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MOCK-UP

PROPOSED AMENDMENT TO  
SENATE BILL NO. 485  
FIRST REPRINT

PREPARED FOR ASSEMBLY NATURAL RESOURCES, AGRICULTURE, AND MINING  
MAY 6, 2003

PREPARED BY THE RESEARCH DIVISION

**NOTE: THIS DOCUMENT SHOWS PROPOSED AMENDMENTS IN CONCEPTUAL FORM. THE LANGUAGE AND ITS PLACEMENT IN THE OFFICIAL AMENDMENT MAY DIFFER.**

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) *green bold italic underlining* is new language proposed in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~green bold double strikethrough~~ is language proposed to be deleted in this amendment and (5) green bold dashed underlining is deleted language in the original bill that is proposed to be retained in this amendment.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN  
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

- 1     **Section 1.** Chapter 581 of NRS is hereby amended by adding thereto  
2 the provisions set forth as sections 2 to 27, inclusive, of this act.  
3     **Sec. 2.** *"Bulk sale" means the sale of commodities when the*  
4 *quantity is determined at the time of sale.*  
5     **Sec. 3.** *"Commercial weighing and measuring equipment" means*  
6 *weights and measures, and weighing and measuring devices, used*  
7 *commercially in:*  
8         1. *Establishing the size, quantity, extent, area or measurement of*  
9 *quantities, things, produce or articles for distribution or consumption,*  
10 *purchase, offer or submission for sale, hire or award; or*  
11         2. *Computing any basic charge or payment for services rendered on*  
12 *the basis of weight or measure.*  
13     **Sec. 4.** *"Director" means the Director of the State Department of*  
14 *Agriculture.*  
15     **Sec. 5.** *"Division" means the Division of Measurement Standards*  
16 *of the State Department of Agriculture.*  
17     **Sec. 6.** *"Net mass" or "net weight" means the mass or weight of a*  
18 *commodity, excluding any materials, substances or items not considered*

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ASSEMBLY NATURAL RES., AGRICULTURE & MINING  
DATE: 5/7/03 ROOM: 3161 EXHIBIT E1-23  
SUBMITTED BY: Linda Eissmann

\*PROPOSED AMENDMENT TO SB485\_R1\*

1 to be part of the commodity. The terms do not include materials,  
2 substances or any other items not considered to be a part of the  
3 commodity, including, without limitation, containers, conveyances, bags,  
4 wrappers, packaging materials, labels, individual piece coverings,  
5 decorative accompaniments and coupons, except that, depending on the  
6 service to be rendered, shipping and packaging material may be included  
7 in the weight of the package.

8 Sec. 7. "Primary standards" means the physical standards of the  
9 State of Nevada that serve as the legal reference from which all other  
10 standards for weights and measures are derived.

11 Sec. 8. "Random weight package" means a package that is one  
12 package of a lot, shipment or delivery of packages of the same  
13 commodity with no fixed pattern of weights.

14 Sec. 9. "Secondary standards" means the physical standards that  
15 are traceable to the primary standards through comparisons or by using  
16 acceptable laboratory procedures, and that are used in the enforcement  
17 of statutes and regulations relating to weights and measures.

18 Sec. 10. "Standard package" means a package that is one of a lot,  
19 shipment or delivery of packages of the same commodity with  
20 declarations of identical net contents, including, without limitation, 1-  
21 liter bottles or 12-fluid-ounce cans of carbonated soda, 500-gram or 5-  
22 pound bags of sugar, or 100-meter or  
23 300-foot packages of rope.

24 Sec. 11. "Weight" means:

- 25 1. Net weight; or
- 26 2. If the commodity is sold by drained weight, net drained wet.

27 Sec. 12. "Weights and measures" means all weights and measures  
28 of every kind, and includes, without limitation, instruments and devices  
29 for weighing and measuring, and appliances and accessories associated  
30 with such instruments and devices.

31 Sec. 13. ~~The Division~~ State Sealer of Weights and Measures shall:

32 1. Ensure that weights and measures used in commercial services  
33 within this state are suitable for their intended use, are properly installed  
34 and accurate, and are so maintained by their owner or user.

35 2. Prevent unfair or deceptive dealing by weight or measure in any  
36 commodity or service advertised, packaged, sold or purchased within this  
37 state.

38 3. Make available to all users of physical standards, or of weighing  
39 and measuring equipment, the precision calibration and related  
40 metrological certification capabilities of the facilities of the Division.

41 4. Promote uniformity, to the extent practicable and desirable,  
42 between the requirements relating to weights and measures of this state  
43 and similar requirements of other states  
44 and federal agencies.

The powers originally assigned to the Division of Measurement Standards are reassigned to the State Sealer of Weights and Measures (which is the Director of the Department of Agriculture).

1 5. Adopt regulations establishing such requirements relating to  
2 weights and measures as are necessary to ensure equity between buyers  
3 and sellers, and thereby encourage desirable economic growth while  
4 protecting consumers.

5 Sec. 14. The State Sealer of Weights and Measures shall:

6 1. Adopt regulations establishing such primary standards and  
7 secondary standards for weights and measures for use in this state as he  
8 determines appropriate.

9 2. Maintain traceability of the state standards to the national  
10 standards of the National Institute of Standards and Technology.

11 3. Enforce the provisions of this chapter.

12 4. Adopt other reasonable regulations for the enforcement of this  
13 chapter.

14 5. Establish requirements for:

15 (a) Labeling;

16 (b) The presentation of information relating to cost per unit;

17 (c) Standards of weight, measure or count, and reasonable standards  
18 of fill, for any packaged commodity; and

19 (d) Information relating to open dating of packaged food.

20 6. Grant such exemptions from the provisions of this chapter or any  
21 regulations adopted pursuant thereto as he determines appropriate to the  
22 maintenance of good commercial practices within this state.

23 7. Conduct investigations to ensure compliance with this chapter.

24 8. Delegate to appropriate personnel any of the responsibilities of  
25 the Division as needed for the proper administration of the Division.

26 9. Adopt regulations establishing a schedule of civil penalties for  
27 any violation of section 23 of this act.

28 10. Inspect and test commercial weights and measures that are kept,  
29 offered or exposed for sale.

30 11. Inspect and test, to ascertain if they are correct, weights and  
31 measures that are commercially used to:

32 (a) Determine the weight, measure or count of commodities or things  
33 that are sold, or offered or exposed for sale, on the basis of weight,  
34 measure or count; or

35 (b) Compute the basic charge or payment for services rendered on  
36 the basis of weight, measure or count.

37 12. Test all weights and measures used in checking the receipt or  
38 disbursement of supplies by entities funded by legislative appropriations.

39 13. Approve for use such commercial weights and measures as he  
40 determines are correct and appropriate. The State Sealer of Weights and  
41 Measures may mark such commercial weights and measures. The State  
42 Sealer of Weights and Measures shall reject and order to be corrected,  
43 replaced or removed any commercial weights and measures found to be  
44 incorrect. Weights and measures that have been rejected may be seized if  
45 they are not corrected within the time specified or if they are used or

1 disposed of in a manner not specifically authorized. The State Sealer of  
2 Weights and Measures shall remove from service and may seize weights  
3 and measures found to be incorrect that are not capable of being made  
4 correct.

5 14. Weigh, measure or inspect packaged commodities that are kept,  
6 offered or exposed for sale, sold or in the process of delivery to determine  
7 whether the packaged commodities contain the amounts represented and  
8 whether they are kept, offered or exposed for sale in accordance with this  
9 chapter or the regulations adopted pursuant thereto. In carrying out the  
10 provisions of this subsection, the State Sealer of Weights and Measures  
11 shall employ recognized sampling procedures, including, without  
12 limitation, sampling procedures adopted by the National Conference on  
13 Weights and Measures.

14 15. Adopt regulations prescribing the appropriate term or unit of  
15 weight or measure to be used whenever the State Sealer of Weights and  
16 Measures determines that an existing practice of declaring the quantity  
17 of a commodity, or of setting charges for a service by weight, measure,  
18 numerical count or time, or any combination thereof, does not facilitate  
19 value comparisons by consumers or may confuse consumers.

20 16. Allow reasonable variations from the stated quantity of contents  
21 that entered intrastate commerce, which must include those variations  
22 caused by loss or gain of moisture during the course of good distribution  
23 practices or by unavoidable deviations in good manufacturing practices.

24 17. Provide for the training of persons employed by any  
25 governmental entity within this state, including, without limitation, state,  
26 county and municipal personnel, who enforce the provisions of this  
27 chapter and chapter 582 of NRS, and any regulations adopted pursuant  
28 thereto, relating to weights and measures. The State Sealer of Weights  
29 and Measures may establish by regulation minimum training and  
30 performance requirements which must be met by all such persons.

31 18. Verify advertised prices, price representations and point-of-sale  
32 systems, as necessary, to determine the accuracy of prices and  
33 computations and the correct use of the equipment, and, if such systems  
34 utilize scanning or coding means in lieu of manual entry, the accuracy  
35 of prices printed or recalled from a database. In carrying out the  
36 provisions of this subsection, the State Sealer of Weights and Measures  
37 shall:

38 (a) Employ recognized procedures for making such verifications and  
39 determinations of accuracy, including, without limitation, any  
40 appropriate procedures designated by the National Institute of Standards  
41 and Technology;

42 (b) Adopt regulations and issue orders regarding standards for the  
43 accuracy of advertised prices and automated systems for retail price  
44 charging, or point-of-sale systems, and for the enforcement of those  
45 standards; and

1 (c) Conduct investigations to ensure compliance with those  
2 standards.

3 Sec. 15. 1. The State Sealer of Weights and Measures may, if  
4 necessary for the enforcement of this chapter and any regulations  
5 adopted pursuant thereto:

6 (a) Enter any commercial premises during normal business hours,  
7 ~~except that if the premises are not open to the public, the State Sealer of~~  
8 ~~Weights and Measures must present his credentials and obtain consent~~  
9 ~~before entering the premises, unless a search warrant has been issued~~  
10 ~~authorizing the entry.~~

11 (b) Issue stop-use, hold and removal orders for any weights and  
12 measures commercially used, and issue stop-sale, hold and removal  
13 orders for any packaged commodities or bulk sale commodities that are  
14 kept, offered or exposed for sale.

15 (c) Seize, for use as evidence, without formal warrant, any incorrect  
16 or unapproved weight, measure, package or commodity found to be used,  
17 retained, offered or exposed for sale, or sold in violation of any provision  
18 of this chapter or any regulation adopted pursuant thereto.

19 (d) Stop any commercial vehicle and, after presentation of his  
20 credentials, inspect the contents of the vehicle, require the person in  
21 charge of the vehicle to produce any documents in his possession  
22 concerning the contents of the vehicle, and require that person to  
23 proceed with the vehicle to some specified place for inspection.

24 ~~2. With respect to the enforcement of this chapter, the State Sealer~~  
25 ~~of Weights and Measures is hereby vested with special police powers and~~  
26 ~~is authorized to arrest, without formal warrant, any person who violates~~  
27 ~~a provision of this chapter.~~

28 Sec. 16. A person shall not:

29 1. Sell or offer or expose for sale a quantity less than the quantity  
30 represented;

31 2. Take more than the quantity represented when, as a buyer, he  
32 furnishes the weight or measure by which the quantity is determined; or

33 3. Represent the quantity in any manner calculated or tending to  
34 mislead, or in any way to deceive, another person.

35 Sec. 17. A person shall not:

36 1. Misrepresent the price of any commodity or service sold, or  
37 offered, exposed or advertised for sale, by weight, measure or count; or

38 2. Misrepresent the price of such a commodity for service in any  
39 manner calculated or tending to mislead or in any way to deceive a  
40 person.

41 Sec. 18. 1. Except as otherwise provided by regulation or order of  
42 the State Sealer of Weights and Measures or by established trade custom  
43 and practice recognized by regulation or order of the State Sealer of  
44 Weights and Measures:

The NV Motor Transport Association and the NV Petroleum Marketers and Convenience Store Assn requested this amendment to more closely match the language in the original NRS 581.070 (2) that is deleted by this bill. The rationale for this amendment is to make enforcement more efficient, prevent fraud or cheating, and to protect the consumer.

Deleting this language removes the special police powers from the State Sealer of Weights and Measures, which was opposed.

