

# Legislative Analysis



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## AGRICULTURE PENALTIES

### House Bills 6018 and 6019

Sponsor: Rep. Fran Amos

Committee: Agriculture and Resource Management

Complete to 6-21-04

### A SUMMARY OF HOUSE BILLS 6018 AND 6019 AS INTRODUCED 6-15-04

The bills would increase the penalties for violations of the Motor Fuels Quality Act and the Weights and Measures Act.

#### House Bill 6018 (Motor Fuels Quality Act)

Action	Current Penalty	Proposed Penalty
No notice of gas grade or additives	Up to \$1,000 per day	\$5,000 - \$10,000 per day
Failure to meet purity and quality standards	Up to \$10,000 per day	\$5,000 - \$10,000 per day
Hinder/assault MDA official	Up to 2 years imprisonment and/or up to \$5,000	Up to 2 years imprisonment and/or \$5,000-\$10,000
Any violation (administrative penalty)	1 <sup>st</sup> violation: \$100-\$500 2 <sup>nd</sup> violation: \$500-\$1,000 3 <sup>rd</sup> violation: \$1,000-\$2,000	1 <sup>st</sup> violation: \$200-\$1,000 2 <sup>nd</sup> violation: \$1,000-\$2,000 3 <sup>rd</sup> violation: \$2,000-\$4,000
(1) harms part of a stage 1 or 2 vapor-recovery system; (2) makes a false representation; (3) fails to disclose information relating the harm of a stage 1 or 2 vapor-recovery system; (4) falsifies records; (5) removes a seal placed on a dispenser; and (6) violates the act or rules for which not penalty is specified.	Up to 90 days imprisonment and/or \$1,000 and \$2,000	Up to 90 days imprisonment and/or \$5,000-\$10,000
Commits a violation within 2 years after another violation, or impersonates the director or an inspector.	Up to 90 days imprisonment and/or \$2,000-\$10,000	Up to 90 days imprisonment and/or \$5,000-\$10,000

**House Bill 6019 (Weights and Measures Act)**

<b>Action</b>	<b>Current Penalty</b>	<b>Proposed Penalty</b>
Assault MDA official	Up to 2 years imprisonment and/or up to \$5,000	Up to 2 years imprisonment and/or \$2,000-\$12,000
Obstruct MDA official	Up to 1 year imprisonment and/or up to \$1,000	Up to 1 year imprisonment and/or \$2,000-\$12,000
Possesses incorrect weights of measures with the intent to deceive, unlawfully removes a seal from weights and measures, sells less than the quantity represented, etc	\$1,000-\$10,000	\$2,000-\$12,000
Failure to disclose knowledge of a device that modifies any weight or measure in order to falsify the weight or measure	Up to 90 days imprisonment and/or \$1,000	Up to 90 days imprisonment and/or \$2,000-\$12,000
Falsifying weights and measures/repeat violations	Up to 5 years imprisonment, fine equal to amount of damage, and \$1,000-\$20,000	Up to 5 years imprisonment, fine equal to amount of damage, and \$2,000-\$22,000
MDA assessed civil fine for violations	Amount of economic benefit + 1 <sup>st</sup> violation: \$50-\$1,000 2 <sup>nd</sup> violation: \$100-\$5,000 3 <sup>rd</sup> violation: \$500-\$10,000	Amount of economic benefit + 1 <sup>st</sup> violation: \$500-\$2,000 2 <sup>nd</sup> violation: \$1,000-\$7,500 3 <sup>rd</sup> violation: \$2,000-\$10,000

**FISCAL IMPACT:**

**House Bill 6018** The bill would double the fines for a violation of the Motor Fuels Quality Act. Based on the number of violations in 2002, the increase in annual fine revenue could be as much as \$34,000, or total annual revenue could be \$68,000. There would be no fiscal impact on local governmental units.

**House Bill 6019** - The bill could generate an additional \$38,000 in annual fine income. There would be no fiscal impact on local governmental units.

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■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.