

Offered: 2/26/85
Referred: Labor & Commerce
and Finance

Original sponsor: Rules/Governor

1 IN THE SENATE BY THE TRANSPORTATION COMMITTEE
2 CS FOR SENATE BILL NO. 82 (Transportation)
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 FOURTEENTH LEGISLATURE - FIRST SESSION
5 A BILL
6 For an Act entitled: "An Act relating to weights and measures; and provid-
7 ing 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 WEIGHTS AND
11 MEASURES. The commissioner of commerce and economic development is ex
12 officio state director of weights and measures. The commissioner may
13 delegate this authority, and [DIRECTOR] may appoint state inspectors.
14 * Sec. 2. AS 45.75.040 is amended to read:
15 Sec. 45.75.040. GENERAL POWERS AND DUTIES OF COMMISSIONER [DI-
16 RECTOR]. The commissioner [DIRECTOR] is the custodian of the state
17 standards of weight and measure and of the other standards and equip-
18 ment provided for by this chapter, and [. THE DIRECTOR] shall keep
19 accurate records of the standards and equipment. The commissioner
20 [DIRECTOR] shall enforce this chapter, implement AS 44.33.020(25), and
21 [. HE SHALL] supervise the weights and measures offered for sale,
22 sold, or in use in the state.
23 * Sec. 3. AS 45.75.050(a) is amended to read:
24 (a) The commissioner [DIRECTOR] shall adopt [ISSUE] regulations
25 necessary for the enforcement of this chapter in accordance with the
26 Administrative Procedure Act (AS 44.62). These have the effect of
27 law.
28 * Sec. 4. AS 45.75.050(b) is amended to read:
29 (b) The regulations may include

1 (1) standards of net weight, measure, or count, and reason-
2 able standards of fill, for a [ANY] commodity in package form;

3 (2) rules governing the technical and reporting procedures
4 to be followed, and the report and record forms and marks of approval
5 and rejection to be used by inspectors of weights and measures in the
6 discharge of their official duties;

7 (3) exemptions from the sealing or marking requirements of
8 AS 45.75.120 for [WITH RESPECT TO] weights and measures of a character
9 or size that sealing or marking would be inappropriate, impracticable,
10 or damaging to the apparatus in question; [AND]

11 (4) for [WITH RESPECT TO] classes of weights and measures
12 of a character that annual retesting is unnecessary to continued
13 accuracy, exemptions from the requirements of AS 45.75.070 and 45.75.-
14 080 for annual testing, and schedules fixing the frequency of required
15 retests for classes of devices exempted;

16 (5) in the implementation of AS 44.33.020(25), provisions
17 governing the enforcement of the size, weight, and load limitations
18 established under AS 19.10.060; the issuance of, and the enforcement
19 of the terms of, permits for overweight and oversize vehicles; and the
20 operation of weigh stations.

21 * Sec. 5. AS 45.75.050(d) is amended to read:

22 (d) The specifications, tolerances, and regulations for commer-
23 cial weighing and measuring devices, together with amendments to them,
24 as recommended by the National Bureau of Standards and published in
25 National Bureau of Standards Handbook 44 and supplements to it, or in
26 any publication revising or superseding Handbook 44, are the specifi-
27 cations, tolerances, and regulations for commercial weighing and
28 measuring devices of the state, except as specifically modified,
29 amended, or rejected by a regulation adopted [ISSUED] by the

1 commissioner [DIRECTOR].

2 * Sec. 6. AS 45.75.060 is amended to read:

3 Sec. 45.75.060. OFFICE AND FIELD [WORKING] STANDARDS AND EQUIP-
4 MENT. The commissioner [STATE] shall maintain [SUPPLY THE DIVISION OF
5 WEIGHTS AND MEASURES WITH] a duplicate set of state standards of
6 weight and measure, referred to in this chapter as office standards.
7 The commissioner [STATE] shall also supply field standards and the
8 equipment that [WHICH] is necessary to carry out this chapter. The
9 commissioner shall verify the office standards and field standards on
10 [SHALL BE VERIFIED UPON] their initial receipt and at least once each
11 year afterward. The commissioner shall verify the office standards
12 [SHALL BE VERIFIED] by direct comparison with the state standards.
13 The commissioner shall verify the [THE] field standards [SHALL BE
14 VERIFIED] by comparison with the office standards.