1 (a) *Commodities in liquid form must be sold by liquid measure or by*  
2 *weight; and*

3 (b) *Commodities not in liquid form must be sold by weight, by*  
4 *measure or by count.*

5 2. *The method of sale of a commodity must provide such accurate*  
6 *and adequate information concerning quantity as will enable the buyer*  
7 *to make price and quantity comparisons.*

8 **Sec. 19.** *All bulk sales in which the buyer and seller are not both*  
9 *present to witness the measurement, all bulk deliveries of heating fuel*  
10 *and all other bulk sales specified by regulation of the State Sealer of*  
11 *Weights and Measures must be accompanied by a delivery ticket*  
12 *containing:*

13 1. *The name and address of the buyer and seller;*

14 2. *The date delivered;*

15 3. *The quantity delivered and the quantity upon which the price is*  
16 *based, if the quantity upon which the price is based differs from the*  
17 *quantity delivered;*

18 4. *The unit price, unless otherwise agreed upon by both the buyer*  
19 *and seller;*

20 5. *The identity of the commodity, in the most descriptive terms*  
21 *commercially practicable, including any representation about the quality*  
22 *of the commodity made in connection with the sale; and*

23 6. *Where commodities are bought from bulk but delivered in*  
24 *packages, the count of individually wrapped packages if more than one*  
25 *individually wrapped package is being sold.*

26 **Sec. 20.** 1. *Except as otherwise provided in this chapter, any*  
27 *random weight package or standard package kept, offered or exposed for*  
28 *sale, must bear on the outside of the package a definite, plain and*  
29 *conspicuous declaration of:*

30 (a) *The identity of the commodity in the package, unless the*  
31 *commodity is a food, other than meat or poultry, that was repackaged in*  
32 *a retail establishment and displayed to the purchaser where:*

33 (1) *The interstate labeling for the repackaged food is clearly in*  
34 *view or the food has a counter card, sign or other appropriate device*  
35 *bearing prominently and conspicuously the common or usual name of*  
36 *the food; or*

37 (2) *The common or usual name of the food is clearly revealed by*  
38 *its appearance;*

39 (b) *The quantity of contents of the package, in terms of weight,*  
40 *measure or count; and*

41 (c) *If the package is kept, offered or exposed for sale, or sold, in any*  
42 *place other than on the premises where packed, the name and place of*  
43 *business of the manufacturer, packer or distributor.*

1 2. *The State Sealer of Weights and Measures may exempt any type*  
2 *of random weight package or standard package, or commodity from the*  
3 *provisions of this section by regulation.*

4 **Sec. 21.** *In addition to the declarations required by section 20 of*  
5 *this act, each random weight package of the same commodity must, at*  
6 *the time such packages are offered or exposed for sale at retail, bear on*  
7 *the outside of the package a plain and conspicuous declaration of the*  
8 *price per kilogram or pound and the total selling price of the package.*

9 **Sec. 22.** *If a packaged commodity is advertised in any manner with*  
10 *the retail price stated, a declaration of quantity as required by this*  
11 *chapter or any regulation adopted pursuant thereto must appear on the*  
12 *package in such a manner as to be closely and conspicuously associated*  
13 *with the retail price of the packaged commodity.*

14 **Sec. 23. 1.** *A person shall not:*

15 (a) *Use in commerce, or have in his possession for use in commerce,*  
16 *any incorrect weight or measure;*

17 (b) *Sell or offer for sale for use in commerce any incorrect weight or*  
18 *measure;*

19 (c) *Remove any tag, seal or mark from any weight or measure*  
20 *without specific written authorization from the proper authority;*

21 (d) *Hinder or obstruct any inspector of the Division in the*  
22 *performance of his duties; or*

23 (e) *Violate any provisions of this chapter or any regulation adopted*  
24 *pursuant thereto.*

25 2. *A person who violates any provision of this section is, in addition*  
26 *to any criminal penalty that may be imposed, subject to a civil penalty in*  
27 *accordance with the schedule of civil penalties established by the State*  
28 *Sealer of Weights and Measures pursuant to subsection 9 of section 14*  
29 *of this act.*

30 **Sec. 24. 1.** *A person subject to a civil penalty may request an*  
31 *administrative hearing within 10 days after receipt of the notice of the*  
32 *civil penalty. The ~~Director~~ State Sealer of Weights and Measures or his*  
33 *designee shall conduct the hearing after giving appropriate notice to the*  
34 *respondent. The decision of the Director or his designee is subject to*  
35 *appropriate judicial review.*

36 2. *If the respondent has exhausted his administrative appeals and*  
37 *the civil penalty has been upheld, he shall pay the civil penalty:*

38 (a) *If no petition for judicial review is filed pursuant to NRS*  
39 *233B.130, within 40 days after the final decision of the Director; or*

40 (b) *If a petition for judicial review is filed pursuant to NRS 233B.130*  
41 *and the civil penalty is upheld, within 10 days after the effective date of*  
42 *the final decision of the court.*

43 3. *If the respondent fails to pay the penalty, a civil action may be*  
44 *brought by the ~~Director~~ State Sealer of Weights and Measures in any*  
45 *court of competent jurisdiction to recover the civil penalty. All civil*

For consistency and clarity, all references to the Director are changed to the State Sealer of Weights and Measures.

For consistency and clarity, all references to the Director are changed to the State Sealer of Weights and Measures.



1 penalties collected pursuant to this chapter must be deposited with the  
2 State Treasurer for credit to the State General Fund.

3 **Sec. 25. 1.** Except as otherwise provided in subsection 2, a person  
4 who violates any provision of section 23 of this act is guilty of a gross  
5 misdemeanor and shall be punished:

6 (a) For the first offense, by imprisonment in the county jail for not  
7 more than 6 months, or by a fine of not less than \$500 or more than  
8 \$2,000, or by both fine and imprisonment.

9 (b) For a second or subsequent offense, by imprisonment in the  
10 county jail for not more than 1 year, or by a fine of not less than \$2,000  
11 or more than \$5,000, or by both fine and imprisonment.

12 2. A person who:

13 (a) Intentionally violates any provision of this chapter or any  
14 regulation adopted pursuant thereto;

15 (b) Is convicted pursuant to subsection 1 more than three times in a  
16 2-year period; or

17 (c) Uses or has in his possession any device which has been altered to  
18 facilitate fraud,  
19 is guilty of a category E felony and shall be punished as provided in NRS  
20 193.130.

21 **Sec. 26.** ~~The Director~~ State Sealer of Weights and Measures may  
22 apply to any court of competent jurisdiction for a restraining order, or a  
23 temporary or permanent injunction, restraining a person from violating  
24 any provision of this chapter or any regulation adopted pursuant thereto.

