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CSSB 82 (Trans) Sectional Analysis:

- Section 1) Provides that the commissioner of DCED is the ex officio director of weights and measures and allows delegation of authority to state inspectors.
- Section 2) Designates the Commissioner of DCED as custodian of the state standards and equipment related to this program.
- Section 3) Grants authority to adopt regulations to enforce the weights and measures act, the overweight/oversize permit program and the weigh station program.
- Section 4) Identifies items which may be addressed in the regulations.
- Standards and packaged commodities
 - inspection records
 - exemptions from sealing regs
 - exemptions for annual weights and measures testing
 - enforcement of permit and weigh station programs
- Section 5) Provides that the specifications, tolerances, and regs for commercial weighing and measuring devices, published in the National Bureau of Standards Handbook 44, will be used by state unless modified or rejected by the Commissioner.
- Section 6) Provides that the commissioner shall verify standards and equipment to carry out this chapter.
- Section 7) Deletes references to the Director and inserts Commissioner regarding the frequency and testing for city and state supported institutions' standards of weights and measures.
- Section 8) Inserts commissioner rather than director regarding the frequency of testing for all weights and measures used commercially.
- Section 9) Authorizes the commissioner the responsibility for investigating complaints and violations of this chapter.
- Section 10) Grants the commissioner the authority to determine compliance on the inspection of packaged commodities.

- Section 11) Authorizes the Commissioner to issue stop use orders, stop removal orders, and removal orders for weights and measures or commodities.
- Section 12) Authorizes the commissioner to take actions when weights and measures are determined to be correct or incorrect.
- Section 13) Defines the commissioner's enforcement authority and procedures to be used to exercise this authority.
- Section 14) Adds a new section pertaining to the issuance of citations with respect to size, weight, and load limitations.
- Section 15) Defines the powers and duties of inspectors when acting under instructions and at the direction of the commissioner.
- Section 16) Lists the conditions under which a city may appoint a sealer of weights and measures.
- Section 17) Defines the powers granted to city sealers and deputy sealers.
- Section 18) States that even if a city has an appointed sealer, the commissioner has concurrent authority to enforce this chapter.
- Section 19) Defines the responsibilities and restrictions placed upon the owner of a rejected weight or measure.
- Section 20) Authorizes the commissioner to adopt regs to assure that commodities are sold in accordance with good commercial practice.
- Section 21) Requires that variations of weight and exemptions to commodity packaging be established by the commissioner through regulations.
- Section 22) Section prohibits misleading commodity containers and labels; "fill" standards to be prescribed by the commissioner.
- Section 23) Section pertains to delivery tickets used for bulk commodities delivered to a consumer and provides that when a delivery ticket is surrendered, the commissioner or the deputy sealer shall issue a weight slip.
- Section 24) Section concerns delivery tickets used for bulk coal, coke, and charcoal and the commissioner's authority over them.
- Section 25) Section relates to the marking of textile products and allows the commissioner to include reasonable tolerances in regs.

- Section 26) Allows the commissioner to apply to a court for a restraining injunction.
- Section 27) Outlines the penalties for various offenses in this chapter.
- Section 28) Commissioner is defined as the commissioner of DCED
- Section 29) Repealers
- Section 30) Immediate effective date.

AK TOURISM JNU
PERMITS II AHG

TO: JOE SWANSON, DIRECTOR
DIVISION OF MEASUREMENT STANDARDS
C/O DEPARTMENT OF COMMERCE
TOURISM DIVISION
JUNEAU, AK

FROM: A. D. THOMPSON, CHIEF
SECTION OF PERMITS &
WEIGH STATIONS
ANCHORAGE, AK

VIOLATIONS AT
WEIGH STATIONS
PROVIDED BY
DCED

	FY 83	FY 84	1/2 FY 85
1. NO PERMIT		131	227
2. PERMIT VIOLATIONS		118	183
3. PERMIT CORRECTIONS		202	156
	-----	-----	-----
TOTAL	##297	451	566

1. OVERSIZE VEHICLE TRAVELING WITH NO PERMIT.
2. A VIOLATION OF PERMIT CONDITIONS WHICH REQUIRED THE APPROVAL OF THE PERMIT OFFICE PRIOR TO CONTINUING TRIP.
3. A VIOLATION OF PERMIT CONDITIONS THAT WHERE A PERMIT CORRECTION FORM WAS ISSUED BY A WEIGHT STATION OPERATOR.

REPRESENTS NINE MONTHS OF FY 83. UNABLE TO SEPARATE BY TYPE.

AK TOURISM JNU

PERMITS II AHG

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WEIGH STATION PROGRAM - STATEWIDE TOTALS

MONTH FebruaryYEAR 1985 - FY 85

	CURRENT YEAR		PREVIOUS YEAR	
	MONTH	YTD	MONTH	YTD
1. Inspection Activity:				
A. Trucks weighed	6,743	90,260	6,266	77,243
B. Trucks reweighed	218	2,911	123	2,815
C. Trucks measured	190	2,053	181	2,018
D. Trucks measured electronically	3,451	41,249	3,109	29,411
2. Enforcement Activity:				
A. Weight:				
1. Loads shifted	157	2,035	66	1,452
2. Off loadings	78	992	74	1,857
3. Number of citations issued	61	539	37	375
B. Size: (No Permit)				
1. Number of violations detected and corrected	1	243	29	84
3. Permit Activity:				
A. Number of permit violations	23	226	16	60
B. Number of permit corrections	24	213	4	112
4. Imminent Safety Hazards:				
A. Number of vehicles placed out of service for:				
1. Equipment	1	72	16	167
2. Load	0	11	0	14

WEIGH STATION PROGRAM - STATEWIDE TOTALS

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WEIGH STATION PROGRAM - STATEWIDE TOTALS

MONTH December YEAR 1984 - FY 85

	CURRENT YEAR		PREVIOUS YEAR	
	MONTH	YTD	MONTH	YTD
1. Inspection Activity:				
A. Trucks weighed	6,868	74,939	6,309	64,353
B. Trucks reweighed	268	2,402	171	2,542
C. Trucks measured	198	1,553	199	1,565
D. Trucks measured electronically	3,432	33,528		
2. Enforcement Activity:				
A. Weight:				
1. Loads shifted	217	1,650	92	1,312
2. Off loadings	86	829	72	1,704
3. Number of citations issued	62	405	34	304
B. Size: (No Permit)				
1. Number of violations detected and corrected	28	227	6	46
3. Permit Activity:				
A. Number of permit violations	33	183	7	50
B. Number of permit corrections	20	156	8	88
4. Imminent Safety Hazards:				
A. Number of vehicles placed out of service for:				
1. Equipment	6	52	15	122
2. Load	0	11	1	5

MEMORANDUM

State of Alaska

TO: JOE SWANSON, DIRECTOR
DIVISION OF MEASUREMENT STANDARDS

DATE: 3/8/85

FILE NO:

TELEPHONE NO:

FROM: *JD* JAN DAVIS, DOC. PROC. II

SUBJECT: BOAT MOVE OF 3/1/85
PERMIT NO. 203081

Alas Can Trucking applied for an oversize permit on 2/27/85 for a boat move with overall dimensions of 18'6" high, 15' wide, 75' long. The height required clearances by all utility companies. Three stated they would accompany the move and raise their wires; two stated they would authorize the move without accompaniment. The width of the load required a police escort the entire route.

The trucking company began the move from the dock area prior to the arrival of all the required utilities. ML & P (electric) had to raise several telephone company wires. They objected to the raising of these wires to the police escort and called the telephone company, who notified the permit office that the move had begun before their arrival (or the arrival of Chugach Electric). ML & P had also measured the load and the height was 19'4". I requested that the police escort stop the move as the trucking company was in violation of the permit. The additional height now required accompaniment by the cable utility as well as approval to move unaccompanied by the traffic signals division.

The move was completed later that day after the required approvals were received by the permit office and all the utilities were present to accompany the load.

See the attached police report, which shows further violation of the permit in that three pilot cars were required and only two were present.

Note on page 2 of the police report that the trucking company attempted to move a second (higher) boat under the same permit, and that the driver stated that the permit office had cleared the move. This was not true. Later that same day, the owner of the trucking company came into the office to complete three more oversize applications for boats (one of which was the second boat referred to above); he stated in my presence that if the police escort officer hadn't gotten so nervous, they would have gotten that second boat moved.

cc: A. D. Thompson, Chief
T. Duff, Clerk IV, Permit Section

Back Up

STATE OF ALASKA
APPLICATION & PERMIT
TO TRANSPORT OVERSIZE OR OVERWEIGHT
VEHICLES OVER THE ALASKA HIGHWAY SYSTEM
AND OTHER DESIGNATED HIGHWAY

For Permit Office Use Only **203081**
Permit Office: FAIRBANKS
Date Rec'd. 2-27-85
Fee Amount 2000
Cash Check Charge
Cert. Weight Ticket Attached Yes No
Alaska Business License No. _____

Name of Owner/leasee Alan Con Purabing
Address _____
Lic. No.: Truck 5502 BT Trailer _____ Vehicle Type Trailer ATC No. 221 D
Make & Model: Truck Peter Trailer Trail-A-Rama
Load Books Make & Model _____
Dates of Move Feb 28 Must be to Fairbanks
Time of Move DAYLIGHT HOURS EXCEPT AS STAMPED
Exact Origin Fairbanks Exact Destination 26 St & Kings Rd.
Via Highways Denali Highway 26 St & Kings Rd.

NO MOVEMENT IF VISION IS OBSCURED BY INCLEMENT WEATHER. ORIGINAL PERMIT MUST BE CARRIED IN ABOVE VEHICLE DURING MOVE.

VEHICLE WEIGHTS

OVERALL WHEEL BASE EQUALS _____ FEET

(X' in axles by groups)

Actual Weights	_____	_____	_____	_____	_____
Tire Width (in.)	<u>11</u>	<u>11</u>	<u>11</u>	_____	_____
Tire Loading (No./In.)	_____	_____	_____	_____	_____
Actual Combined Vehicle Weight	<u>Legal</u>			Legal Combined Vehicle Weight	<u>95,000</u>

(Circle all values that are overweight)

VEHICLE SIZE

Overall Height: 18'-6" Overall Width: 15' Overall Length: 75'
Overhangs: Front _____ Rear 4' Semi Trlr. Length: 45'
Over Height 6' Over Width 1'-6" Over Length _____

CONDITIONS (For Office Use Only)

Longwide Load Sign: Front Rear Convoy Communication Red Flag Police Escort

Pilot Cars: 2 Front Rear Rotating Beacon

Maximum Speed: (1.) Highways 25 (2.) Bridges (a.) Max speed _____ (b.) No gear change (c.) No braking

Other Conditions: WAYNE BUTCHER (MIGACH ELECT APPROVED ROUTE THEY WILL ACCOMPANY MOVE - PER BOB HANCOCK ATU WILL ACCOMPANY MOVE 2-28-85 APPROVED BY JIM MILLER (MULTI DIVISIONS) 2-28-85 CAUTION AT 34th + N. Seward - 19' WIRE APPROVED BY JIM LARSEN (S&D) FEB 27-85

CERTIFICATION: Walter (Please Print) Title Owner Date Feb 27 85

1. The load has been reduced to a practical minimum size and weight.
2. All vehicle regulations will be complied with.
3. The State of Alaska will be held harmless from any and all liability that may arise from the authorized mover.
4. That all arrangements have been made with Public Utilities for the protection of utilities which may interfere with the authorized move.
5. That owner/leasee will be responsible for all damages to Public Utilities or any other facility incurred as a result of the move.

Approval: Permission is hereby granted to move the above described vehicle and/or load over the designated highways subjected to the conditions designated above.