15 * Sec. 7. AS 45.75.070 is amended to read:

16 Sec. 45.75.070. TESTING AND INSPECTION OF LOCAL STANDARDS AND
17 WEIGHTS AND MEASURES AT STATE-SUPPORTED INSTITUTIONS. (a) At least
18 once every five years, the commissioner [DIRECTOR] shall test the
19 standards of weight and measure obtained by a city that [WHICH] has
20 appointed a sealer of weights and measures, and shall approve them if
21 they are correct. The commissioner [DIRECTOR] shall inspect the
22 standards at least once every two years.

23 (b) The commissioner [DIRECTOR] shall from time to time test all
24 weights and measures used in checking the receipt or disbursement of
25 supplies in every institution maintained by money appropriated by the
26 legislature, and shall report the commissioner's [HIS] findings, in
27 writing, to the supervisory board and to the executive officer of the
28 institution concerned.

29 * Sec. 8. AS 45.75.080(a) is amended to read:

1 (a) The commissioner [DIRECTOR] may inspect and test, to ascer-
2 tain if they are correct, all weights and measures kept, offered, or
3 exposed for sale. The commissioner [DIRECTOR] shall, at least annu-
4 ally [SEMIANNUALLY AND MORE OFTEN AS HE CONSIDERS NECESSARY], inspect
5 and test, to ascertain if they are correct, all weights and measures
6 commercially used

7 (1) in determining the weight, measurement, or count of
8 commodities or things sold, or offered or exposed for sale, on the
9 basis of weight or of measure;

10 (2) in computing the basic charge or payment for services
11 rendered on the basis of weight or of measure or count; or

12 (3) in determining weight or measurement when a charge is
13 made for this determination.

14 * Sec. 9. AS 45.75.090 is amended to read:

15 Sec. 45.75.090. INVESTIGATIONS. The commissioner [DIRECTOR]
16 shall investigate complaints of violations of this chapter, and shall
17 [, UPON HIS OWN INITIATIVE,] conduct other [THE] investigations that
18 the commissioner [WHICH HE] considers appropriate and advisable to
19 develop information on prevailing procedures in commercial quantity
20 determination, [AND] on possible violations of this chapter, and to
21 promote the general objective of accuracy in the determination and
22 representation of quantity in commercial transactions.

23 * Sec. 10. AS 45.75.100 is amended to read:

24 Sec. 45.75.100. INSPECTION OF PACKAGES. (a) The commissioner
25 [DIRECTOR] shall, from time to time, weigh or measure and inspect
26 packages or amounts of commodities kept, offered, or exposed for sale
27 to determine whether they contain the amounts represented and whether
28 they are kept, offered, or exposed for sale in accordance with law.
29 When packages or amounts of commodities do not contain the amounts

1 represented, or are kept, offered, or exposed for sale in violation of
2 law, the commissioner [DIRECTOR] may order them off sale and may mark
3 or tag them to show they are illegal. The commissioner [DIRECTOR] may
4 use recognized sampling procedures. The commissioner shall determine
5 the compliance [COMPLIANCE] of a given lot of packages [SHALL BE
6 DETERMINED] on the basis of the result obtained on a sample selected
7 from and representative of the lot.

8 (b) A [NO] person may not

9 (1) sell, or keep, offer, or expose for sale in intrastate
10 commerce a package or amount of commodity that has been ordered off
11 sale or marked or tagged as provided in this section until the package
12 or amount of commodity has been brought into full compliance with all
13 legal requirements; or

14 (2) dispose of a package or amount of commodity that is
15 ordered off sale or marked or tagged as provided in this section and
16 that does not meet legal requirements, except with the specific ap-
17 proval of the commissioner [DIRECTOR].

18 * Sec. 11. AS 45.75.110(a) is amended to read:

19 (a) The commissioner [DIRECTOR] may issue stop-use orders,
20 stop-removal orders, and removal orders for weights and measures used
21 or capable of being used commercially. The commissioner [DIRECTOR]
22 may issue stop-removal orders and removal orders for packages or
23 amounts of commodities kept, offered, or exposed for sale whenever the
24 commissioner [HE] considers it necessary or expedient in enforcing
25 this chapter.