25 **Sec. 27.** The presence of a weight or measure, or weighing or  
26 measuring device in or about any place in which or from which buying  
27 or selling is commonly carried on, creates a rebuttable presumption that  
28 the weight or measure, or weighing or measuring device is regularly  
29 used for the business purposes of that place.

30 **Sec. 28.** NRS 581.001 is hereby amended to read as follows:

31 581.001 As used in this chapter, unless the context otherwise  
32 requires, the words and terms defined in NRS 581.003 ~~{to}~~ and 581.010,  
33 and sections 2 to 12, inclusive, of this act have the meanings ascribed to  
34 them in those sections.

35 **Sec. 29.** NRS 581.003 is hereby amended to read as follows:

36 581.003 "Correct" means ~~{any weight, measure, or weighing or~~  
37 ~~measuring device that is accurate within applicable tolerances as~~  
38 ~~determined by tests made with suitable standards and meets all applicable~~  
39 ~~specifications and regulations adopted by the State Sealer of Weights and~~  
40 ~~Measures.} in conformance with all applicable requirements of this~~  
41 ~~chapter and the regulations adopted pursuant thereto.~~

42 **Sec. 30.** NRS 581.010 is hereby amended to read as follows:

43 581.010 1. "Package" ~~{and "container" include any closed carton,~~  
44 ~~box, barrel, bag, keg, drum, bundle, jar, crock, demijohn, bottle, crate,~~

For consistency and clarity, all references to the Director are changed to the State Sealer of Weights and Measures.

1 ~~basket, hamper, pail, can, parcel, package or paper wrapper.~~ means any  
2 commodity, whether in a standard package or random weight package:

3 (a) Enclosed in a container or wrapped in any manner in advance of  
4 wholesale or retail sale; or

5 (b) Whose weight or measure has been determined in advance of  
6 wholesale or retail sale.

7 2. The term includes an individual item or lot of any commodity on  
8 which there is marked a selling price based on an established price per  
9 unit of weight or measure.

10 Sec. 31. NRS 581.030 is hereby amended to read as follows:

11 581.030 The Director of the State Department of Agriculture ~~is~~  
12 ~~hereby designated and constituted~~, as ex officio State Sealer of Weights  
13 and Measures, ~~and is charged with the proper enforcement of~~ shall  
14 enforce the provisions of this chapter.

15 Sec. 32. NRS 581.050 is hereby amended to read as follows:

16 581.050 1. The State Sealer of Weights and Measures may:

17 (a) Adopt regulations ~~for the efficient enforcement of~~ necessary to  
18 carry out the provisions of this chapter.

19 (b) Ensure that those regulations comply, insofar as practicable, with  
20 the specifications, tolerances and regulations recommended by the  
21 National ~~Bureau of Standards.~~ Institute of Standards and Technologies.

22 (c) Adopt regulations for the submission for approval of types and  
23 designs of weights and measures and ~~weighing, measuring and counting~~  
24 ~~devices intended for commercial use.~~ commercial weighing and  
25 measuring equipment.

26 2. The State Sealer of Weights and Measures shall adopt regulations  
27 which prescribe the:

28 (a) Standards for weighing and measuring devices;

29 (b) Requirements for the issuance of a certificate of registration  
30 pursuant to NRS 581.103; and

31 (c) Standards for the equipment used to repair or adjust weighing or  
32 measuring devices.

33 Sec. 33. NRS 581.075 is hereby amended to read as follows:

34 581.075 The State Sealer of Weights and Measures may establish:

35 1. A schedule of fees for any tests of weighing and measuring devices  
36 determined by him to be necessary.

37 2. An annual fee for the issuance of a certificate of registration  
38 pursuant to NRS 581.103.

39 3. An annual license fee for all commercial weighing and  
40 measuring equipment.

41 Sec. 34. NRS 581.103 is hereby amended to read as follows:

42 581.103 1. Any person who wishes to make any repair or  
43 adjustment, for hire, to a weighing or measuring device must submit to the  
44 State Sealer of Weights and Measures:

1 (a) An application for a certificate of registration on a form provided  
2 by the State Sealer of Weights and Measures;

3 (b) The statement required pursuant to NRS 581.1032;

4 (c) The annual fee prescribed by regulation pursuant to *subsection 2 of*  
5 *NRS 581.075*; and

6 (d) ~~{The equipment the person will use to repair or adjust weighing or~~  
7 ~~measuring devices. The State Sealer of Weights and Measures shall inspect~~  
8 ~~the equipment to ensure that the equipment complies with the standards set~~  
9 ~~forth in the regulations adopted pursuant to NRS 581.050.}~~ *Such other*  
10 *information required by the State Sealer of Weights and Measures.*

11 2. An application for a certificate of registration must include the  
12 social security number of the applicant.

13 ~~{3. The State Sealer of Weights and Measures shall issue to any~~  
14 ~~person who complies with the requirements of subsection 1 a certificate of~~  
15 ~~registration. The certificate must include a unique registration number.~~

16 ~~4. A certificate of registration is effective for the calendar year in~~  
17 ~~which it is issued, and may be renewed upon application on or before~~  
18 ~~January 15 of the succeeding year. Any person who, for hire, makes a~~  
19 ~~repair or adjustment to a weighing or measuring device without being~~  
20 ~~registered pursuant to this section shall be punished as provided in NRS~~  
21 ~~581.450.~~

22 ~~5. Except as otherwise provided in NRS 581.104, any person who~~  
23 ~~sells or installs or makes any repair or adjustment to a commercially used~~  
24 ~~weighing or measuring device shall within 24 hours notify the State Sealer~~  
25 ~~of Weights and Measures, on a form provided by the State Sealer of~~  
26 ~~Weights and Measures, of that repair, adjustment, sale or installation. If a~~  
27 ~~person who has been issued a certificate of registration pursuant to~~  
28 ~~subsection 3 fails to notify the State Sealer of Weights and Measures as~~  
29 ~~required by this subsection, the State Sealer of Weights and Measures may~~  
30 ~~suspend the certificate of registration of that person for not more than 10~~  
31 ~~days and may, after a hearing, revoke his certificate of registration.~~

32 ~~6. The form required pursuant to subsection 5 must include:~~

33 ~~(a) The registration number and signature of the person who sold,~~  
34 ~~installed, repaired or adjusted the device; and~~

35 ~~(b) A statement requesting that the State Sealer of Weights and~~  
36 ~~Measures inspect the weighing or measuring device and seal or mark it if it~~  
37 ~~complies with the standards set forth in the regulations adopted pursuant to~~  
38 ~~NRS 581.050.~~

39 ~~7. Any person required to register pursuant to subsection 1 who~~  
40 ~~employs any other person to make any repair or adjustment to a weighing~~  
41 ~~or measuring device is responsible for the registration of that employee in~~  
42 ~~the manner required by subsection 1.~~

43 ~~8. The provisions of this section do not apply to a public utility~~  
44 ~~subject to the jurisdiction of the Public Utilities Commission of Nevada.}~~

1     **Sec. 35.** Chapter 582 of NRS is hereby amended by adding thereto  
2 the provisions set forth as sections 36 to 57, inclusive, of this act.

