

Introduced: 2/11/63  
Referred: State Affairs

BY SENATORS BRONSON,  
FOSTER AND WALSH

1 IN THE SENATE

2 SENATE BILL NO. 71

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 THIRD LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to weights and measures;  
7 and providing for an effective date."

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9 \* Section 1. AS 45.75.030 is amended to read:

10 Sec. 45.75.030. STATE DIRECTOR AND INSPECTORS OF  
11 WEIGHTS AND MEASURES. The commissioner of commerce is ex  
12 officio state director of weights and measures. The director  
13 shall [MAY] appoint, at least four qualified state inspect-  
14 ors, one for each judicial district, to test and investigate  
15 according to law and the regulations promulgated by the  
16 director.

17 \* Sec. 2. AS 45.75.080(a) is amended to read:

18 (a) The director shall [MAY] inspect and test, to  
19 ascertain if they are correct, all weights and measures kept,  
20 offered, or exposed for sale. The director shall, at least  
21 semiannually [ANNUALLY] and more often as he considers  
22 necessary, inspect and test, to ascertain if they are  
23 correct, all weights and measures commercially used (1) in  
24 determining the weight, measurement, or count of commodities  
25 or things sold, or offered or exposed for sale, on the basis  
26 of weight or of measure; (2) in computing the basic charge  
27 or payment for services rendered on the basis of weight or  
28 of measure; or (3) in determining weight or measurement when  
29 a charge is made for this determination.

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1 \* Sec. 3. AS 45.75 is amended by adding a new section to read:  
2 Sec. 45.75.085. FEES. (a) The director shall estab-  
3 lish a scale of fees to be paid to the state, and collected  
4 by the inspectors, from persons whose scales have been  
5 inspected by authorized state inspectors.

6 (b) The proceeds of all fees shall be transmitted by  
7 the inspector to the director for deposit in the general  
8 fund of the state.

9 \* Sec. 4. AS 45.75.380 is amended to read:

10 AS 45.75.380. OFFENSES AND PENALTIES. A person who,  
11 by himself or by his servant, or agent, or as the servant or  
12 agent of another, performs any one of the following acts is  
13 guilty of a misdemeanor and upon a first conviction of the  
14 violation is punishable by a fine of not less than \$100  
15 [\$20] nor more than \$500 [\$200], or by imprisonment for not  
16 more than six [THREE] months, or by both. Upon a second or  
17 subsequent conviction, the person is punishable by a fine of  
18 not less than \$500 [\$50] nor more than \$1,000 [\$500], or by  
19 imprisonment for not more than one year, or by both:

20 (1) uses or has in possession for the purpose of  
21 using for any commercial purpose specified in sec. 80 of  
22 this chapter, sells, offers, or exposes for sale, or hire,  
23 or has in possession for the purpose of selling or hiring,  
24 an incorrect weight or measure or a device or instrument  
25 used to or calculated to falsify a weight or measure;

26 (2) uses or has in possession for current use, in  
27 buying or selling a commodity or thing, or for hire or award,  
28 or in the computation of a basic charge or payment for ser-  
29 vices rendered on the basis of weight or measurement, or in

1 the determination of weight or measurement when a charge is  
2 made for determination, a weight or measure that has not  
3 been tested and sealed by the appropriate authority within  
4 one year, (A) unless written notice is given to the appropri-  
5 ate authority to the effect that the weight or measure is  
6 available for examination, or is due for re-examination, as  
7 the case may be, (B) unless specific written permission to  
8 use the weight or measure is received from the appropriate  
9 authority, or (C) unless the weight or measure is exempt  
10 from sealing or annual testing requirements by sec. 80 of  
11 this chapter or by a regulation of the director issued under  
12 sec. 50 of this chapter;

13 (3) disposes of a rejected or condemned weight or  
14 measure in a manner contrary to law or regulation;

15 (4) removes from a weight or measure, contrary to  
16 law or regulation, a tag, seal, or mark placed on it by the  
17 appropriate authority;

18 (5) sells, offers or exposes for sale less than  
19 the quantity he represents of a commodity, thing, or service;

20 (6) takes more than the quantity he represents of  
21 a commodity, thing, or service when, as buyer, he furnished  
22 the weight or measure by means of which the amount of the  
23 commodity, thing, or service is determined;

24 (7) keeps for the purpose of sale, advertises, or  
25 offers or exposes for sale, or sells a commodity, thing, or  
26 service in a condition or manner contrary to law or regula-  
27 tion;

28 (8) uses in retail trade, except in the prepara-  
29 tion of packages put up in advance of sale and of medical

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prescriptions, a weight or measure that is not so positioned that its indications may be accurately read and the weighing or measuring operation observed from some position which may reasonably be assumed by a customer;

(9) violates a provision of this chapter or a regulation adopted under this chapter for which a specific penalty is not prescribed.

\* Sec. 5. This Act takes effect on the day after its passage and approval or on the day it becomes law without such approval.