



STATE OF ARIZONA  
OFFICE OF THE GOVERNOR

DOUGLAS A. DUCEY  
GOVERNOR

EXECUTIVE OFFICE

May 22, 2019

The Honorable Katie Hobbs  
Secretary of State  
1700 W. Washington, 7<sup>th</sup> Floor  
Phoenix, AZ 85007

Dear Secretary Hobbs:

I am transmitting to you the following bills from the Fifty-fourth Legislature, 1st Regular Session, which I signed on May 22nd, 2019:

H.B. 2123 TPT; distribution; community college districts.. (Udall)  
H.B. 2133 voter registration; updates; internet address (Thorpe)  
H.B. 2467 committees; west basin water users (Cobb)  
H.B. 2480 setting aside judgment; felony offense (Bowers)  
H.B. 2639 timeshares; disclosures (Bolick)  
S.B. 1154 primary date; first August Tuesday (Gowan)  
S.B. 1161 school facilities; revisions (Borrelli)  
S.B. 1185 weights and measures; licensing periods (Pratt)  
S.B. 1235 possessory improvements; government property; assessment (Mesnard)  
S.B. 1297 genetic testing information; confidentiality; exceptions (Brophy-McGee)  
S.B. 1349 family college savings program (Livingston)

Sincerely,

Douglas A. Ducey  
Governor  
State of Arizona

cc: Senate Secretary  
Chief Clerk of the House of Representatives  
Arizona News Service

Senate Engrossed  
**FILED**  
**KATIE HOBBS**  
**SECRETARY OF STATE**

State of Arizona  
Senate  
Fifty-fourth Legislature  
First Regular Session  
2019

**CHAPTER 248**  
**SENATE BILL 1185**

AN ACT

AMENDING SECTION 3-3451, ARIZONA REVISED STATUTES; RELATING TO THE WEIGHTS  
AND MEASURES SERVICES DIVISION.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 3-3451, Arizona Revised Statutes, is amended to  
3 read:

4 3-3451. Licensing devices used for commercial purposes;  
5 authorization to test devices used for all other  
6 purposes; fees; certification; issuance of license;  
7 violation; classification

8 A. A person shall not use a commercial device unless the device is  
9 licensed or certified as provided in this chapter.

10 B. A license shall be obtained annually from the division on forms  
11 prescribed and furnished by the division. The fee prescribed in this  
12 chapter shall be submitted with the prescribed form. A license shall be  
13 obtained not later than thirty days following the first day of commercial  
14 use for original installations. If the ownership of a device that is  
15 licensed is transferred, the ownership of the license may be transferred.  
16 On transfer of a license, new licensees shall notify the division of the  
17 licensee's name and address and the location of the device. A license for  
18 a device shall be posted at the licensed business location in a manner  
19 that provides the division with access to the license during normal  
20 business hours. THE DIVISION MAY ISSUE OR RENEW A DEVICE LICENSE FOR TWO  
21 OR THREE YEARS AT THE OPTION OF THE APPLICANT OR LICENSEE IF THE APPLICANT  
22 OR LICENSEE PAYS THE TOTAL AMOUNT OF APPLICABLE ANNUAL FEES IN FULL AT THE  
23 TIME OF ISSUANCE OR RENEWAL.

24 C. Any license issued under this chapter applies only to the  
25 instrument or device specified in the license, except that the associate  
26 director may ~~permit~~ ALLOW the license to ~~be applicable~~ APPLY to a  
27 replacement for the original instrument or device.

28 D. Noncommercial devices may be tested by the division pursuant to  
29 this chapter. A weighing device owned by a person who uses it only for  
30 the purpose of weighing the person's own livestock or agricultural  
31 products and for no commercial purposes is declared to be a noncommercial  
32 device, and the owner of the device is exempt from paying any licensing  
33 fees collected pursuant to this chapter.

34 E. If a commercial livestock scale is used for thirty or more days  
35 in a calendar year, the scale is required to be licensed. If a commercial  
36 livestock scale is used for fewer than thirty days in a calendar year, the  
37 scale is required to be certified. If an owner or operator of a  
38 commercial livestock scale requests that the division certify the scale,  
39 the certification fee shall be comparable to the license fee prescribed in  
40 section 3-3452. If an owner or operator of a noncommercial scale requests  
41 that the division certify the scale, the certification fee shall be  
42 comparable to the license fee prescribed in section 3-3452.

43 F. At the request of the owner or user of a portable batch plant,  
44 the division may certify the portable batch plant. If the division

1 certifies a portable batch plant, the certification fee shall be  
2 comparable to the license fee prescribed in section 3-3452.

3 G. Any portable measuring device that is five gallons or less and  
4 that is properly marked by the manufacturer according to standards  
5 established by the national institute of standards and technology is  
6 exempt from the licensing and certification provisions of this chapter.

7 H. For the purpose of ascertaining compliance with the licensing  
8 provisions of this article, the department of revenue shall provide the  
9 division with a monthly report of all transaction privilege tax licenses  
10 issued in the prior month. The report shall include the business name,  
11 type of business and business address of the licensee.

12 I. The department of revenue shall annually notify each transaction  
13 privilege tax licensee that the licensee is required to register new or  
14 existing weighing or measuring devices with the division.

15 J. A person or the person's agent who knowingly files with the  
16 division any notice, statement or other document required under this  
17 section that is false or that contains any material misstatement of fact  
18 is guilty of a class 2 misdemeanor.

**APPROVED BY THE GOVERNOR MAY 22, 2019.**

**FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 22, 2019.**

Passed the House May 15, 2019,

Passed the Senate February 21, 2019

by the following vote: 59 Ayes,

by the following vote: 30 Ayes,

0 Nays, 1 Not Voting

0 Nays, 0 Not Voting

[Signature]  
Speaker of the House

[Signature]  
President of the Senate

[Signature]  
Chief Clerk of the House

[Signature]  
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR

This Bill was received by the Governor this

16<sup>th</sup> day of May, 2019,

at 10:31 o'clock A M.

[Signature]  
Secretary to the Governor

Approved this 22nd day of

May, 2019,

at 2:33 o'clock P M.

[Signature]  
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 22 day of May, 2019,

at 4:01 o'clock P M.

[Signature]  
Secretary of State

S.B. 1185