Signed J. Milavics Title dpc Date 2-27-85



MUNICIPALITY OF ANCHORAGE
Anchorage Police Department
INCIDENT REPORT



LEIS 4

1. DATE AND TIME RPT. TO P.D. 3-1-85 0851		2. SECTOR 1	3. PATROL AREA 3	4. RD	5. 3 CODE SECTION	6. 4 CASE NUMBER 85-19 362		
5. TYPE OF CRIME OR INCIDENT IMPROPER ESCORT			6. DATE OCCURRED 3-1-85 0851		7. DAY OCCURRED FRIDAY			
8. LOCATION OF INCIDENT OR ADDRESS PATERSON AVENUE 3115 76 TH			9. FIRM NAME (IF COMMERCIAL) ALAS-CAN CRANE		10. CROSS REF. CASE NO.			
11. VICTIM'S NAME (LAST, FIRST, MIDDLE)			12. MISC ID	13. RESIDENCE ADDRESS CITY STATE ZIP			14. RES. PHONE	
15. AGE	16. DOB	17. SEX	18. RACE	19. BUSINESS ADDRESS OR EMPLOYER		20. WORK HRS	21. DAYS OFF	22. BUS. PHONE
23. NAME (LAST, FIRST, MIDDLE) ALASKAN CRANE Corp			24. ROLE	25. MISC ID	26. RESIDENCE ADDRESS CITY STATE ZIP		27. RES. PHONE	
28. AGE	29. DOB	30. SEX	31. RACE	32. BUSINESS ADDRESS OR EMPLOYER 371 PAPER PINE TRAIL		33. WORK HRS	34. DAYS OFF	35. BUS. PHONE
36. NAME (LAST, FIRST, MIDDLE) ALASKA YACHT WORLD			37. ROLE	38. MISC ID	39. RESIDENCE ADDRESS CITY STATE ZIP		40. RES. PHONE	
41. AGE	42. DOB	43. SEX	44. RACE	45. BUSINESS ADDRESS OR EMPLOYER 3115 76 TH		46. WORK HRS	47. DAYS OFF	48. BUS. PHONE

47. NARRATIVE
"MATCH" etc. KOLEK WAS ADVISED BY LT HARDY TO GO TO THE PORT TO PROVIDE AN ESCORT FOR MOVING A BOAT.

ARRIVAL: UPON ARRIVAL etc. KOLEK MADE CONTACT WITH "GRADY" OF ALAS-CAN CRANE WHO WAS MOVING A BOAT FOR ALASKA YACHT WORLD. HE SAID HE HAD THE TRACTOR READY ALONG WITH TWO PLOW CARS AND THAT MILEP WAS THERE TO GO ALONG AND RAISE THE POWER LINES WITH THEIR BUCKET TRUCK. ALSO THAT THE PHONE CO WAS TAMING.

INFORMATION: PRIOR TO THE ARRIVAL OF ATU, THE OWNER OF ALAS-CAN (CRANE, GARDON) WOULD 10-30-30, STARTED FOR 76TH. I COUGHT UP AND BEGAN THE ESCORT. AT A NUMBER OF INTERSECTIONS THE PHONE LINES HAD TO BE RAISED AND WERE DONE SA BY MILEP. I WAS CAUTIONED BY MILEP THAT THEY WERE RAISING THE PHONE LINES AND ~~BEING~~ ADVISED THEY WERE NOT COMFORTABLE DOING SO. I CALLED THE HOVE OPERATION OVER AND TOLD WOOD WE HAD TO WAIT FOR ATU. WHILE WE WERE AT 16TH & CAMBELL WAITING FOR ATU, I WAS ADVISED BY WEIGHTS & MEASURES THAT THE ALAS-CAN CRANE CO. WAS IN VIOLATION OF THE PERMIT

49. SUPERVISOR REVIEW <input type="checkbox"/> OFFICER <input type="checkbox"/> F.U.		50. CASE SCREENING OFFICER DATE <input type="checkbox"/> CONCUR <input type="checkbox"/> FOLLOW-UP <input type="checkbox"/> CONCUR <input type="checkbox"/> O.R. <input type="checkbox"/> F.U.		51. COPIES TO <input type="checkbox"/> CHIEF <input type="checkbox"/> TRAFFIC <input type="checkbox"/> INV. SRVC. <input type="checkbox"/> CPU <input type="checkbox"/> UFS <input type="checkbox"/> JUV. <input type="checkbox"/> METRO <input type="checkbox"/> OTHER	
52. OFFICER(S) REPT. FOLKS		53. SUPERVISOR APPROVING		DATE	
DATE 3-1-85		DATE		DATE	
PAGE		OF			



ANCHORAGE POLICE DEPARTMENT
CONTINUATION REPORT

PAGE # 2 OF 2

CASE NO. 85-18362

TYPE OF INCIDENT * F M LOCATION OF INCIDENT * AREA * NAME OF VICTIM OR COMPLAINANT *
 BOAT ESCORT M Port to 76th 2

NARRATIVE: SYNOPSIS, DIAGRAMS, INTERVIEWS, INVESTIGATION RESULTS, ACTIONS TAKEN, CONCLUSION.

INFO CONT: AND WAS ADVISED THAT THEY WERE OVER 18' 4". I MEASURED THE LOAD HEIGHT AND FOUND THE HEIGHT TO BE 19' 4". ALSO A PORTION OF THE BOAT THROTTLE HAD BEEN BROKEN OFF ON ONE OF THE LIGHT STANDARDS. THE BOAT WAS THEN PARKED IN THE FIREWEDD THEATER PARKING LOT.

RECALL: I WAS RECALLED TO ESCORT THE BOAT AT 1145. ALL FOUR UTILITIES WERE PRESENT AND THE REMAINDER OF THE TRIP FROM THE THEATRE TO 76th WAS MADE WITHOUT INCIDENT.

RECALL: I WAS THEN REQUESTED TO PROVIDE AN ESCORT FOR ANOTHER BOAT FROM THE PORT TO THE SAME LOCATION AT 1300 HRS. I WENT TO THE PORT AND SAW THE ALAS-CAN CRANE CO. MOVING A BOAT FROM THE PORT WITHOUT AN ESCORT BY POLICE, WITHOUT MLEP, WITH OUT ATM & WITHOUT VISSIONS UTILITY.

A TRAFFIC STOP WAS MADE ON THE TRACTOR, AND ADVISED WOLD THAT THE TRACTOR WOULD NOT MOVE UNTIL ALL THE UTILITIES HAD ARRIVED AND EVERYTHING WAS IN ORDER.

THE DRIVER OF THE TRACTOR HAD THE SAME PERMIT #203081. HE ADVISED THAT THE LOAD WAS NOW 19' 6" AND IT HAD BEEN CLEARED BY ~~WEIGHTS~~ WEIGHTS & MEASURES. I THEN MEASURED THE BOAT MYSELF WITH THE HELP OF THE PHONE UTILITY. IT MEASURED 23' PLUS; BUT ONE OF THE WORKERS FROM ALAS-CAN CRANE FOLDED DOWN THE SEATS. IT THEN MEASURED 20' 8".

CONTACT WAS AGAIN MADE WITH WEIGHTS & MEASURES WHO DEADLINED THE ESCORT.

DISPO: FORWARD COPY TO WEIGHTS & MEASURES STATE OF ALASKA. IT IS SUGGESTED THAT THE ALAS-CAN CRAIN OPERATION BE SUPERVISED MORE CLOSELY BY THE APPROPRIATE AGENCY.

PERMIT #203081

REPORTING OFFICER * KOLBS	DSN 0121	DATE OF REPORT * 2-1-85	DATE TYPED	TIME	BY	CASE STATUS PEND <input type="checkbox"/> SUSP. <input type="checkbox"/> CLOSED <input type="checkbox"/>
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COMMITTEE REPORT
SENATE

FURTHER:

1/27/85

Date _____

Mr. President _____

The Committee on TRANSPORTATION considered 2

weights and measures; and.

and (a majority of the committee) (the committee) reports it back with the following recommendations:

- do pass
- do pass with attached amendment(s)
- replace with/or adopt . CS for _____
- new title
- same title and recommends _____
- and attached a "LETTER OF INTENT" [] NEW FISCAL NOTE
- reports it back without recommendation
- recommends referral to _____ Committee

MEMBERS SIGNING
DO PASS

MEMBERS HAVING
OTHER RECOMMENDATIONS

Chairman

STATE OF ALASKA 1985 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: _____

REQUEST

Bill/Resolution No.: SB 82
 Title: "An Act relating to weights and measures..."
 Sponsor: Rules Comm. for Governor
 Requestor: _____
 Date of Request: _____

FISCAL DETAIL

Agency Affected _____
 Program Category _____
 Administration _____
 BRU, Program or _____
 Alaska State T _____

FISCAL NOTES FROM DPS & DCED \$0

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING	- 0 -	- 0 -	- 0 -	- 0 -	- 0 -	- 0 -

CAPITAL						
----------------	--	--	--	--	--	--

REVENUE						
----------------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

GENERAL FUND					
FEDERAL FUNDS					
OTHER					
TOTAL					

POSITIONS:

FULL-TIME					
PART-TIME					
TEMPORARY					

ANALYSIS: Attach a separate page if necessary

Prepared By: Marcia Lynn McKenzie
 Division: Administrative Services

Phone: 465-4349
 Date: 1/8/84

Approved by Commissioner: [Signature]
 Agency: Department of Public Safety

Date: 1/8/84

Distribution (by Agency preparing fiscal note):

Legislative Finance
 Legislative Sponsor
 Requestor
 Office of Management and Budget
 Impacted Agency(ies)

STATE OF ALASKA 1985 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: _____

REQUEST
 Bill/Resolution No.: SB 8882
 Title: Relating to weights and measures
 Sponsor: Rules/Governor
 Requestor: _____
 Date of Request: _____

FISCAL DETAIL
 Agency Affected: Commerce & Econ. Dev.
 Program Category Affected: Consumer Protection
 BRU, Program or Subprogram(s) Affected: Measurement Standard

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
900 MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL	-0-	-0-	-0-	-0-	-0-	-0-
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: Attach a separate page if necessary

Joseph L. Swanson

Prepared By: Joseph L. Swanson Phone: 345-7750
 Division: Measurement Standards Date: 12/4/84

Approved by Commissioner Richard A. Lyon Date: 12.5.84
 Agency: Commerce and Economic Development

Distribution (by Agency preparing fiscal note):
 Legislative Finance
 Legislative Sponsor
 Requestor
 Office of Management and Budget
 Impacted Agency(ies)

7/1/84



STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

0838

January 22, 1985

The Honorable Don Bennett
President of the Senate
Alaska State Legislature
Pouch V
Juneau, AK 99811

Dear Senator Bennett:

Attached is a bill amending the Weights and Measures Act, AS 45.75.

In 1982, the overweight and oversize motor vehicle program was transferred from the Department of Public Safety to the Department of Commerce and Economic Development. This transfer included the duties of operating vehicle weighing stations, issuing permits for overweight and oversize vehicles, and enforcing the vehicle size, weight, and load limits established by the Department of Transportation and Public Facilities (DOTPF). (Ch. 77, SLA 1982)

The 1982 transfer of duties was accomplished only by repealing AS 28.05.011(8) and adding a paragraph (25) to the general duties of the Department of Commerce and Economic Development listed in AS 44.33.020. This bill completes the transfer by also adding those duties to the Weights and Measures Act (secs. 2 and 4 of the bill). The bill also decreases the frequency of required inspections and tests of all weights and measures from semiannual to annual (sec. 8 of the bill). More frequent inspections and tests can still be made in problem areas, however.

Section 13 of the bill clarifies that the commissioner of commerce and economic development may authorize department employees to arrest or issue citations to persons who violate the DOTPF vehicle size, weight, and load limits, the provisions of an overweight or oversize vehicle permit, or department regulations. It also specifies procedures and rules governing those citations. This eliminates an ambiguity and possible loophole left after the 1982 transfer of enforcement authority to the department.

Section 26 of the bill amends AS 45.75.380 to increase the current maximum fine for all weights and measures offenses

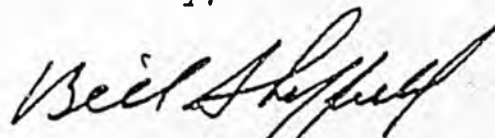
from \$200 (or five cents a pound for overweight vehicle offenses) to a \$300 fine (plus five cents a pound for overweight vehicle offenses). By making these offenses subject to the violation penalty set out in AS 12.55.035(b)(5), they are like AS 28.40.050(c)'s "infractions," and the possibility of imprisonment would be dropped, as would the increase in penalties for subsequent convictions. This change conforms to the new Criminal Code (AS 11) and the Code of Criminal Procedure (AS 12) and will provide a more effective deterrent to weights and measures violations. Severe penalties and certainty of conviction are two deterrents to unlawful conduct. It is felt that there is a greater probability of conviction under the "infraction" approach and that it would be the more effective deterrent to the various weights and measures offenses -- both statutory and regulatory. Also, under AS 45.75.130(g) (in sec. 13 of the bill), failure to respond to a citation for one of these violations would be a class B misdemeanor; cf. AS 12.25.230.

Most of the bill, including secs. 1 -- 3 and 5 -- 26, clarifies a confusing approach taken by the 1961 legislature which passed the Weights and Measures Act. For reasons which are not now clear, and which, to the extent that we can guess what they were, no longer apply, AS 47.75.030 states that the commissioner of commerce and economic development is the director of weights and measures, and throughout the chapter many references are made to the director. To avoid confusion with the director of the division of measurement standards, who is currently assigned to administer the Act, this bill changes all of those references to the director to be references to the commissioner.

The bill also makes "housekeeping" amendments to clean up outdated language and to correct several citations.

All of these changes in the Weights and Measures Act will increase the effectiveness and efficiency of implementation of the Act, especially the overweight and oversize vehicle program.

Sincerely,



Bill Sheffield
Governor

STATUTES RELATED TO CSSB 82 (TRSP)

AS12.55.035

HEADINGS TITLE 12.
Code of Criminal Procedure.
CHAPTER 55.
Sentencing and Probation.

CITATION Sec. 12.55.035.

CATCH LINE FINES.

TEXT (a) Upon conviction of an offense, a defendant may be sentenced to pay a fine as authorized in this section or as otherwise authorized by law. In determining the amount and method of payment of a fine, the court shall take into account the financial resources of the defendant and the nature of the burden its payment will impose. No defendant may be imprisoned solely because of inability to pay a fine.

(b) Upon conviction of an offense, a defendant who is not an organization may be sentenced to pay, unless otherwise specified in the provision of law defining the offense, a fine of no more than

(1) \$75,000 for murder in the first or second degree, sexual assault in the first degree, kidnapping, or misconduct involving a controlled substance in the first degree;

(2) \$50,000 for a class A, B, or C felony;

(3) \$5,000 for a class A misdemeanor;

(4) \$1,000 for a class B misdemeanor;

(5) \$300 for a violation.

(c) Upon conviction of an offense, a defendant that is an organization may be sentenced to pay a fine not exceeding the greater of

(1) \$100,000; or

(2) an amount which is three times the pecuniary gain realized by the defendant as a result of the offense.

(d) If a defendant is sentenced to pay a fine, the court may grant permission for the payment to be made within a specified period of time or in specified installments.

HISTORY (Sec. 12 ch 166 SLA 1978; am sec. 17 ch 45 SLA 1982; am sec. 26 ch 143 SLA 1982)

AS19.05.020

HEADINGS TITLE 19.
Highways and Ferries.
CHAPTER 05.
Administration.
ARTICLE 1.
Department of Transportation and Public Facilities.

CITATION Sec. 19.05.020.

CATCH LINE

REGULATIONS.

TEXT The department shall adopt regulations necessary to carry out the purpose of chs. 5 - 25 of this title .

HISTORY (Sec. 1 art III title I ch 152 SLA 1957)

AS19.10.060

HEADINGS TITLE 19.
Highways and Ferries.
CHAPTER 10.
State Highway System.
ARTICLE 1.
Designation, Marking and Use.

CITATION Sec. 19.10.060.

CATCH LINE

REGULATION OF WEIGHT AND LOAD OF VEHICLES AND USE OF HIGHWAYS DURING CERTAIN SEASONS.

TEXT The department, with respect to highways under its jurisdiction, may

(1) establish limitations on weight, size, and load of vehicles;

(2) Repealed, sec. 25 ch 144 SLA 1977.

(3) prohibit the operation or impose restrictions on vehicular use of highways during certain seasons of the year.

HISTORY (Sec. 5 art III title II ch 152 SLA 1957; am sec. 1 ch 55 SLA 1963; am sec. 25 ch 144 SLA 1977; am sec. 2 ch 77 SLA 1982)

AS44.33.020

HEADINGS TITLE 44.
State Government.
CHAPTER 33.
Department of Commerce and Economic Development.
ARTICLE 1.
Organization.

CITATION Sec. 44.33.020.

CATCH LINE

DUTIES OF DEPARTMENT.

TEXT The Department of Commerce and Economic Development shall

- (1) administer the state programs relating to commerce, enforce the laws relating to these programs, and adopt regulations under these laws;
- (2) register corporations;
- (3) collect corporation franchise taxes;
- (4) enforce state laws regulating public utilities and other public service enterprises, banking and securities,

AS44.33.020 cont.

insurance, and other businesses and enterprises touched with a public interest;

(5) make veterans' loans;

(6) inspect weights and measures;

(7) promote and develop civil aviation;

(8) furnish the budgeting, clerical and administrative services for regulatory agencies and professional and occupational licensing boards not otherwise provided for;

(9) Repealed, E.O. No. 39 sec. 13 (1977).

(10) Repealed, E.O. No. 33 (1968).

