3-17-2014 John McMillan
Date John McMillan
Commissioner of Agriculture
And Industries

80-13-6-.05 Penalty for Failure to Operate, Use, or Possess Weighing and Measuring Devices not in Compliance with Current Laws and Regulations.

Any individual or entity found in violation of any portion of the Code of Ala. 1975, as amended, and the Alabama Administrative Code relating to the operation, use, or possession of a weighing and measuring device shall be placed under written notice of violation by the Commissioner of Agriculture and Industries or his or her duly authorized agents. Said individual or entity will have thirty days from the date of violation notice to comply with this regulation. If, said individual or entity fails to comply with this regulation, they shall be immediately subject to any and all penalties relating to weights and measures provided for in the Code of Ala. 1975, as amended or the Alabama Administrative Code.

Any individual or entity found to be in violation of this chapter or any portion of Title 8, Chapter 16 of the Code of Ala. 1975, as amended, shall be subject to a fine of \$500.00 per occurrence for the first violation within a twelve (12) month period. Subsequent violations at the same physical location during the same twelve (12) month period shall result in a fine of twice the amount of the previous fine, not to exceed \$8,000.00.

Author: Patrick B. Moody

Statutory Authority: Code of Ala. 1975, §8-16-18, 8-16-7.

History: Filed: