

Chapter 15.80 RCW
WEIGHMASTERS

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RCW 15.80.300 Definitions. The definitions in this section apply throughout this chapter unless the context clearly require[s] otherwise.

(1) "Certified weight" means any signed certified statement or memorandum of weight, measure, or count, issued by a weighmaster or weigher in accordance with the provisions of this chapter or any rule adopted under it.

(2) "Commodity" means anything that may be weighed, measured, or counted in a commercial transaction.

(3) "Department" means the department of agriculture of the state of Washington.

(4) "Director" means the director of the department or the director's duly appointed representative.

(5) "Licensed public weighmaster," also referred to as "weighmaster," means any person, licensed under the provisions of this chapter, who weighs, measures, or counts any commodity or thing and issues therefor a signed certified statement, ticket, or memorandum of weight, measure, or count accepted as the accurate weight, or count upon which the purchase or sale of any commodity or upon which the basic charge or payment for services rendered is based.

(6) "Person" means a natural person, individual, or firm, partnership, corporation, company, society, or association. This term shall import either the singular or plural, as the case may be.

(7) "Retail merchant" means and includes any person operating from a bona fide fixed or permanent location at which place all of the retail business of the merchant is transacted, and whose business is exclusively retail except for the occasional wholesaling of small quantities of surplus commodities that have been taken in exchange for merchandise from the producers thereof at the bona fide fixed or permanent location.

(8) "Thing" means anything used to move, handle, transport, or contain any commodity for which a certified weight, measure, or count is issued when such thing is used to handle, transport, or contain a commodity.

(9) "Vehicle" means any device, other than a railroad car, in, upon, or by which any commodity is or may be transported or drawn.

(10) "Weigher" means any person who is licensed under the provisions of this chapter and who is an agent or employee of a weighmaster and authorized by the weighmaster to issue certified statements of weight, measure, or count. [2017 c 158 § 1; 1969 ex.s. c 100 § 1.]

RCW 15.80.410 Director's duty to enforce—Adoption of rules.

The director shall enforce and carry out the provisions of this chapter and may adopt the necessary rules to carry out its purposes. The adoption of rules shall be subject to the provisions of chapter 34.05 RCW (administrative procedure act), as enacted or hereafter amended, concerning the adoption of rules. [2017 c 158 § 2; 1969 ex.s. c 100 § 12.]

RCW 15.80.420 Highway transport of commodities sold by weight—Weighing required—Exceptions. It shall be a violation of this chapter to transport by highway any hay, straw, or grain which has been purchased by weight or will be purchased by weight, unless it is weighed and a certified weight ticket is issued thereon, by the first licensed public weighmaster which would be encountered on the ordinary route to the destination where the hay, straw, or grain is to be unloaded: PROVIDED, HOWEVER, That this section shall not apply to the following:

(1) The transportation of, or sale of, hay, straw, or grain by the primary producer thereof;

(2) The transportation of hay, straw, or grain by an agriculturalist for use in his or her own growing, or animal or poultry husbandry endeavors;

(3) The transportation of grain by a party who is either a warehouse operator or grain dealer and who is licensed under the grain warehouse laws and who makes such shipment in the course of the business for which he or she is so licensed;

(4) The transportation of hay, straw, or grain by retail merchants, except for the provisions of RCW 15.80.430 and 15.80.440;

(5) The transportation of grain from a warehouse licensed under the grain warehouse laws when the transported grain is consigned directly to a public terminal warehouse. [2011 c 336 § 416; 1969 ex.s. c 100 § 13.]

RCW 15.80.430 Certificates of weight and invoices to be carried with loads. Certificates of weight issued by licensed public weighmasters and invoices for sales by a retail merchant, if the commodity is being hauled by or for such retail merchant, shall be carried with all loads of hay, straw or grain when in transit. [1969 ex.s. c 100 § 14.]

RCW 15.80.440 Reweighing—Weighing—Variance from invoiced weight. The director or any peace officer may order the driver of any vehicle previously weighed by a licensed public weighmaster to reweigh the vehicle and load at the nearest scale.

The director or any peace officer may order the driver of any vehicle operated by or for a retail merchant which vehicle contains hay, straw, or grain to weigh the vehicle and load at the nearest scale. If the weight is found to be less than the amount appearing on the invoice, a copy of which is required to be carried on the vehicle, the director or peace officer shall report the finding to the consignee and may prosecute such retail merchant in accordance with the provisions of this chapter. [2017 c 158 § 3; 1969 ex.s. c 100 § 15.]