26 * Sec. 12. AS 45.75.120 is amended to read:

27 Sec. 45.75.120. DISPOSITION OF CORRECT AND INCORRECT APPARATUS.

28 (a) The commissioner [DIRECTOR] shall approve for use and seal or
29 mark with appropriate devices the weights and measures that the

1 commissioner [WHICH HE] finds on [UPON] inspection and test to be cor-
2 rect as provided in AS 45.75.050, and shall reject and mark or tag as
3 "rejected" the weights and measures that are found [WHICH HE FINDS],
4 upon inspections or testing [TEST], to be incorrect as provided in
5 AS 45.75.050 but which in the commissioner's [HIS] best judgment may
6 be satisfactorily repaired [ARE SUSCEPTIBLE OF SATISFACTORY REPAIR].
7 This sealing or marking is not required for weights and measures
8 exempted by regulation [OF THE DIRECTOR].

9 (b) The commissioner [DIRECTOR] shall condemn, and may seize and
10 destroy weights and measures found to be incorrect that [WHICH], in
11 the commissioner's [HIS] best judgment, cannot be satisfactorily
12 repaired [ARE NOT SUSCEPTIBLE OF SATISFACTORY REPAIR]. Weights and
13 measures that [WHICH] are rejected under (a) of this section may be
14 confiscated and destroyed by the commissioner [DIRECTOR] if not cor-
15 rected as required by AS 45.75.180 or if used or disposed of contrary
16 to the requirements of AS 45.75.180.

17 * Sec. 13. AS 45.75.130 is amended to read:

18 Sec. 45.75.130. POLICE POWERS AND RIGHT OF ENTRY AND STOPPAGE.
19 In the enforcement of this chapter and [ANY] other laws [LAW] dealing
20 with weights and measures, the commissioner [DIRECTOR] has special
21 police powers. The commissioner [HE] may arrest, without formal
22 warrant, a [ANY] person violating the law, and seize for use as evi-
23 dence, without formal warrant, incorrect or unsealed weights and
24 measures or amounts or packages of commodity, used, retained, offered,
25 or exposed for sale, or sold in violation of law. In performing these
26 [HIS] duties, the commissioner [DIRECTOR] may enter, without formal
27 warrant, a [ANY] structure or premises, and stop any person and re-
28 quire the person [HIM] to proceed to a specified place.

29 * Sec. 14. AS 45.75 is amended by adding new sections to article 2 to

1 read:

2 Sec. 45.75.131. ISSUANCE OF CITATIONS. An employee of the
3 Department of Commerce and Economic Development who is authorized by
4 the commissioner to enforce the size, weight, and load limitations
5 adopted by the Department of Transportation and Public Facilities
6 under AS 19.10.060 may issue a citation to a person who violates

7 (1) a load limitation;

8 (2) the terms of an overweight or oversize vehicle permit
9 issued under AS 44.33.020(25) and AS 45.75.040; or

10 (3) the provisions of a regulation adopted under AS 44.33.-
11 020(25) and AS 45.75.050(b)(5).

12 Sec. 45.75.132. FORM AND ISSUANCE OF CITATION. (a) A citation
13 issued under this section must be in writing. A person receiving the
14 citation is not required to sign a promise to appear in court.

15 (b) The time specified in the notice to appear on a citation
16 issued under this section must be at least 15 days after the issuance
17 of the citation, unless the person cited requests an earlier hearing.

18 (c) The commissioner is responsible for the issuance of books
19 containing appropriate citations and shall maintain a record of each
20 book and each citation contained in it. The commissioner shall re-
21 quire and retain a receipt for every book issued to an employee of the
22 department designated by the commissioner to provide investigative
23 service to enforce provisions of this chapter.

24 (d) An employee who issues a citation under this section shall
25 deposit the original or a copy of the citation with a court having
26 jurisdiction over the alleged offense. Upon its deposit with the
27 court, the citation may be disposed of only by trial in the court or
28 other official action taken by the magistrate, judge, or prosecutor.
29 The employee who issued the citation may not dispose of it or copies

1 of it or of the record of its issuance except as required under this
2 subsection and (e) of this section.