3     **Sec. 36.** *As used in this chapter, unless the context otherwise*  
4 *requires, the words and terms defined in sections 37 to 40, inclusive, of*  
5 *this act have the meanings ascribed to them in those sections.*

6     **Sec. 37.** *"Division" means the Division of Measurement Standards*  
7 *of the State Department of Agriculture.*

8     **Sec. 38.** *"Public weighing" means the weighing, measuring or*  
9 *counting, upon request, of vehicles, property, produce, commodities or*  
10 *articles other than those that the weigher or his employer, if any, is*  
11 *either buying or selling.*

12     **Sec. 39.** *"Public weighmaster" means any person who performs*  
13 *public weighing.*

14     **Sec. 40.** *"Vehicle" means any device other than a railroad freight*  
15 *car in, upon or by which any property, produce, commodity or article is*  
16 *or may be transported or drawn.*

17     **Sec. 41.** *The State Sealer of Weights and Measures shall:*

18         1. *Enforce the provisions of this chapter;*

19         2. *Adopt regulations establishing a schedule of civil penalties for*  
20 *any violation of this chapter;*

21         3. *Adopt reasonable regulations for the enforcement of this chapter;*  
22 *and*

23         4. *Adopt regulations relating to public weighing that include,*  
24 *without limitation:*

25             (a) *The qualifications of an applicant for a license as a public*  
26 *weighmaster;*

27             (b) *Requirements for the renewal of a license as a public*  
28 *weighmaster;*

29             (c) *The period of validity of a license as a public weighmaster;*

30             (d) *Measurement practices that must be followed, including the*  
31 *measurement or recording of tare weight;*

32             (e) *The required information to be submitted with or as part of a*  
33 *certificate of weights and measures; and*

34             (f) *The period for which records must be kept.*

35     **Sec. 42.** *Except as otherwise provided in section 52 of this act, to*  
36 *act as a public weighmaster, a person must receive a license from the*  
37 *State Sealer of Weights and Measures. To qualify for a license, a person*  
38 *must:*

39         1. *Be able to weigh and measure accurately;*

40         2. *Be able to generate correct certificates of weights and measures;*  
41 *and*

42         3. *Possess such other qualifications as required by the regulations*  
43 *adopted pursuant to this chapter.*

1     **Sec. 43.** *An applicant for a license as a public weighmaster must*  
2 *furnish evidence on a form provided by the State Sealer of Weights and*  
3 *Measures that he has the qualifications required by section 42 of this act.*

4     **Sec. 44.** *The State Sealer of Weights and Measures shall determine*  
5 *the qualifications of an applicant for a license as a public weighmaster*  
6 *based on:*

7     1. *The information provided on the application and any*  
8 *supplementary information determined appropriate by the State Sealer of*  
9 *Weights and Measures; and*

10    2. *The results of an examination of the knowledge of the applicant.*

11     **Sec. 45.** *The State Sealer of Weights and Measures shall:*

12    1. *Grant licenses as public weighmasters to qualified applicants;*  
13 *and*

14    2. *Keep a record of all applications submitted and all licenses*  
15 *issued.*

16     **Sec. 46.** 1. *A certificate of weights and measures, when properly*  
17 *filled out and signed, is prima facie evidence of the accuracy of the*  
18 *measurements shown.*

19    2. *The design of and the information to be furnished on a certificate*  
20 *of weights and measures must be prescribed by the State Sealer of*  
21 *Weights and Measures by regulation, and include, without limitation:*

22    (a) *The name and license number of the public weighmaster;*

23    (b) *The kind of commodity weighed, measured or counted;*

24    (c) *The name of the owner, agent or consignee of the commodity;*

25    (d) *The name of the recipient of the commodity, if applicable;*

26    (e) *The date on which the certificate is issued;*

27    (f) *The consecutive number of the certificate;*

28    (g) *The identification, including any identification number, of the*  
29 *carrier transporting the commodity, and the identification number or*  
30 *license number of the vehicle;*

31    (h) *Any relevant information needed to distinguish or identify the*  
32 *commodity from a like kind;*

33    (i) *The number of units of the commodity, if applicable;*

34    (j) *The measure of the commodity, if applicable;*

35    (k) *The weight or mass of the commodity and the vehicle or*  
36 *container, if applicable, as follows:*

37    (1) *The gross weight of the commodity and the associated vehicle*  
38 *or container;*

39    (2) *The tare weight of the unladen vehicle or container; or*

40    (3) *Both the gross and tare weight and the resultant net weight of*  
41 *the commodity; and*

42    (l) *The signature of the public weighmaster who determined the*  
43 *weight, measure or count.*

44     **Sec. 47.** 1. *When filling out a certificate of weights and measures,*  
45 *a public weighmaster:*

1 (a) Shall enter the measurement values so that the certificate clearly  
2 shows that the measurements were actually determined;

3 (b) Shall enter only the measurement values personally determined;  
4 and

5 (c) Shall not enter any measurement values determined by other  
6 persons.

7 2. If the certificate of weights and measures provides for entries of  
8 gross, tare or net weight or measure, the public weighmaster shall:

9 (a) Strike out or otherwise cancel the printed entries for the values  
10 not determined; or

11 (b) If the values were not determined on the same scale or on the  
12 same date shown on the certificate, enter on the certificate the scale and  
13 date on which the values were determined.

14 Sec. 48. A public weighmaster shall only use measurement  
15 practices and equipment:

16 1. In accordance with the provisions of this chapter and any  
17 regulations adopted pursuant thereto; and

18 2. That have been examined, tested and approved for use by an  
19 authorized employee of the Division.

20 Sec. 49. 1. A public weighmaster shall not weigh a vehicle or  
21 combination of vehicles when part of the vehicle or connected  
22 combination is not resting fully, completely and as one entire unit on the  
23 scale.

