

1 IN THE SENATE

BY SENATORS MOODY AND FOSTER  
BY REQUEST

2

SENATE BILL NO. 76

3

IN THE LEGISLATURE OF THE TERRITORY OF ALASKA

4

TWENTY-THIRD SESSION

5

A BILL

6 For an Act entitled: "An Act amending Chapter 5 of Title 35,  
7 AGLA 1949, pertaining to weights and  
8 measures and adopting the specifications,  
9 tolerances and regulations for commercial  
10 weighing and measuring devices, as recom-  
11 mended by, U.S. Department of Commerce,  
12 National Bureau of Standards and pre-  
13 scribing certain penalties."

14 BE IT ENACTED BY THE LEGISLATURE OF THE TERRITORY OF ALASKA:

15 Section 1. Section 35-5-1, AGLA 1949, is hereby amended  
16 by adding the following subsections:

17 N a. NATIONAL BUREAU OF STANDARDS: The specifications,  
18 E tolerances, and regulations for commercial weighing and  
19 W measuring devices, together with amendments thereto, as  
20 recommended by the National Bureau of Standards Handbook 44  
21 and supplements thereto, or in any publication revising  
22 or superseding Handbook 44, are hereby adopted by reference  
23 and shall be the specifications, tolerances and regulations  
24 for commercial weighing and measuring devices of the Ter-  
25 ritory of Alaska except insofar as specifically modified,  
26 amended, or rejected by a regulation issued by the inspector  
27 of weights and measures.

28 N b. CONFLICT OF LAWS AND REGULATIONS: If any provision  
29 D of these adopted specifications, tolerances, and regulations

1 OF  
2 laws, ordinances, or regulations, relating to safety or  
3 fire prevention, the enforcement of such provisions shall  
4 be suspended until the conflicting requirements can be  
5 harmonized; and such suspension shall not affect the validity  
6 of enforcements of the remaining provisions of the specifi-  
7 cations, tolerances, and regulations.

8 Sec. 2. The following sections are to follow immediately  
9 after Section 35-5-11, ACLA 1949:

10 N           Sec. 35-5-12. MARKING REQUIREMENTS FOR FOOD PACK-  
11 E AGES: No person shall sell, offer or expose for sale any  
12 W food in package form unless the quantity of contents is  
13 plainly and conspicuously marked on the outside of each  
14 M package in terms of net weight, measure or numerical count;  
15 A provided, however, that the provisions of this Act shall not  
16 T be construed to apply to fruits and vegetables sold in  
17 T original standard containers, or to vegetables which by  
18 E common custom are offered for sale, or sold by the bunch,  
19 R nor shall the provisions of this Act be construed to apply  
20 to fresh berries and other small fruits which are customarily  
21 offered for sale, and sold by the box, basket or other  
22 receptacle.

23           Sec. 35-5-13. MISLEADING PACKAGES: That no commodity  
24 in package form shall be so wrapped, nor shall it be in a  
25 container so made, formed, or filled as to mislead the  
26 purchaser as to the quantity of the contents of the package;  
27 the contents of a container shall not fall below such reason-  
28 able standard of fill as may have been prescribed for the com-  
29 modity in question by regulation.

1           Sec. 35-5-14. REPORT OF REPAIR OR OF SALE OF EQUIP-  
2           MENT: Any person engaged in the sale or repair of weighing  
3           or measuring devices, shall report within ten (10) days  
4           after such sale or repair, in writing, to the Division of  
5           Weights and Measures, the name and address of such person  
6           for whom such repair was made or equipment delivered.

7           Sec. 35-5-15. BREAKING OF SEALS; Request for authority  
8           to break seals and remove condemned tags for the purpose of  
9           repair and/or adjusting weighing and/or measuring devices.  
10          may be obtained from the Division of Weights and Measures  
11          upon application by those persons regularly engaged in  
12          repairing and adjusting weighing or measuring devices. Such  
13          application shall state the kind of equipment to be repaired  
14          and qualifications of the applicant. Persons, firms or  
15          corporations issued letters of authority to break seals,  
16          shall promptly fill out, sign and return to the Division of  
17          Weights and Measures all forms which may be sent to them  
18          pertaining to the installing, repairing or adjusting of  
19          weighing or measuring devices.

20          Sec. 35-5-16. FRAUDULENT SALE OF LIQUID FUELS,  
21          LUBRICATING OILS: It shall be unlawful for any person, firm  
22          or corporation, to store, expose for sale, offer for sale,  
23          or sell, any liquid fuels, lubricating oils or other similar  
24          products, in any manner whatsoever, so as to deceive or  
25          tend to deceive the purchaser as to the nature, quality,  
26          quantity, and identity of the product so sold or offered  
27          for sale.