3 (e) The commissioner shall require the return of a copy of every
4 citation issued under this section and of all copies of every citation
5 that has been spoiled or on which an entry has been made and not
6 issued to an alleged violator. The commissioner shall also maintain
7 in connection with every citation issued a record of the disposition
8 of the charge by the court in which the original or copy of the cita-
9 tion was deposited.

10 (f) If the form of citation issued under this section includes
11 the essential facts constituting the offense charged and is sworn to
12 as required under the laws of this state for a complaint charging
13 commission of the offense alleged in the citation, the citation when
14 filed with a court having jurisdiction, is considered to be a lawful
15 complaint for the purpose of prosecution.

16 (g) Unless the citation has been voided or otherwise dismissed
17 by the magistrate, judge, or prosecutor, or bail has been forfeited
18 under AS 45.75.133, a person who fails to appear in court to answer a
19 citation issued under this section, regardless of the disposition of
20 the charge for which the citation was issued, is guilty of a class B
21 misdemeanor.

22 Sec. 45.75.133. BAIL FORFEITURE. (a) The supreme court shall
23 specify by rule or order those violations that are appropriate for
24 disposition without court appearance, and shall establish a schedule
25 of bail amounts. The maximum bail forfeiture amount for an offense
26 may not exceed the maximum fine specified by law for that offense. If
27 the person who has been cited can dispose of the violation without
28 court appearance, the issuing employee shall write on the citation the
29 amount of bail forfeiture applicable to the violation.

1 (b) A person cited for a violation for which a bail forfeiture
2 amount has been established under (a) of this section may, within 15
3 days after the date of the citation, mail or personally deliver to the
4 clerk of the court in which the citation is filed by the employee

5 (1) the amount of bail indicated on the citation for that
6 offense; and

7 (2) a copy of the citation indicating that the right to an
8 appearance is waived, a plea of no contest is entered and the bail is
9 forfeited.

10 (c) When the cited person has forfeited bail under (b) of this
11 section, the court shall enter a judgment of conviction. Forfeiture
12 of bail is a complete satisfaction for the violation. The clerk of
13 the court accepting the bail forfeiture shall provide the offender
14 with a receipt stating that fact.

15 (d) A cited person who fails to pay the bail forfeiture amount
16 established under (a) of this section or to appear in court as re-
17 quired, is guilty of a class B misdemeanor.

18 (e) Notwithstanding other provisions of law, if a person cited
19 for a violation for which a bail forfeiture amount has been estab-
20 lished under (a) of this section appears in court and is found guilty,
21 the court may not impose a penalty that exceeds the bail forfeiture
22 amount for that offense established under (a) of this section.

23 * Sec. 15. AS 45.75.140 is amended to read:

24 Sec. 45.75.140. POWERS AND DUTIES OF INSPECTORS [DEPUTY DIRECTOR
25 AND INSPECTOR]. The powers and duties of the commissioner [DIRECTOR]
26 specified in AS 45.75.070 - 45.75.100, 45.75.120, [AS 45.75.070,]
27 45.75.130, and 45.75.170 may [, AND 45.75.380 SHALL] also be exercised
28 by [THE DEPUTY DIRECTOR AND] inspectors, when acting under the in-
29 structions and at the direction of the commissioner [DIRECTOR].

1 * Sec. 16. AS 45.75.150 is amended to read:

2 Sec. 45.75.150. APPOINTMENT OF CITY SEALERS AND DEPUTY SEALERS
3 OF WEIGHTS AND MEASURES. (a) A city may appoint a sealer of weights
4 and measures, and the deputy sealers of weights and measures it needs.
5 If the city appoints a sealer, the city [IT] shall obtain at its
6 expense the standards of weight and measure [WEIGHTS AND MEASURES] and
7 the additional equipment, for use in the enforcement of this chapter
8 in the city, which the commissioner [DIRECTOR] prescribes.

9 (b) When the standards of weight and measure provided by a city
10 are examined and approved by the commissioner [DIRECTOR], they are the
11 official standards for the city. At least every five years, the
12 sealer shall make or arrange to have made comparisons between the
13 sealer's [HIS] field standards and appropriate standards of a higher
14 order belonging to the sealer's [HIS] city or to the state, in order
15 to maintain the field standards in accurate condition.