24 2. When weighing a combination of vehicles that will not rest fully,  
25 completely and as one complete unit on the scale platform:

26 (a) The combination of vehicles must be disconnected and weighed in  
27 single drafts; and

28 (b) The weights of the single drafts may be combined in order to  
29 issue a single certificate of weights and measures for the combination,  
30 provided that the certificate indicates that the total represents a  
31 combination of single draft weighings.

32 (c) The operator of any motor truck scale installed before January  
33 1,2004 may make a written request for a permanent split weigh variance  
34 from the State Sealer. The request must contain:

35 (1) The name, address, and telephone number of the business  
36 making the request and the reason for the request.

37 (2) The scale manufacturer's name, type, location, deck length,  
38 serial number, and capacity of the device.

39 (3) The maximum distance between the front and rear outer axles  
40 of the vehicle or coupled combination vehicle that will be split weighed.

41 (4) A statement in the variance request certifying that each axle of  
42 the vehicle will rest on a strait surface, in the same plane with, and not to  
43 exceed one-third inch per foot out of level with the scale deck during the  
44 split weighing operation.

Because of the older short scales that are not capable of single draft weighing long vehicles, a scale owner may apply for a variance providing certain conditions are met. The conditions minimize weighing inaccuracy and eliminate the need to couple and uncouple combinations.

1 (5) A statement in the variance request agreeing to the following  
2 procedures to be observed during the split-weighing operation:

3 a. Use of the vehicle brakes is prohibited, and

4 b. The vehicle transmission must be in neutral.

5 **Sec. 50.** *A public weighmaster shall keep and preserve a legible*  
6 *copy of each certificate of weights and measures which he issues for the*  
7 *period specified by the State Sealer of Weights and Measures by*  
8 *regulation. The certificates must be available for inspection by an*  
9 *authorized employee of the Division during normal office hours.*

10 **Sec. 51.** *The Director may recognize and accept certificates of*  
11 *weights and measures issued by licensed public weighmasters of any*  
12 *other state if that other state recognizes and accepts certificates of*  
13 *weights and measures issued by licensed public weighmasters of this*  
14 *state.*

15 **Sec. 52.** *1. Except as otherwise provided in this section, the*  
16 *following persons may, but are not required to, obtain licenses as public*  
17 *weighmasters to engage in public weighing:*

18 *(a) A law enforcement or weights and measures officer or other*  
19 *qualified employee of the State, a city or a county agency or institution*  
20 *when acting within the scope of his official duties.*

21 *(b) A person weighing property, produce, commodities or articles:*

22 *(1) That he or his employer is buying or selling; or*

23 *(2) In conformity with the requirements of federal statutes or the*  
24 *statutes of this state relating to warehousemen or processors.*

25 *2. A person described in subsection 1 shall not issue a certificate of*  
26 *weights and measures unless he holds a license as a public weighmaster.*

27 **Sec. 53.** *1. A person shall not:*

28 *(a) Except as otherwise provided in section 52 of this act, act as a*  
29 *public weighmaster without a valid license, including, without limitation:*

30 *(1) Assuming the title of public weighmaster or any similar title;*

31 *(2) Performing the duties or acts to be performed by a public*  
32 *weighmaster;*

33 *(3) Holding himself out as a public weighmaster;*

34 *(4) Issuing any certificate of weights and measures, ticket,*  
35 *memorandum or statement for which a fee is charged; or*

36 *(5) Engaging in a full-time or part-time business of measuring for*  
37 *hire;*

38 *(b) Use or operate any device for purposes of certification that does*  
39 *not meet, or is not operated in accordance with, the provisions of chapter*  
40 *581 of NRS and any regulations adopted pursuant thereto relating to the*  
41 *specifications, tolerances and other technical requirements for weighing*  
42 *and measuring devices;*

43 *(c) Falsify a certificate of weights and measures or falsely certify any*  
44 *gross, tare or net weight or measure required by this chapter to be on the*  
45 *certificate;*

1 (d) Refuse without cause to weigh or measure any article or thing  
2 which is his duty to weigh or measure, or refuse to state in any certificate  
3 anything required to be therein;

4 (e) Hinder or obstruct in any way the ~~Director~~ State Sealer of  
5 Weights and Measures or his authorized agent in the performance of the  
6 official duties of the Director under this chapter;

7 (f) Violate any provision of this chapter or any regulation adopted  
8 pursuant thereto;

9 (g) Delegate his authority to a person not licensed as a public  
10 weighmaster;

11 (h) Request a false certificate of weights and measures, or request a  
12 public weighmaster to weigh, measure or count property or produce, or a  
13 vehicle, commodity or any other article falsely or incorrectly;

14 (i) Issue a certificate simulating the certificate of weights of  
15 measures issued pursuant to this chapter; or

16 (j) Use or have in his possession a device for weighing and  
17 measuring which has been altered to facilitate fraud.

18 2. A person who violates any provision of this section is, in addition  
19 to any criminal penalty that may be imposed, subject to a civil penalty in  
20 accordance with the schedule of civil penalties established by the State  
21 Sealer of Weights and Measures pursuant to section 41 of this act.

22 **Sec. 54.** The ~~Director~~ State Sealer of Weights and Measures may  
23 suspend or revoke the license of a public weighmaster:

24 1. When, following a hearing held after 10 days' notice to the  
25 licensee, the ~~Director~~ State Sealer of Weights and Measures is satisfied  
26 that the licensee has violated a provision of this chapter or any  
27 regulation adopted pursuant thereto;

28 2. When the licensee has been convicted in a court of competent  
29 jurisdiction of violating a provision of this chapter or any regulation  
30 adopted pursuant thereto; or

31 3. When the licensee is convicted of a felony.

32 **Sec. 55.** 1. A person subject to a civil penalty may request an  
33 administrative hearing within 10 days after receipt of the notice of the  
34 civil penalty. The ~~Director~~ State Sealer of Weights and Measures or his  
35 designee shall conduct the hearing after giving appropriate notice to the  
36 respondent. The decision of the ~~Director~~ State Sealer of Weights and  
37 Measures or his designee is subject to appropriate judicial review.