28          Sec. 35-5-17. UNLAWFUL TO SELL FROM DISTRIBUTING  
29          EQUIPMENT ANY LIQUID FUELS OTHER THAN THOSE NAMED THEREON:

1 It shall be unlawful for any person, firm or corporation,  
2 to store, offer for sale, expose for sale, or sell, from  
3 any tank, or container, or from any pump, or other distribut-  
4 ing device or equipment, any other liquid fuels, lubricating  
5 oils, or other similar products, than those indicated by  
6 the name, trade name, trade-mark, symbol or sign, or other  
7 distinguishing mark or device of the manufacturer or dis-  
8 tributor, either as owner or licensee, appearing on the  
9 tank, container, pump, or other distributing equipment,  
10 from which the same are sold or offered for sale; or to mix,  
11 substitute or adulterate the liquid fuels, lubricating oils,  
12 or other similar products sold or offered for sale or dis-  
13 tributed, under such trade name or trade mark.

14 Sec. 35-5-18. UNLAWFUL TO DISTRIBUTE INTO ANY DIS-  
15 TRIBUTING DEVICE ANY LIQUID FUELS OTHER THAN THOSE INDICATED  
16 BY NAME THEREON: It shall be unlawful for any person, firm  
17 or corporation, to aid or assist any other person, firm or  
18 corporation in the violation of the provisions of this  
19 article, by depositing or delivering in any tank, receptacle,  
20 or other container, any other liquid fuels, lubricating oils,  
21 or like products, than those intended to be stored therein  
22 and distributed therefrom, as indicated by the name of the  
23 manufacturer, distributor, trade name or product displayed  
24 on the container, pump or other distributing device used  
25 in connection therewith.

26 Sec. 35-5-19. PENALTY FOR VIOLATING SECTIONS 35-5-12  
27 THROUGH 35-5-18: Any person violating any of the provisions  
28 of Sections 35-5-12 through 18 herein, shall be guilty of  
29 a misdemeanor, and upon conviction thereof, shall be fined

1 not more than Five Hundred Dollars for each offense, or  
2 imprisonment for not more than one year or both such fine  
3 and imprisonment.

4 Sec. 35-5-20. PUBLIC WEIGHMASTER: DEFINITION: A  
5 Public Weighmaster is any person who possesses a permit  
6 under the provisions of this Act who weighs, measures or  
7 counts any commodity, for hire, and issues therefore a  
8 signed or initialed statement or memorandum of the weight,  
9 measure, or count accepted as the accurate weight, measure  
10 or count upon which the purchase or sale of the commodity is  
11 based.

12 Sec. 35-5-21. WEIGHMASTERS PERMITS: Any person may  
13 make application to the Inspector of Weights and Measures  
14 for a Weighmasters permit, upon application of a form pre-  
15 scribed by the Inspector, accompanied by a fee of \$5.00 for  
16 such permit. Each applicant shall furnish satisfactory  
17 evidence of good moral character, ability to weigh accurately,  
18 and to issue correct weight tickets.

19 Sec. 35-5-22. POSTING OF PERMIT: RENEWAL OF SAME: All  
20 weighmasters under the provisions of this Act shall post the  
21 original or certified copy of the weighmasters permit in a  
22 conspicuous place on the premises where the weighmaster is  
23 engaged in weighing.

24 Permits shall be issued for a period of one year and  
25 renewable each year upon payment of a fee of \$5.00 to the  
26 Division of Weights and Measures: Monies collected for such  
27 permit shall be deposited with the Territorial Treasurer.

28 Sec. 35-5-23. DUTIES OF WEIGHMASTERS: It shall be the  
29 duty of every certified public weighmaster under this Act,

1 to obtain at his expense, an official seal, stamp, design  
2 or legend as the Inspector of Weights and Measures may deem  
3 appropriate. The seal shall be stamped or impressed upon  
4 each and every weight, reading or recording certificate  
5 issued by the Weighmaster, and when so applied the certificate  
6 shall be recognized and accepted as a declaration of the  
7 official, true and accurate weight, measure, count, reading  
8 or recording of the commodity, product or article weighed,  
9 measured or counted within the tolerances allowed by the,  
10 "Weights and Measures" act of this Territory.

11 O Sec. 35-5-24. USE OF EQUIPMENT: It shall be unlawful  
12 F for any weighmaster to use any weights or measures or  
13 weighing, recording or measuring device, which has not been  
14 N first tested and/or approved by the Inspector of Weights and  
15 E Measures.

16 W Sec. 35-5-25. PENALTY FOR VIOLATIONS OF WEIGHMASTER:  
17 Any person who shall mark, stamp, issue, or write any false  
18 M weight ticket, scale ticket, measuring, count or weight  
19 A certificate, knowing it to be false, shall be guilty of a  
20 T misdemeanor, and upon conviction thereof, shall be fined  
21 T not more than Five Hundred Dollars for each offense, or  
22 E imprisonment for not more than one year or both such fine  
23 R and imprisonment.

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