RCW 15.80.450 Weighmaster's license—Applications—Fee. (1) Any person may apply to the director for a weighmaster's license. Such application shall be on a form prescribed by the director and shall include:

(a) The full name of the person applying for such license and, if the applicant is a partnership, association, or corporation, the full name of each member of the partnership or the names of the officers of the association or corporation;

(b) The principal business address of the applicant in this state and elsewhere;

(c) The names and addresses of the persons authorized to receive and accept service of summons and legal notice of all kinds for the applicant;

(d) The location of each scale subject to the applicant's control and from which certified weights will be issued;

(e) The state unified business identifier number for the operator of the scale; and

(f) Such other information as the director identifies as necessary to carry out the purposes of this chapter and adopts by rule.

(2) Such annual application shall be accompanied by a license fee of eighty dollars for each scale from which certified weights will be issued. [2017 c 158 § 4; 2006 c 358 § 3; 1969 ex.s. c 100 § 16.]

Effective dates—2006 c 358: See note following RCW 19.94.175.

RCW 15.80.460 Weighmaster's license—Issuance—Expiration date.

The director shall issue a license to an applicant upon his or her satisfaction that the applicant has satisfied the requirements of this chapter and the rules adopted hereunder and that such applicant is of good moral character, not less than eighteen years of age, and has the ability to weigh accurately and make correct certified weight tickets. Any license issued under this chapter shall expire annually on a date set by rule by the director. License fees shall be prorated where necessary to accommodate staggering of expiration dates of a license or licenses. [2010 c 8 § 6102; 1991 c 109 § 7; 1971 ex.s. c 292 § 14; 1969 ex.s. c 100 § 17.]

Severability—1971 ex.s. c 292: See note following RCW 26.28.010.

RCW 15.80.470 Weighmaster's license—Renewal date—Penalty fee.

If an application for the annual renewal of any license provided for in this chapter is not filed prior to the current license expiration date, there shall be assessed and added to the renewal fee as a penalty therefor fifty percent of said renewal fee which shall be paid by the applicant before any renewal license shall be issued. The penalty shall not apply if the applicant furnishes a declaration that he or she has not acted as a weighmaster or weigher subsequent to the expiration of his or her prior license. [2017 c 158 § 5; 2010 c 8 § 6103; 1991 c 109 § 8; 1969 ex.s. c 100 § 18.]

RCW 15.80.490 Weigher's license—Employees or agents to issue weight tickets—Application—Fee. (1) Any weighmaster must file an application with the director for a license for any employee or agent to operate and issue certified weight tickets from each scale which such weighmaster is licensed to operate under the provisions of this chapter. Such application shall be submitted on a form prescribed by the director and shall contain the following:

- (a) The name of the weighmaster;
- (b) The full name of the employee or agent; and
- (c) The scale from which such employee or agent will issue certified weights.

(2) Such annual application shall be accompanied by a license fee of twenty dollars. [2017 c 158 § 6; 2010 c 8 § 6105; 2006 c 358 § 4; 1969 ex.s. c 100 § 20.]

Effective dates—2006 c 358: See note following RCW 19.94.175.

RCW 15.80.500 Weigher's license—Issuance—Expiration date. Upon the director's satisfaction that the applicant is of good moral character, has the ability to weigh accurately and make correct certified weight tickets and that he or she is an employee or agent of

the weighmaster, the director shall issue a weigher's license which will expire annually on a date set by rule by the director. License fees shall be prorated where necessary to accommodate staggering of expiration dates of a license or licenses. [2010 c 8 § 6106; 1991 c 109 § 9; 1969 ex.s. c 100 § 21.]

RCW 15.80.510 Duties of weighmaster. A licensed public weighmaster shall: (1) Keep the scale or scales upon which he or she weighs any commodity or thing, in conformity with the standards of weights and measures; (2) carefully and correctly weigh and certify the gross, tare, and net weights of any load of any commodity or thing required to be weighed; and (3) without charge, weigh any commodity or thing brought to his or her scale by the director or peace officer, and issue a certificate of the weights thereof. [2017 c 158 § 7; 2010 c 8 § 6107; 1969 ex.s. c 100 § 22.]

RCW 15.80.520 Certification of weights—Impression seal—Fee.

(1) Certification of weights must be in accordance with subsection (2) (a) or (b) of this section.

(2) (a) The certification must appear in an appropriate and conspicuous place on each certificate and copies thereof. In addition the weight ticket must bear the name of the weighmaster, the full name of the weigher issuing the ticket, and a seal number assigned to the scale by the department. The seal number must be used only at the scale to which it is assigned.