38 2. If the respondent has exhausted his administrative appeals and  
39 the civil penalty has been upheld, he shall pay the civil penalty:

40 (a) If no petition for judicial review is filed pursuant to NRS  
41 233B.130, within 40 days after the final decision of the ~~Director~~ State  
42 Sealer of Weights and Measures; or

43 (b) If a petition for judicial review is filed pursuant to NRS 233B.130  
44 and the civil penalty is upheld within 10 days after the effective date of  
45 the final decision of the court.

For consistency and clarity, all references to the Director are changed to the State Sealer of Weights and Measures.

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1 3. If the respondent fails to pay the civil penalty, a civil action may  
2 be brought by the ~~Director~~ State Sealer of Weights and Measures in any  
3 court of competent jurisdiction to recover the civil penalty. All civil  
4 penalties collected pursuant to this chapter must be remitted to the  
5 county treasurer of the county in which the violation occurred for credit  
6 to the county school district fund.

7 Sec. 56. 1. Except as otherwise provided in subsection 2, a person  
8 who by himself, by his servant or agent, or as the servant or agent of  
9 another person violates any provision of this chapter is guilty of a gross  
10 misdemeanor and shall be punished by imprisonment in the county jail  
11 for not less than 6 months or more than 1 year, or by a fine of not less  
12 than \$1,000 or more than \$5,000, or by both fine and imprisonment.

13 2. A person who by himself, by his servant or agent, or as the  
14 servant or agent of another person:

15 (a) Intentionally violates any provision of this chapter or any  
16 regulation adopted pursuant thereto; or

17 (b) Is convicted pursuant to subsection 1 more than three times in a  
18 2-year period,

19 is guilty of a category E felony and shall be punished as provided in NRS  
20 193.130.

21 Sec. 57. The ~~Director~~ State Sealer of Weights and Measures may  
22 apply to a court of competent jurisdiction for a restraining order, or a  
23 temporary or permanent injunction, restraining a person from violating  
24 any provision of this chapter or any regulation adopted pursuant thereto.

25 Sec. 58. NRS 582.025 is hereby amended to read as follows:

26 582.025 The State Sealer of Weights and Measures may adopt such  
27 regulations as are reasonably necessary to carry out the provisions of this  
28 chapter. Any such regulations shall comply, insofar as practicable, with  
29 specifications, tolerances and regulations recommended by the National  
30 ~~Bureau of Standards~~ Institute of Standards and Technologies.

31 Sec. 59. NRS 582.030 is hereby amended to read as follows:

32 582.030 1. Any person may apply to the State Sealer of Weights  
33 and Measures for ~~appointment~~ licensure as a public weighmaster with  
34 authority to issue state certificates of weights and measures upon which the  
35 purchase or sale of commodities or charge for services or equipment will  
36 be based.

37 2. Before issuing a ~~certificate of appointment~~ license as a public  
38 weighmaster, the State Sealer of Weights and Measures or his deputy  
39 ~~shall~~ must:

40 (a) Test all weighing apparatus to be used.

41 (b) Inspect the premises intended for such use.

42 (c) Satisfy himself that the applicant is in every way equipped,  
43 qualified, competent and of such character that he should be ~~appointed~~  
44 issued a license as a public weighmaster.

45 Sec. 60. NRS 582.032 is hereby amended to read as follows:

For consistency and clarity, all references to the Director are changed to the State Sealer of Weights and Measures.

1 582.032 1. An applicant for the issuance or renewal of a ~~{certificate~~  
2 ~~of appointment}~~ license as a public weighmaster shall submit to the State  
3 Sealer of Weights and Measures the statement prescribed by the Welfare  
4 Division of the Department of Human Resources pursuant to NRS  
5 425.520. The statement must be completed and signed by the applicant.

6 2. The State Sealer of Weights and Measures shall include the  
7 statement required pursuant to subsection 1 in:

8 (a) The application or any other forms that must be submitted for the  
9 issuance or renewal of ~~{the certificate of appointment;}~~ a license as a  
10 public weighmaster; or

11 (b) A separate form prescribed by the State Sealer of Weights and  
12 Measures.

13 3. A ~~{certificate of appointment}~~ license as a public weighmaster  
14 may not be issued or renewed by the State Sealer of Weights and Measures  
15 pursuant to NRS 581.103 if the applicant:

16 (a) Fails to submit the statement required pursuant to subsection 1; or

17 (b) Indicates on the statement submitted pursuant to subsection 1 that  
18 he is subject to a court order for the support of a child and is not in  
19 compliance with the order or a plan approved by the district attorney or  
20 other public agency enforcing the order for the repayment of the amount  
21 owed pursuant to the order.

22 4. If an applicant indicates on the statement submitted pursuant to  
23 subsection 1 that he is subject to a court order for the support of a child and  
24 is not in compliance with the order or a plan approved by the district  
25 attorney or other public agency enforcing the order for the repayment of  
26 the amount owed pursuant to the order, the State Sealer of Weights and  
27 Measures shall advise the applicant to contact the district attorney or other  
28 public agency enforcing the order to determine the actions that the  
29 applicant may take to satisfy the arrearage.

30 Sec. 61. NRS 582.034 is hereby amended to read as follows:

31 582.034 An application for a ~~{certificate of appointment}~~ license as a  
32 public weighmaster must include the social security number of the  
33 applicant.

34 Sec. 62. NRS 582.040 is hereby amended to read as follows:

35 582.040 If satisfied with the qualifications of the applicant, the State  
36 Sealer of Weights and Measures shall issue a ~~{certificate of appointment}~~  
37 license as a public weighmaster, for which ~~{certificate}~~ license he shall  
38 charge a fee established by regulation of the State Board of Agriculture.  
39 ~~{The certificate of appointment:~~

40 1. Is valid for the calendar year in which it is issued.

41 2. May be renewed each year upon application to the State Sealer of  
42 Weights and Measures on or before the last day of January. The  
43 application must be accompanied by a fee established by regulation of the  
44 State Board of Agriculture.]

45 Sec. 63. NRS 582.045 is hereby amended to read as follows:

1 582.045 1. If the State Sealer of Weights and Measures receives a  
2 copy of a court order issued pursuant to NRS 425.540 that provides for the  
3 suspension of all professional, occupational and recreational licenses,  
4 certificates and permits issued to a person who is ~~{the holder of a~~  
5 ~~certificate of appointment}~~ *licensed* as a public weighmaster, the State  
6 Sealer of Weights and Measures shall deem the ~~{certificate}~~ *license* to be  
7 suspended at the end of the 30th day after the date on which the court order  
8 was issued unless he receives a letter issued to the ~~{holder of the~~  
9 ~~certificate}~~ *licensee* by the district attorney or other public agency pursuant  
10 to NRS 425.550 stating that the ~~{holder of the certificate}~~ *licensee* has  
11 complied with the subpoena or warrant or has satisfied the arrearage  
12 pursuant to NRS 425.560.