(11) Before the commencement of each calendar quarter, furnish lending institutions, title insurance companies, mortgage companies and clerks of the respective superior courts with the 12th Federal Reserve District discount rate that is to be used during that calendar quarter for computing the maximum rate of interest under AS 45.45.010(b);

(12) conduct studies, enter into contracts and agreements, and make surveys relating to the economic development of the state and, when appropriate, assemble, analyze, and disseminate the findings obtained;

(13) provide factual information and technical assistance for potential industrial and commercial investors;

(14) receive gifts, grants, and other aid that facilitate the powers and duties of the department from agencies and instrumentalities of the United States or other public or private sources;

(15) establish and activate programs to achieve balanced economic development in the state and advise the governor on economic development policy matters;

(16) formulate a continuing program for basic economic development and for the necessary promotion, planning and research that will advance the economic development of the state;

(17) cooperate with private, governmental and other public institutions and agencies in the execution of economic development programs;

(18) review the programs and annual reports of other departments and agencies as they are related to economic development and prepare an annual report on the economic growth of the state;

(19) administer the economic development programs of the state;

(20) perform all other duties and powers necessary or proper in relation to economic development and planning for the state;

(21) request tourism-related businesses in the state to provide data regarding occupancy levels, traffic flow and gross receipts and to participate in visitor surveys conducted by the department; data collected under this paragraph which discloses the particulars of an individual business is not a matter of public record and shall be kept confidential; however, this restriction does not prevent the department from using the data to formulate tourism economic

AS44.33.020 cont.

impact information including expenditure patterns, tax receipts and fees, employment and income attributable to tourism, and other information considered relevant to the planning, evaluation and policy direction of tourism in the state.

(22) Repealed, E.O. No. 47, sec. 6 (1980).

(23) administer the program of state assistance for the construction and development of cultural facilities in accordance with AS 44.33.401 44.33.417;

(24) provide administrative and budgetary services to the Real Estate Commission (AS 08.88) as requested by the commission;

(25) operate motor vehicle weighing stations, issue special written permits authorizing the operation of overweight and oversize vehicles, establish fees for the overweight and oversize vehicle special permits, enforce the size, weight, and load limitations adopted by the Department of Transportation and Public Facilities under AS 19.10.060, and establish regulations relating to pilot car services and the enforcement of the size, weight, and load limitations adopted under AS 19.10.060;

(26) administer the Alaska Foreign Offices established by AS 44.33.530.

HISTORY (Sec. 14 ch 64 SLA 1959; am sec. 6 ch 186 SLA 1960; am sec. 2 ch 1 SLA 1961; am sec. 2 ch 55 SLA 1963; am sec. 2 ch 70 SLA 1965; am E.O. No. 33 (1968); am sec. 4 ch 94 SLA 1969; am sec. 6 ch 207 SLA 1975; am sec. 1 ch 116 SLA 1976; am sec. 96 ch 218 SLA 1976; am E.O. No. 39, sec. 13 (1977); am E.O. No. 40, sec. 2 (1979); am sec. 4 ch 62 SLA 1979; am E.O. No. 47, sec. 6 (1980); am sec. 33 ch 167 SLA 1980; am sec. 1 ch 77 SLA 1982; am E.O. No. 57, sec. 2 (1984); am sec. 1 ch 120 SLA 1984)

AS45.75.040

HEADINGS TITLE 45.

Trade and Commerce.

CHAPTER 75.

Weights and Measures Act.

ARTICLE 2.

State and Local Administration of Weight and Measure Regulation.

CITATION Sec. 45.75.040.

CATCH LINE

GENERAL POWERS AND DUTIES OF DIRECTOR.

TEXT The director is the custodian of the state standards of weight and measure and of the other standards and equipment provided for by this chapter. The director shall keep accurate records of the standards and equipment. The director shall enforce this chapter. He shall supervise the weights and measures offered for sale, sold, or in use in the state.

HISTORY (Sec. 8 ch 101 SLA 1961)

AS45.75.050

HEADINGS TITLE 45.

Trade and Commerce.

CHAPTER 75.

Weights and Measures Act.

ARTICLE 2.

State and Local Administration of Weight and Measure Regulation.

CITATION Sec. 45.75.050.

CATCH LINE

ADOPTION OF REGULATIONS.

TEXT

(a) The director shall issue regulations for the enforcement of this chapter in accordance with the Administrative Procedure Act (AS 44.62). These have the effect of law.

(b) The regulations may include

(1) standards of net weight, measure, or count, and reasonable standards of fill, for any commodity in package form;

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

(3) exemptions from the sealing or marking requirements of AS 45.75.120 with respect to weights and measures of a character or size that sealing or marking would be inappropriate, impracticable, or damaging to the apparatus in question; and

(4) with respect to classes of weights and measures of a character that annual retesting is unnecessary to continued accuracy, exemptions from the requirements of AS 45.75.070 and 45.75.080 for annual testing, and schedules fixing the frequency of required retests for classes of devices exempted.

(c) The regulations shall include specifications, tolerance, and regulations for weights and measures of the character of those specified in AS 45.75.080, designed to eliminate from use, without prejudice to apparatus that conforms as closely as practicable to the official standards, those (1) that are not accurate, (2) that are of such construction that they are not reasonably permanent in their adjustment or will not repeat their indications correctly, or (3) that facilitate the perpetration of fraud.

(d) The specifications, tolerances, and regulations for commercial weighing and measuring devices, together with amendments to them, as recommended by the National Bureau of Standards and published in National Bureau of Standards Handbook 44 and supplements to it, or in any publication revising or superseding Handbook 44, are the specifications, tolerances, and regulations for commercial weighing and measuring devices of the state, except as specifically modified, amended, or rejected by a regulation issued by the director.

(e) For the purposes of this chapter, apparatus is correct when it conforms to the requirements adopted in accordance with this section; other apparatus is considered incorrect.

HISTORY

(Sec. 9 ch 101 SLA 1961)

AS45.75.070

HEADINGS TITLE 45.
Trade and Commerce.
CHAPTER 75.
Weights and Measures Act.
ARTICLE 2.
State and Local Administration of Weight and Measure Regulation.

CITATION Sec. 45.75.070.

CATCH LINE

TESTING AND INSPECTION OF LOCAL STANDARDS AND WEIGHTS AND MEASURES AT STATE-SUPPORTED INSTITUTIONS.

TEXT

(a) At least once every five years, the director shall test the standards of weight and measure obtained by a city which has appointed a sealer of weights and measures, and shall approve them if they are correct. The director shall inspect the standards at least once every two years.

(b) The director shall from time to time test all weights and measures used in checking the receipt or disbursement of supplies in every institution maintained by money appropriated by the legislature, and shall report his findings, in writing, to the supervisory board and to the executive officer of the institution concerned.

HISTORY (Sec. 10 ch 101 SLA 1961)

AS45.75.080

HEADINGS TITLE 45.
Trade and Commerce.
CHAPTER 75.
Weights and Measures Act.
ARTICLE 2.
State and Local Administration of Weight and Measure Regulation.

