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SENATE BILL NO. 1210

Offered January 12, 2011

Prefiled January 12, 2011

A *BILL to amend and reenact §§ 3.2-5609 and 59.1-152 of the Code of Virginia, relating to motor fuel inspection; affixation of decal showing state and federal taxes.*

Patron—Obenshain

Referred to Committee on Agriculture, Conservation and Natural Resources

Be it enacted by the General Assembly of Virginia:**1. That §§ 3.2-5609 and 59.1-152 of the Code of Virginia are amended and reenacted as follows:**

§ 3.2-5609. Testing and inspection of weights and measures offered for sale or commercially used; affixation of decal showing state and federal taxes.

A. When not otherwise provided by law, the Commissioner shall have the power to inspect and test, to ascertain if they are correct, all weights and measures kept, offered, or exposed for sale. It shall be the duty of the Commissioner to inspect and test on a periodic basis as he deems necessary, to ascertain if they are correct, all weights and measures commercially used: (i) in determining the weight, measurement, or count of commodities or things sold, or offered or exposed for sale, on the basis of weight, measure, or of count; or (ii) in computing the basic charge or payment for services rendered on the basis of weight, measure, or count. With respect to any single-service devices and any uniformly mass-produced devices, a test may be made on representative samples of such devices; and any lot of which such samples are representative shall be held to be correct or incorrect upon the basis of the results of the inspections and tests on such samples. As used in this chapter, "single-service devices" means any devices designed to be used commercially once and then discarded. "Uniformly mass-produced devices" includes any devices made by means of a mold or die, and not susceptible to individual adjustment.

B. *At the time of any inspection and testing of a retail dispenser of motor fuels, the Commissioner or his designee shall affix a decal to the dispenser showing the amount of federal and state taxes levied per gallon of such motor fuel.*

C. The Commissioner shall submit a report by October 1 of each year to the Chairmen of the Senate Committee on Finance and the Senate Committee on Agriculture, Conservation and Natural Resources, and the Chairmen of the House Appropriations Committee and House Committee on Agriculture, Chesapeake and Natural Resources on the testing and inspection activities of the Department weights and measures program including the number and frequency of inspections for the weights and measures devices.

§ 59.1-152. Collection and analysis of samples; affixation of decal showing state and federal taxes.

A. The Commissioner shall have power at all times and at all places to have collected samples for inspection and testing of any motor fuel or lubricating oil for the purposes specified in § 59.1-150 and for the purpose of determining whether such motor fuel or lubricating oil is in violation of this chapter or regulation thereunder.

B. *At the time of collection of a motor fuel sample from a retail dispenser of motor fuels, the Commissioner or his designee shall affix a decal to the dispenser showing the amount of federal and state taxes levied per gallon of such motor fuel.*

INTRODUCED

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