<p style="text-align: center;">WEIGHMASTER CERTIFICATE</p> <p>THIS IS TO CERTIFY that the following described commodity was weighed, measured, or counted by a weighmaster, whose signature is on this certificate, who is a recognized authority of accuracy, as prescribed by chapter 15.80 RCW administered by the Washington state department of agriculture.</p>
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(b) Certification must be made by means of an impression seal, the impress of which shall be placed by the weighmaster or weigher making the weight determination upon the weights shown on the weight tickets. The impression seal may be procured from the director upon the payment of a fee of sixty dollars or the current cost of the seal to the department, whichever is less, and such fee shall accompany the applicant's application for a weighmaster's license. Any replacement seal needed may be procured from the director upon payment to the department of the current cost to the department for such replacement. An impression seal must be used only at the scale to which it is assigned, and remains the property of the state and shall be returned to the director upon the termination, suspension, or revocation of the weighmaster's license. [2017 c 158 § 8; 1983 c 95 § 6; 1969 ex.s. c 100 § 23.]

RCW 15.80.530 Certified weight ticket—Form—Contents—Evidence.

The certified weight ticket shall be of a form approved by the director and shall contain the following information:

- (1) The date of issuance;
- (2) The kind of commodity weighed, measured, or counted;
- (3) The name of the owner, agent, or consignee of the commodity weighed;

- (4) The name of the seller, agent, or consignor;
- (5) The accurate weight, measure, or count of the commodity weighed, measured, or counted; including the entry of the gross, tare, and/or net weight, where applicable;
- (6) The identifying numerals or symbols, if any, of each container separately weighed and the license plate number of each vehicle separately weighed;
- (7) The means by which the commodity was being transported at the time it was weighed, measured, or counted;
- (8) The name of the city or town where such commodity was weighed;
- (9) The complete signature of the weighmaster or weigher who weighed, measured, or counted the commodity; and
- (10) Such other available information as may be necessary to distinguish or identify the commodity.

Such weight certificates when so made and properly certified or sealed shall be prima facie evidence of the accuracy of the weights, measures, or count shown, as a certified weight, measure, or count. [2017 c 158 § 9; 1969 ex.s. c 100 § 24.]

RCW 15.80.540 Certified weight tickets—Retention of copies—

Records. (1) Certified weight tickets shall be delivered to the person receiving the weighed commodity at the time of delivery. The weight ticket must accompany the vehicle that transports such commodity.

(2) A copy must be provided to the seller by the carrier of the weighed commodity.

(3) The weighmaster that provided the certified weight ticket must retain a copy for a period of one year.

(4) The weighmaster must retain such other records as the director shall determine necessary to carry out the purposes of this chapter.

(5) These records shall be made available at all reasonable business hours for inspection by the director. [2017 c 158 § 10; 1969 ex.s. c 100 § 25.]

RCW 15.80.550 Weighmaster or weigher to determine weights—

Automatic devices. No weighmaster or weigher shall enter a weight value on a certified weight ticket that he or she has not determined and he or she shall not make a weight entry on a weight ticket issued at any other location: PROVIDED, HOWEVER, That if the director determines that an automatic weighing or measuring device can accurately and safely issue weights in conformance with the purpose of this chapter, he or she may adopt a regulation to provide for the use of such a device for the issuance of certified weight tickets. The certified weight ticket shall be so prepared that it will show the weight or weights actually determined by the weighmaster. In any case in which only the gross, the tare or the net weight is determined by the weighmaster he or she shall strike through or otherwise cancel the printed entries for the weights not determined or computed by him or her. [2010 c 8 § 6108; 1969 ex.s. c 100 § 26.]

RCW 15.80.560 Weighing devices to be suitable—Testing of weighing and measuring devices. A licensed public weighmaster shall, in making a weight determination as provided for in this chapter, use a weighing device that conforms to current state legal requirements for commercial devices and is suitable for the weighing of the type and amount of commodity being weighed. The director shall cause to be tested for proper state standards of weight all weighing or measuring devices utilized by any licensed public weighmaster. Certified weights shall not be issued over a device that has been rejected or condemned for use by the director until such device has been repaired and tested as conforming to the intended use requirements. [2017 c 158 § 11; 1969 ex.s. c 100 § 27.]

RCW 15.80.570 Weighing devices—Rated capacity to exceed weight of load. A weighmaster shall not use a weighing device to determine the weight of a load when the weight of such load exceeds the manufacturer's maximum rated capacity for such weighing device. If upon inspection the director declares that the maximum rated capacity of any weighing device is less than the manufacturer's maximum rated capacity, the weighmaster shall not weigh a load that exceeds the director's declared maximum rated capacity for such weighing device. [1969 ex.s. c 100 § 28.]

RCW 15.80.580 Weighing devices—Platform size to sufficiently accommodate vehicles. No weighmaster shall weigh a vehicle or combination of vehicles to determine the weight of such vehicle or combination of vehicles unless the weighing device has a platform of sufficient size to accommodate such vehicle or combination of vehicles fully and completely as one entire unit. When a combination of vehicles must be broken up into separate units in order to be weighed as prescribed, each separate unit shall be entirely disconnected before weighing and a separate certified weight ticket shall be issued for each separate unit. [1969 ex.s. c 100 § 29.]