16 * Sec. 17. AS 45.75.160 is amended to read:

17 Sec. 45.75.160. CITY SEALERS AND DEPUTY SEALERS. The sealer of
18 a city, and the sealer's [HIS] deputy [SEALER] when acting under the
19 sealer's [HIS] instructions and [AT HIS] direction, have the same
20 powers and shall perform the same duties within the city as those
21 granted to and imposed upon the commissioner [DIRECTOR] by AS 45.75.-
22 080 - 45.75.130 and 45.75.380.

23 * Sec. 18. AS 45.75.170 is amended to read:

24 Sec. 45.75.170. CONCURRENT JURISDICTION. In each city having a
25 sealer of weights and measures, the commissioner [DIRECTOR] has con-
26 current authority to enforce this chapter.

27 * Sec. 19. AS 45.75.180 is amended to read:

28 Sec. 45.75.180. DUTY OF OWNERS OF INCORRECT APPARATUS. Weights
29 and measures rejected by the commissioner [DIRECTOR] or a sealer

1 remain subject to the control of the rejecting authority until suit-
2 able repair or disposition of them is made as required by this sec-
3 tion. The owner of a rejected weight and measure shall correct it
4 within 30 days or a longer period authorized by the rejecting author-
5 ity, [;] or [,] may dispose of it in the manner authorized by the
6 rejecting authority. The owner of rejected [REJECTED] weights and
7 measures may not use them again [BE USED] commercially until the
8 rejected weights and measures are officially reexamined [RE-EXAMINED]
9 and found to be correct or until specific written permission for their
10 use is issued by the rejecting authority.

11 * Sec. 20. AS 45.75.190(c) is amended to read:

12 (c) The commissioner [DIRECTOR] may adopt [ISSUE] reasonable
13 regulations necessary to assure that a seller determines the amounts
14 of commodity sold [ARE DETERMINED] in accordance with good commercial
15 practice and in an accurate and informative manner [AND ARE SO DETER-
16 MINED AND REPRESENTED AS TO BE ACCURATE AND INFORMATIVE].

17 * Sec. 21. AS 45.75.200(c) is amended to read:

18 (c) Under (a)(1) of this section the commissioner [DIRECTOR]
19 shall, by regulation, establish

20 (1) reasonable variations or tolerances to be allowed, that
21 [WHICH] may include variations below the declared weight or measure
22 caused by ordinary and customary exposure, only after the commodity is
23 introduced into intrastate commerce, to conditions that normally occur
24 in good distribution practice and that unavoidably result in decreased
25 weight or measure,

26 (2) exemptions for [EXEMPTION AS TO] small packages, and

27 (3) exemptions for [AS TO] commodities put up in variable
28 weights or sizes for sale to the consumer intact and either customar-
29 ily not sold as individual units or customarily weighed or measured at

1 the time of sale to the consumer.

2 * Sec. 22. AS 45.75.220 is amended to read:

3 Sec. 45.75.220. MISLEADING PACKAGES. A [NO] commodity in pack-
4 age form may not be so wrapped, or put in a container so made, formed,
5 or filled as to mislead the purchaser about [AS TO] the quantity of
6 the contents of the package, and the contents of a container may not
7 fall below the reasonable standard of fill that [WHICH] the commis-
8 sioner [DIRECTOR] prescribes for the commodity.

9 * Sec. 23. AS 45.75.282(b) is amended to read:

10 (b) The vendor shall retain one [ONE] of the tickets provided
11 for in (a) of this section [SHALL BE RETAINED BY THE VENDOR,] and
12 shall deliver the other [SHALL BE DELIVERED] to the purchaser at the
13 time of delivery of the commodity, or surrender the other [SURREN-
14 DERED], on demand, to the commissioner [DIRECTOR, OR THE DEPUTY DIREC-
15 TOR,] or an inspector, or a sealer[,] or a deputy sealer, who may [,
16 IF HE WANTS TO] retain it as evidence and, if it is retained, the
17 commissioner or deputy sealer [,] shall issue a weight slip in place
18 of it.

