



State of Wisconsin
Governor Tony Evers

Department of Agriculture, Trade and Consumer Protection
Secretary Randy Romanski

DATE: September 19, 2024

TO: Board of Agriculture, Trade and Consumer Protection

FROM: Randy Romanski, Secretary

SUBJECT: Approval of Statement of Scope for ATCP 92: Weights and Measures

TO BE PRESENTED BY: Hannah E. Brown, Policy Advisor
Dr. Joseph Smith, Director, Bureau of Weights and Measures

REQUESTED ACTION:

At the meeting of the Board on September 19, 2024, the Department will request approval of the attached Statement of Scope, regarding Wis. Admin. Code ch. ATCP 92 relating to Weights and Measures.

SUMMARY:

At the July 11, 2024, Board Meeting, the DATCP Board approved the Department to hold a preliminary public hearing and comment period on the Statement of Scope (SS 068-24). The Department held this public hearing on July 31 with a one-week comment period. DATCP received one comment that pertained to the rule itself rather than to the Statement of Scope. Therefore, that comment will be considered in the drafting of the hearing draft rule if the Board approves the Statement of Scope.

DATCP proposes to amend Wis. Admin. Code ch. ATCP 92 to include electric vehicle charging station meters as a weights and measures device regardless of how fees are assessed to consumers. Wisconsin Stat. § 98.03 (2) states, "The department may issue rules governing the construction, installation, and use of commercial weights and measures and prescribing tolerances therefor. The specifications, tolerances, and regulations for commercial weighing and measuring devices issued by the national institute of standards and technology shall apply in this state except as modified by such rules or by statute."

The Governor approved the Statement of Scope on June 12, 2024. The Department is requesting approval of the Statement of Scope in order to begin drafting rule revisions.

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