CITATION Sec. 45.75.080.

CATCH LINE

GENERAL TESTING.

TEXT

(a) The director may inspect and test, to ascertain if they are correct, all weights and measures kept, offered, or exposed for sale. The director shall, at least semiannually and more often as he considers necessary, inspect and test, to ascertain if they are correct, all weights and measures commercially used (1) in determining the weight, measurement, or count of commodities or things sold, or offered or exposed for sale, on the basis of weight or of measure; (2) in computing the basic charge or payment for services rendered on the basis of weight or of measure or count; or (3) in determining weight or measurement when a charge is made for this determination.

(b) However, in the case of single-service devices, that is, devices designed to be used commercially only once and to be then discarded, and in the case of devices uniformly mass-produced, as by means of a mold or die, and not susceptible of individual adjustment, the inspection and testing of each individual device is not required and the inspecting and testing requirements of this section are satisfied when inspections and tests are made on representative samples of the devices. The lots from which representative samples are inspected and tested are held correct or incorrect upon the basis of the results of the inspections and tests on the samples.

HISTORY (Sec. 11 ch 101 SLA 1961; am sec. 1 ch 78 SLA 1969)

AS45.75.090

HEADINGS TITLE 45.
Trade and Commerce.
CHAPTER 75.
Weights and Measures Act.
ARTICLE 2.
State and Local Administration of Weight and Measure Regulation.

CITATION Sec. 45.75.090.

CATCH LINE

INVESTIGATIONS.

TEXT The director shall investigate complaints of violations of this chapter, and shall, upon his own initiative, conduct the investigations which he considers appropriate and advisable to develop information on prevailing procedures in commercial quantity determination and on possible violations of this chapter and to promote the general objective of accuracy in the determination and representation of quantity in commercial transactions.

HISTORY (Sec. 12 ch 101 SLA 1961)

AS45.75.100

HEADINGS TITLE 45.
Trade and Commerce.
CHAPTER 75.
Weights and Measures Act.
ARTICLE 2.
State and Local Administration of Weight and Measure Regulation.

CITATION Sec. 45.75.100.

CATCH LINE

INSPECTION OF PACKAGES.

TEXT (a) The director shall, from time to time, weigh or measure and inspect packages or amounts of commodities kept, offered, or exposed for sale to determine whether they contain the amounts represented and whether they are kept, offered, or exposed for sale in accordance with law. When packages or amounts of commodities do not contain the amounts represented, or are kept, offered, or exposed for sale in violation of law, the director may order them off sale and may mark or tag them to show they are illegal. The director may use recognized sampling procedures. Compliance of a given lot of packages shall be determined on the basis of the result obtained on a sample selected from and representative of the lot.

(b) No person may (1) sell, or keep, offer, or expose for sale in intrastate commerce a package or amount of commodity that has been ordered off sale or marked or tagged as provided in this section until the package or amount of commodity has been brought into full compliance with all legal requirements; or (2) dispose of a package or amount of commodity that is ordered off sale or marked or tagged as provided in this section and that does not meet legal requirements, except with the specific approval of the director.

HISTORY (Sec. 13 ch 101 SLA 1961)

AS45.75.110

HEADINGS TITLE 45.
Trade and Commerce.
CHAPTER 75.
Weights and Measures Act.
ARTICLE 2.
State and Local Administration of Weight and Measure Regulation.
CITATION Sec. 45.75.110.

CATCH LINE

STOP-USE, STOP-REMOVAL AND REMOVAL ORDERS.

TEXT

(a) The director may issue stop-use order, stop-removal orders, and removal orders for weights and measures used or capable of being used commercially. The director may issue stop-removal orders and removal orders for packages or amounts of commodities kept, offered, or exposed for sale whenever he considers it necessary or expedient in enforcing this chapter.

(b) No person may use, remove from the premises specified, or fail to remove from the premises specified a weight, measure, or package or amount of commodity contrary to a stop-use order, stop-removal order, or removal order issued under this section.

HISTORY

(Sec. 14 ch 101 SLA 1961)

AS45.75.120

HEADINGS TITLE 45.
Trade and Commerce.
CHAPTER 75.
Weights and Measures Act.
ARTICLE 2.
State and Local Administration of Weight and Measure Regulation.
CITATION Sec. 45.75.120.

CATCH LINE

DISPOSITION OF CORRECT AND INCORRECT APPARATUS.

TEXT

(a) The director shall approve for use and seal or mark with appropriate devices the weights and measures which he finds upon inspection and test to be correct as provided in AS 45.75.050, and shall reject and mark or tag as "rejected" the weights and measures which he finds, upon inspection or test, to be incorrect as provided in AS 45.75.050 but which in his best judgment are susceptible of satisfactory repair. This sealing or marking is not required for weights and measures exempted by regulation of the director.

(b) The director shall condemn, and may seize and destroy weights and measures found to be incorrect which, in his best judgment, are not susceptible of satisfactory repair. Weights and measures which are rejected may be confiscated and destroyed by the director if not corrected as required by AS 45.75.180 or if used or disposed of contrary to the requirements of AS 45.75.180.

HISTORY

(Sec. 15 ch 101 SLA 1961)

AS45.75.130

HEADINGS TITLE 45.
Trade and Commerce.
CHAPTER 75.
Weights and Measures Act.
ARTICLE 2.
State and Local Administration of Weight and Measure Regulation.

CITATION Sec. 45.75.130.

CATCH LINE

POLICE POWERS AND RIGHT OF ENTRY AND STOPPAGE.

TEXT In the enforcement of this chapter and any other law dealing with weights and measures the director has special police powers. He may arrest, without formal warrant, any person violating the law, and seize for use as evidence, without formal warrant, incorrect or unsealed weights and measures or amounts or packages of commodity, used, retained, offered or exposed for sale, or sold in violation of law. In performing his duties, the director may enter, without formal warrant, any structure or premises, and stop any person and require him to proceed to a specified place.

HISTORY (Sec. 16 ch 101 SLA 1961)

AS45.75.170

HEADINGS TITLE 45.
Trade and Commerce.
CHAPTER 75.
Weights and Measures Act.
ARTICLE 2.
State and Local Administration of Weight and Measure Regulation.