RCW 15.80.590 Denial, suspension, or revocation of licenses—Hearing. The director is hereby authorized to deny, suspend, or revoke a license in any case in which he or she finds that there has been a failure to comply with the requirements of this chapter or rules adopted hereunder. For hearings for revocations, suspension, or denial of a license, the director shall give the licensee or applicant such notice as is required under the provisions of chapter 34.05 RCW. Such hearings shall be subject to chapter 34.05 RCW (administrative procedure act) concerning adjudicative proceedings. [2017 c 158 § 12; 2010 c 8 § 6109; 1989 c 175 § 52; 1969 ex.s. c 100 § 30.]

Effective date—1989 c 175: See note following RCW 34.05.010.

RCW 15.80.610 Subpoenas—Oaths. The director, for the purposes of this chapter, may issue subpoenas to compel the attendance of witnesses, and/or the production of books and/or documents anywhere in the state. The party shall have opportunity to make his or her defense, and may have such subpoenas issued as he or she desires.

Subpoenas shall be served in the same manner as in civil cases in the superior court. Witnesses shall testify under oath which may be administered by the director. [2010 c 8 § 6110; 1969 ex.s. c 100 § 32.]

RCW 15.80.620 Assuming to act as weighmaster or weigher. It shall be unlawful for any person not licensed pursuant to the provisions of this chapter to:

(1) Hold himself or herself out, in any manner, as a weighmaster or weigher; or

(2) Issue any ticket as a certified weight ticket. [2010 c 8 § 6111; 1969 ex.s. c 100 § 33.]

RCW 15.80.630 Falsifying weight tickets, weight or count—Unlawfully delegating—Presealing before weighing. It shall be unlawful for a weighmaster or weigher to falsify a certified weight ticket, or to cause an incorrect weight, measure, or count to be determined, or delegate his or her authority to any person not licensed as a weigher, or to preseal a weight ticket with his or her official seal before performing the act of weighing. [2010 c 8 § 6112; 1969 ex.s. c 100 § 34.]

RCW 15.80.640 Writing, etc., false ticket or certificate—Influence—Penalty. Any person who shall mark, stamp, or write any false weight ticket, scale ticket, or weight certificate, knowing it to be false, and any person who influences, or attempts to wrongfully influence, any licensed public weighmaster or weigher in the performance of his or her official duties shall be guilty of a gross misdemeanor and upon conviction thereof shall be punished by a fine of not less than five hundred dollars nor more than five thousand dollars, or by imprisonment of not less than thirty days nor more than three hundred sixty-four days in the county jail, or by both such fine and imprisonment. [2017 c 158 § 13; 2011 c 96 § 16; 2010 c 8 § 6113; 1969 ex.s. c 100 § 35.]

Findings—Intent—2011 c 96: See note following RCW 9A.20.021.

RCW 15.80.650 Violations—Penalty—Criminal—Civil—Opportunity to request hearing. (1) Except as provided in RCW 15.80.640 or subsection (2) of this section, any person violating any provision of this chapter or rules adopted hereunder is guilty of a misdemeanor.

(2) A second or subsequent same or similar violation is a gross misdemeanor. Any offense committed more than five years after a previous conviction shall be considered a first offense.

(3) The director may assess a civil penalty ranging from one hundred dollars to one thousand dollars per occurrence against any person who knowingly violates any provision under this chapter or rules adopted thereunder. In determining the amount of any civil penalty, the director shall give due consideration to the appropriateness of the penalty with respect to the gravity of the violation, and the history of any previous violations. The respondent issued a notice of intent to assess a civil penalty must be provided

the opportunity to request a hearing as provided under chapter 34.05 RCW to contest the alleged violation and the penalty amount. [2017 c 158 § 14; 2003 c 53 § 109; 1969 ex.s. c 100 § 36.]

Intent—Effective date—2003 c 53: See notes following RCW 2.48.180.

RCW 15.80.660 Collected moneys, civil penalties—Deposit. (1)
All moneys collected under this chapter shall be placed in the weights and measures account created in RCW 19.94.185.

(2) Civil penalties collected under RCW 15.80.650 must be deposited into the state general fund. [2017 c 158 § 15; 1995 c 355 § 25.]

Application—Effective dates—1995 c 355: See notes following RCW 19.94.015.

RCW 15.80.900 Chapter cumulative. The provisions of this chapter shall be cumulative and nonexclusive and shall not affect any other remedy available at law. [1969 ex.s. c 100 § 37.]

RCW 15.80.910 Effective date—1969 ex.s. c 100. This act shall take effect on July 1, 1969. [1969 ex.s. c 100 § 38.]