

HOUSE BILL No. 2136

By Committee on Agriculture

1-23

1 AN ACT concerning weights and measures; relating to service companies;
2 technical representatives; amending K.S.A. 2016 Supp. 83-402 and
3 repealing the existing section.
4

5 *Be it enacted by the Legislature of the State of Kansas:*

6 Section 1. K.S.A. 2016 Supp. 83-402 is hereby amended to read as
7 follows: 83-402. (a) (1) Each person, other than an authorized
8 representative of the secretary or an authorized representative of a city or
9 county department of public inspection of weights and measures
10 established pursuant to K.S.A. 83-210, and amendments thereto, desiring
11 to operate and perform testing and other services as a service company in
12 Kansas shall apply to the secretary for a service company license, on a
13 form to be supplied by the secretary, and shall obtain such license from the
14 secretary before operating and performing testing or other services as a
15 service company. Each service company shall obtain a license for each
16 place of business maintained in Kansas and shall pay a license application
17 fee of \$50, ~~or commencing July 1, 2002, and ending June 30, 2010, a fee~~
18 ~~of \$100 and thereafter an annual license renewal application fee of \$50, or~~
19 ~~commencing July 1, 2002, and ending June 30, 2010, a fee of \$100 for~~
20 ~~each place of business.~~

21 (2) *Beginning with the 2017 license year, the secretary may, by order,*
22 *set the license application fee, not to exceed the maximum fee stated*
23 *herein:*

24 (A) *Commencing July 1, 2017, the license application fee shall not*
25 *exceed \$100.*

26 (B) *Commencing July 1, 2019, the license application fee shall not*
27 *exceed \$110.*

28 (C) *Commencing July 1, 2021, the license application fee shall not*
29 *exceed \$120.*

30 (D) *Commencing July 1, 2023, and thereafter, the license application*
31 *fee shall not exceed \$130.*

32 (3) Each service company license shall expire on June 30 following
33 issuance, shall be void unless renewed prior to the expiration and shall not
34 be transferable. *The license renewal fee shall be equal to the license*
35 *application fee as provided in this section for each place of business.*

36 (b) If any service company maintains any out-of-state places of

1 business which the service company operates in serving Kansas patrons,
2 the ~~applicant~~ *service company* seeking to obtain or renew a license under
3 this section shall list in the application such places of business and the firm
4 names under which the service company operates at each such place of
5 business. If any out-of-state place of business is established by a service
6 company after being licensed under this section, the licensee shall supply
7 such information to the secretary before any work is performed in Kansas
8 from such out-of-state location. Each nonresident service company shall
9 designate a resident agent upon whom service of notice or process may be
10 made to enforce the provisions of chapter 83 of the Kansas Statutes
11 Annotated, and amendments thereto, or any liabilities arising from
12 operations thereunder. Each nonresident service company which maintains
13 no established place of business in Kansas shall obtain a license under this
14 section for each out-of-state place of business and shall list on the
15 application the firm name or names for each place of business from which
16 the service company intends to operate.

17 (c) (1) Each technical representative shall be licensed annually by the
18 secretary. *Except as provided in paragraph (2), each technical*
19 *representative shall be required to attend continuing education seminars on*
20 *an annual basis as required by rules and regulations adopted by the*
21 *secretary and to pass a reasonable examination prescribed by the secretary*
22 *each year prior to being licensed. Each technical representative's license*
23 *shall expire on June 30 following the issuance of the license and shall be*
24 *void unless renewed prior to the expiration.*

25 (2) *Beginning on July 1, 2017, each technical representative who has*
26 *had 10 years of continuous licensure with no administrative enforcement*
27 *action adjudicated against such technical representative during such 10-*
28 *year period shall be eligible to obtain a three-year license. The secretary*
29 *shall implement, by order, the fee for such three-year license, which shall*
30 *be an amount not to exceed \$300. Each technical representative holding a*
31 *three-year license shall be required to complete continuing education as*
32 *described in subsection (c)(1) at a frequency not to exceed once per three-*
33 *year period. The secretary may promulgate rules and regulations to*
34 *require any technical representative who has been adjudicated in violation*
35 *of this act or any rules and regulations promulgated by the secretary, to*
36 *seek renewal of a license on an annual basis and may establish criteria for*
37 *reinstatement of eligibility for a three-year license.*

38 (3) The Kansas department of agriculture ~~shall be~~ *is* authorized to
39 charge a fee to the attendees of ~~the seminar~~ *continuing education seminars*
40 sponsored by the department. The amount ~~charged~~ *of such fee* shall be no
41 more than is necessary to cover the expenses incurred ~~in~~ *by* providing the
42 seminar. ~~All technical representatives who install, repair, adjust or calibrate~~
43 ~~a device and certify such devices shall be required to pass the state~~

1 ~~examination annually. Each technical representative license shall expire on~~
2 ~~June 30 following issuance of the license and shall be void unless renewed~~
3 ~~prior to the expiration.~~

4 (d) No service company license may be issued or renewed under this
5 section until the applicant's weights ~~and~~ *or* measures, *or both*, have been
6 tested for accuracy and sealed by the secretary. The secretary is authorized
7 to accept a certification of the accuracy of the applicant's weights *or*
8 measures issued by the national institute of standards and technology; *or*
9 by a weights and measures laboratory certified by the national institute of
10 standards and technology, ~~or by the appropriate certifying agency of~~
11 ~~another state~~ in lieu of a test by the secretary, if such certificate shows that
12 the weights or measures, *or both*, have been tested within the ~~12 calendar~~
13 ~~months next~~ *last 365 days* preceding the license application.

14 (e) The secretary shall remit all moneys received under this section to
15 the state treasurer in accordance with the provisions of K.S.A. 75-4215,
16 and amendments thereto. Upon receipt of each such remittance, the state
17 treasurer shall deposit the entire amount in the state treasury to the credit
18 of the weights and measures fee fund.

19 Sec. 2. K.S.A. 2016 Supp. 83-402 is hereby repealed.

20 Sec. 3. This act shall take effect and be in force from and after its
21 publication in the Kansas register.