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# VIRGINIA STATE BUDGET

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2010 Session

## Budget Bill - HB29 (Chapter 872)

Bill Order » Office of Agriculture and Forestry » Item 98

Department of Agriculture and Consumer Services

Item 98 (Not set out)	First Year - FY2009	Second Year - FY2010
<b>Regulation of Business Practices (55200)</b>	<b>\$2,773,166</b>	<b>\$1,523,166</b>
Regulation of Grain Commodity Sales (55207)	\$81,863	\$81,863
Regulation of Weights and Measures and Motor Fuels (55212)	\$2,691,303	\$1,441,303
Fund Sources:		
General	\$2,564,047	\$1,314,047
Special	\$209,119	\$209,119

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Authority: Title 3.1, Chapters 19, 26, 35, 35.1, and 36; Title 61.1, Chapter 7; and Title 59.1, Chapter 12 Code of Virginia.

A. Beginning January 1, 2010, any person whose weights and measures, as defined in § [3.2-5600](#) of the Code of Virginia, which are used for a commercial purpose, shall provide for the inspection and testing of all such weights and measures to determine the accuracy and correct operation of the equipment or device. The owner of such weights and measures shall report to the Commissioner of Agriculture and Consumer Services on an annual basis in a manner prescribed by the Commissioner the results of all testing, including (i) the number of inspections completed, (ii) the number of failures in the weights and measures equipment or devices, and (iii) the actions taken to correct any inaccuracies in the equipment or devices. The owner shall have the weights and measures inspected and tested at least annually by a service agency that is registered pursuant to § [3.2-5702](#) of the Code of Virginia. Weights and measures that have been rejected by a service agency, shall not again be used commercially until they have been officially reexamined by the rejecting authority, and found to be in compliance with Chapter 56 of Title 3.2 Code of Virginia.

B. Beginning January 1, 2010, and notwithstanding the provisions of § [59.1-152](#), the Commissioner of Agriculture and Consumer Services shall require and prescribe the testing of motor fuel and lubricating oil by manufacturers, wholesalers, jobbers and retailers subject to the provisions of Chapter 12 of Title 59.1 and shall require the submission of said test results to the Commissioner in a manner and frequency no less than annually, as prescribed by the Commissioner.

C. Any person found by the Commissioner to be in violation of this item shall be subject to the penalties provided in §§ [3.2-5645](#), [3.2-5646](#) and [59.1-163](#) of the Code of Virginia.

D. The Commissioner may take such action as necessary to recover all direct and reasonable costs related to any investigation which results in a finding of a violation of the provisions of Chapter 56 of Title 3.2 or Chapter 12 of Title 59.1 Code of Virginia.

E. If the Board of Agriculture and Consumer Services determines that regulations are necessary to carry out the provisions of this item, the Board shall adopt emergency regulations to implement the provisions of this item to be effective within 180 days of its enactment. The Board shall adopt permanent regulations prior to the expiration of

the emergency regulations.

F. The Commissioner shall provide a report on progress made toward the privatization of the weights and measures program to the Governor and the Chairman of the House Appropriations Committee, the House Committee on Agriculture, Chesapeake and Natural Resources, the Senate Finance Committee, and the Senate Committee on Agriculture, Conservation and Natural Resources by November 1, 2009. Included in the report shall be recommendations for any statutory changes necessary for the further implementation of the provisions of this item.