19 * Sec. 24. AS 45.75.290(b) is amended to read:

20 (b) The vendor shall retain one [ONE] of the tickets provided
21 for under (a) of this section [SHALL BE RETAINED BY THE VENDOR] and
22 shall deliver the other [SHALL BE DELIVERED] to the purchaser at the
23 time of delivery of the fuel, or shall surrender it, [BE SURRENDERED,]
24 on demand, to the commissioner [DIRECTOR, OR THE DEPUTY DIRECTOR] or
25 an inspector, or a sealer or deputy sealer, who may [, IF HE DESIRES
26 TO] retain it as evidence and [, SHALL] issue a weight slip in place
27 of it for delivery to the purchaser. If the purchaser carries away
28 the [HIS] purchase, the vendor is required only to give to the pur-
29 chaser at the time of sale a delivery ticket stating the number of

1 pounds of fuel delivered to the purchaser [HIM].

2 * Sec. 25. AS 45.75.300 is amended to read:

3 Sec. 45.75.300. TEXTILE PRODUCTS. It is unlawful for a person
4 to keep for the purpose of sale, offer or expose for sale, or sell
5 textile yard goods put up or packaged in advance of sale in a bolt or
6 roll, or another [ANY OTHER] textile product put up or packaged in
7 advance of sale in another [ANY OTHER] unit, for wholesale or retail
8 sale, unless the person definitely, plainly and conspicuously marks
9 the bolt or roll, or other unit [, IS DEFINITELY, PLAINLY, AND CON-
10 SPICUOUSLY MARKED] to show its net measure in terms of yards or its
11 net weight, in terms of avoirdupois pounds or ounces, subject to the
12 following limitations and requirements:

13 (1) a unit of twine or cordage may be marked to show its
14 net measure in terms of feet; readywound bobbins not sold separately
15 are not required to be individually marked, but the package containing
16 the bobbins shall be marked to show the number of bobbins contained in
17 it and the net weight or measure of the thread on each bobbin; a unit
18 of sewing, basting, mending, darning, crocheting, tatting, hand-
19 knitting, or embroidery thread or yarn, except nylon hand-knitting
20 yarn, that is not composed in whole or in part of wool, the net weight
21 of which is less than two ounces avoirdupois, shall be marked to show
22 its net measure in terms of yards as unwound from the ball or from the
23 spool or other holder; a retail unit of a textile product sold only
24 for household use consisting of a package containing two or more
25 similar individual units that are not sold separately shall be marked
26 to show the number of individual units in the package and the net
27 weight or net measure of the product in each individual unit, but this
28 does not apply where the individual units are separately marked; a
29 unit of yarn, composed in whole or in part of wool, sold to consumers

1 for handiwork, shall be marked to show the net weight of the yarn,
2 except that a [ANY SUCH] unit of tapestry, mending, or embroidery yarn
3 that [THE NET MEASURE OF WHICH] does not exceed 50 yards in net mea-
4 sure, may be marked to show its linear measure only;

5 (2) the marking required by this section shall in all cases
6 be in combination with the name and place of business of the manufac-
7 turer, packer, or distributor of the product, or a trademark, symbol,
8 brand, or other mark that identifies the manufacturer, packer, or
9 distributor;

10 (3) reasonable tolerances shall be permitted, and the
11 commissioner shall include reasonable tolerances [THESE SHALL BE
12 INCLUDED] in regulations adopted for the enforcement of this section
13 [THAT ARE ISSUED BY THE DIRECTOR];

14 (4) this section does not apply to the following textile
15 products when sold at wholesale in bulk by net weight: cordage, agri-
16 cultural bag sewing threads, twines, yarns that are to be processed,
17 and yarns that are to be industrially converted into end-use products.

18 * Sec. 26. AS 45.75.330 is amended to read:

19 Sec. 45.75.330. INJUNCTION. The commissioner [DIRECTOR] may
20 apply to a court for a temporary or permanent injunction restraining a
21 person from violating a provision of this chapter.