CITATION Sec. 45.75.170.

CATCH LINE

CONCURRENT JURISDICTION.

TEXT In each city having a sealer of weights and measures, the director has concurrent authority to enforce this chapter.

HISTORY (Sec. 20 ch 101 SLA 1961)

AS45.75.180

HEADINGS TITLE 45.
Trade and Commerce.
CHAPTER 75.
Weights and Measures Act.
ARTICLE 2.
State and Local Administration of Weight and Measure Regulation.

CITATION Sec. 45.75.180.

CATCH LINE

DUTY OF OWNERS OF INCORRECT APPARATUS.

TEXT Weights and measures rejected by the director or a sealer remain subject to the control of the rejecting authority until suitable repair or disposition of them is made as required by this section. The owner of a rejected weight and measure shall correct it within 30 days or a longer period authorized by the rejecting authority; or, may dispose of it in the manner authorized by the rejecting authority. Rejected weights and measures may not again be used commercially until officially

AS45.75.180 cont.

HISTORY re-examined and found to be correct or until specific written permission for their use is issued by the rejecting authority.
(Sec. 21 ch 101 SLA 1961)

AS45.75.380

HEADINGS TITLE 45.
Trade and Commerce.
CHAPTER 75.
Weights and Measures Act.
ARTICLE 5.
General Provisions.

CITATION Sec. 45.75.380.

CATCH LINE

TEXT OFFENSES AND PENALTIES.
A person who, by himself or by his servant, or agent, or as the servant or agent of another, performs any one of the following acts is guilty of a misdemeanor and upon a first conviction of the violation is punishable by a fine of not less than \$20 nor more than \$200, or by imprisonment for not more than three months, or by both. Upon a second or subsequent conviction, the person is punishable by a fine of not less than \$50 nor more than \$500, or by imprisonment for not more than one year, or by both:

- (1) uses or has in possession for the purpose of using for any commercial purpose specified in AS 45.75.080, sells, offers, or exposes for sale, or hire, or has in possession for the purpose of selling or hiring, an incorrect weight or measure or a device or instrument used to or calculated to falsify a weight or measure;
- (2) uses or has in possession for current use, in buying or selling a commodity or thing, or for hire or award, or in the computation of a basic charge or payment for services rendered on the basis of weight or measurement, or in the determination of weight or measurement when a charge is made for determination, a weight or measure that has not been tested and sealed by the appropriate authority within one year, (A) unless written notice is given to the appropriate authority to the effect that the weight or measure is available for examination, or is due for re-examination, as the case may be, (B) unless specific written permission to use the weight or measure is received from the appropriate authority, or (C) unless the weight or measure is exempt from sealing or annual testing requirements by AS 45.75.080 or by a regulation of the director issued under AS 45.75.050;
- (3) disposes of a rejected or condemned weight or measure in a manner contrary to law or regulation;
- (4) removes from a weight or measure, contrary to law or regulation, a tag, seal, or mark placed on it by the appropriate authority;
- (5) sells, offers or exposes for sale less than the quantity he represents of a commodity, thing, or service;

AS45.75.380 cont.

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

(7) keeps for the purpose of sale, advertises, or offers or exposes for sale, or sells a commodity, thing, or service in a condition or manner contrary to law or regulation;

(8) uses in retail trade, except in the preparation of packages put up in advance of sale and of medical 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 of a regulation adopted under this chapter for which a specific penalty is not prescribed.

HISTORY (Sec. 39 ch 101 SLA 1961)

STATUTES REPEALED BY CSSB 82 (TRSP)

AS28.40.050

HEADINGS TITLE 28.
Motor Vehicles.
CHAPTER 40.
General Provisions.

CITATION Sec. 28.40.050.

CATCH LINE PENALTY FOR VIOLATIONS OF LAW, REGULATIONS, AND MUNICIPAL
ORDINANCES.

TEXT (a) It is a misdemeanor for a person to violate a provision
of this title unless the violation is by this title or other law
declared to be a felony or an infraction.

(b) A person convicted of a misdemeanor for a violation of a
provision of this title for which another penalty is not
specifically provided is punishable by a fine of not more than
\$500, or by imprisonment for not more than 90 days, or by both.
In addition, the privilege to drive or the registration of
vehicles may be suspended or revoked.

(c) Unless otherwise specified by law a person convicted of
a violation of a regulation adopted under this title, or a
municipal ordinance regulating vehicles or traffic when the
municipal ordinance does not correspond to a provision of this
title, is guilty of an infraction and is punishable by a fine not
to exceed \$300.

(d) An infraction, as provided for in (c) of this section,
is not considered a criminal offense and may not result in
imprisonment, nor is a fine imposed for the commission of an
infraction considered a penal or criminal punishment; nor may the
commission of a single infraction result in the loss of a
driver's license or privilege to drive in this state except as
may result from the accumulation of points under AS 28.15.221 -
28.15.261, or the registration of vehicles; nor does a person
cited with an infraction have a right to trial by jury or to
court-appointed counsel.

(e) Notwithstanding the maximum fine provided for
infractions under (c) of this section, for the violation of
regulations or special permits issued governing vehicle weight
limits, overweight penalties shall be imposed at the rate of five
cents for each pound of weight over the authorized weight limit
for that vehicle.

HISTORY (Sec. 57-1-8 ACLA 1949; am sec. 12 ch 241 SLA 1976; am secs. 22,
23 ch 144 SLA 1977)

AS45.75.360

HEADINGS TITLE 45.
Trade and Commerce.
CHAPTER 75.
Weights and Measures Act.
ARTICLE 5.
General Provisions.

CITATION Sec. 45.75.360.

CATCH LINE

HINDERING OR OBSTRUCTING OFFICER AND PENALTY.

TEXT A person who hinders or obstructs the director, the deputy director, or an inspector, or a sealer or deputy sealer, in the performance of his official duties, is guilty of a misdemeanor and upon conviction is punishable by a fine of not less than \$20 nor more than \$200, or by imprisonment for not more than three months, or by both.

HISTORY (Sec. 37 ch 101 SLA 1961)