22 * Sec. 27. AS 45.75.380 is amended to read:

23 Sec. 45.75.380. OFFENSES AND PENALTIES. (a) A person commits a
24 violation subject to the penalty specified in AS 12.55.035(b)(5) if
25 the person does one or more of the following acts [A PERSON WHO, BY
26 HIMSELF OR BY HIS SERVANT, OR AGENT, OR AS THE SERVANT OR AGENT OF
27 ANOTHER, PERFORMS ANY ONE OF THE FOLLOWING ACTS IS GUILTY OF A MISDE-
28 MEANOR AND UPON A FIRST CONVICTION OF THE VIOLATION IS PUNISHABLE BY A
29 FINE OF NOT LESS THAN \$20 NOR MORE THAN \$200, OR BY IMPRISONMENT FOR

1 NOT MORE THAN THREE MONTHS, OR BY BOTH. UPON A SECOND OR SUBSEQUENT
2 CONVICTION, THE PERSON IS PUNISHABLE BY A FINE OF NOT LESS THAN \$50
3 NOR MORE THAN \$500, OR BY IMPRISONMENT FOR NOT MORE THAN ONE YEAR, OR
4 BY BOTH]:

5 (1) uses or has in possession for the purpose of using for
6 a [ANY] commercial purpose specified in AS 45.75.080, sells, offers,
7 or exposes for sale, or hire, or has in possession for the purpose of
8 selling or hiring, an incorrect weight or measure or a device or
9 instrument used to or calculated to falsify a weight or measure;

10 (2) uses or has in possession for current use, in buying or
11 selling a commodity or thing, or for hire or award, or in the computa-
12 tion of a basic charge or payment for services rendered on the basis
13 of weight or measurement, or in the determination of weight or mea-
14 surement when a charge is made for determination, a weight or measure
15 that has not been tested and sealed by the appropriate authority
16 within one year, (A) unless the person gives written notice [IS GIVEN]
17 to the appropriate authority to the effect that the weight or measure
18 is available for examination, or is due for reexamination [RE-EXAMINA-
19 TION], as the case may be, (B) unless the person receives specific
20 written permission to use the weight or measure [IS RECEIVED] from the
21 appropriate authority, or (C) unless the weight or measure is exempt
22 from sealing or annual testing requirements by AS 45.75.080 or by a
23 regulation adopted [OF THE DIRECTOR ISSUED] under AS 45.75.050;

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

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

29 (5) sells or[,] offers [OR EXPOSES] for sale less than the

1 quantity the person [HE] represents of a commodity, thing, or service;
2 (6) takes more than the quantity the person [HE] represents
3 of a commodity, thing, or service when, as buyer, the person [HE]
4 furnished the weight or measure that the seller used to determine [BY
5 MEANS OF WHICH] the amount of the commodity, thing, or service [IS
6 DETERMINED];
7 (7) keeps for the purpose of sale, advertises, or offers
8 [OR EXPOSES] for sale, or sells a commodity, thing, or service in a
9 condition or manner contrary to law or regulation;
10 (8) uses in retail trade, except in the preparation of
11 packages put up in advance of sale and of medical prescriptions, a
12 weight or measure that is not so positioned that a customer may accu-
13 rately read, from a position that may reasonably be assumed by a
14 customer, its indications [MAY BE ACCURATELY READ] and observe the
15 weighing or measuring operation [OBSERVED FROM SOME POSITION WHICH MAY
16 REASONABLY BE ASSUMED BY A CUSTOMER];
17 (9) hinders or obstructs the commissioner, an inspector, a
18 sealer, or a deputy sealer in the performance of official duties under
19 this chapter;
20 (10) violates a provision of an overweight or oversize
21 vehicle permit issued under AS 44.33.020(25);
22 (11) violates a weight, load, or size limitation established
23 under AS 19.10.060 or a regulation adopted under AS 19.05.020, AS 44.-
24 33.020(25), or AS 45.75.050(b)(5);
25 (12) violates a provision of this chapter or of a regulation
26 adopted under this chapter for which a specific penalty is not pre-
27 scribed.
28 (b) Notwithstanding the maximum fine for a violation provided
29 under (a) of this section, the commissioner shall impose on a person

1 who violates a regulation or special permit governing the weight limit
2 of a motor vehicle a maximum penalty of \$.05 for each pound of weight
3 over the authorized weight limit for the vehicle.

4 * Sec. 28. AS 45.75.390(4) is repealed and reenacted to read:

5 (4) "commissioner" means the commissioner of commerce and
6 economic development or the commissioner's designee;

7 * Sec. 29. AS 28.40.050(e) and AS 45.75.360 are repealed.

8 * Sec. 30. This Act takes effect immediately in accordance with AS 01.-
9 10.070(c).