13 2. The State Sealer of Weights and Measures shall reinstate a  
14 ~~{certificate of appointment}~~ *license* as a public weighmaster suspended by  
15 a district court pursuant to NRS 425.540 if the State Sealer of Weights and  
16 Measures receives a letter issued by the district attorney or other public  
17 agency pursuant to NRS 425.550 to the person whose ~~{certificate}~~ *license*  
18 was suspended stating that the person whose ~~{certificate}~~ *license* was  
19 suspended has complied with the subpoena or warrant or has satisfied the  
20 arrearage pursuant to NRS 425.560.

21 **Sec. 64.** NRS 590.063 is hereby amended to read as follows:

22 590.063 1. The use of pumps or other devices which are capable of  
23 withdrawing gasoline from each of two tanks containing different qualities  
24 of the same petroleum product and dispensing them as a single combined  
25 product must be authorized if the *Division of Measurement Standards of*  
26 *the State Department of Agriculture* determines that all of the following  
27 conditions exist:

28 (a) The device mechanism accurately measures the quantities of the  
29 gasoline being simultaneously withdrawn from each of the two tanks and  
30 the quantity dispensed.

31 (b) The device mechanism accurately and visibly records and displays  
32 the resulting combined quality, the total quantity, the price per gallon for  
33 the particular quality combination being dispensed, and the total price of  
34 the quantity of gasoline dispensed at the particular sale.

35 (c) The device has a locking selector mechanism which prevents the  
36 changing of the proportion of the two qualities being combined during the  
37 dispensing of the desired quantity.

38 2. The provisions of this section authorize the operation of a blending  
39 type of pump connected to two tanks containing two different grades of the  
40 same product, which, if blended together in different proportions, will  
41 produce gasoline of different octane rating, each blend of which meets the  
42 specifications for gasoline as required by this chapter.

43 **Sec. 65.** NRS 590.065 is hereby amended to read as follows:

44 590.065 1. The use of pumps or other devices which are capable of  
45 withdrawing gasoline from one tank containing gasoline and another tank

1 containing motor oil and dispensing them as a single combined product  
2 and of withdrawing gasoline alone from the tank containing gasoline must  
3 be authorized if the *Division of Measurement Standards of the State*  
4 Department of Agriculture determines that all of the following conditions  
5 exist:

6 (a) The device mechanism accurately measures the quantities being  
7 simultaneously withdrawn for dispensing as a combined product from each  
8 of the two tanks when the combined product is dispensed, and the quantity  
9 being dispensed from the gasoline tank alone when gasoline alone is  
10 dispensed.

11 (b) The device mechanism accurately and visibly records and displays  
12 the ratio of gasoline to motor oil, the quantity of each ingredient being  
13 dispensed, the price per gallon for gasoline being dispensed and the price  
14 per quart for motor oil being dispensed, or a device the mechanism of  
15 which accurately and visibly records and displays the ratio of gasoline to  
16 motor oil, the total volume of the oil and gasoline mixture delivered, and  
17 computes the total cost based upon the price set for the finished blend.

18 (c) The device mechanism prevents the changing of the ratio of  
19 gasoline to motor oil during dispensing.

20 (d) There is firmly attached to or painted upon the device mechanism  
21 panel a sign or label plainly visible consisting of the words "outboard  
22 motor fuel" in letters not less than one-half inch in height, together with  
23 the brand, trademark or trade name of the product, which must be in letters  
24 of not less than one-half inch in height.

25 2. The provisions of this section authorize the operation of a blending  
26 type of pump connected to two tanks, one containing motor oil and the  
27 other gasoline, but only if the motor oil in its separate state meets the  
28 specifications for lubricating oil as required by NRS 590.080, and the  
29 gasoline in its separate state meets the specifications for gasoline as  
30 required by NRS 590.070.

31 **Sec. 66.** NRS 590.090 is hereby amended to read as follows:

32 590.090 1. It is unlawful for any person, or any officer, agent or  
33 employee thereof, to sell, offer for sale, or assist in the sale of or permit to  
34 be sold or offered for sale any petroleum or petroleum product to be used  
35 for heating purposes, unless the petroleum or petroleum product conforms  
36 to the most recent standards adopted by ~~{the American Society for Testing~~  
37 ~~and Materials.}~~ *ASTM International*.

38 2. All bulk storage tanks, dispensers and petroleum tank truck  
39 compartment outlets containing or dispensing heating fuel must be labeled  
40 with the brand name and the grade designation of the heating fuel.

41 3. A person shall not use the numerical grade designation for heating  
42 fuels adopted by ~~{the American Society for Testing and Materials.}~~ *ASTM*  
43 *International* unless the designation conforms to that designation. Persons  
44 using a designation other than the numerical grade designation adopted by

1 ~~{the American Society for Testing and Materials}~~ *ASTM International*  
2 must file with the *Division of Measurement Standards of the State*  
3 *Department of Agriculture* the designation to be used together with its  
4 corresponding grade designation of ~~{the American Society for Testing and~~  
5 ~~Materials.}~~ *ASTM International.*

6 **Sec. 67.** Chapter 561 of NRS is hereby amended by adding thereto a  
7 new section to read as follows:

8 *1. The Division of Measurement Standards is hereby created within*  
9 *the State Department of Agriculture. The ~~Director of the State~~*  
10 *~~Department of Agriculture~~ State Sealer of Weights and Measures shall*  
11 *appoint an Administrator of the Division who shall administer all*  
12 *activities and services of the Division.*

13 *2. The Division of Measurement Standards shall administer and*  
14 *enforce the provisions of chapters 581 and 582 of NRS and NRS 590.010*  
15 *to 590.450, inclusive.*

16 **Sec. 68.** NRS 581.004, 581.005, 581.055, 581.060, 581.070,  
17 581.080, 581.090, 581.104, 581.105, 581.110, 581.120, 581.140, 581.150,  
18 581.160, 581.170, 581.180, 581.190, 581.200, 581.210, 581.220, 581.230,  
19 581.240, 581.250, 581.260, 581.270, 581.280, 581.290, 581.300, 581.303,  
20 581.307, 581.310, 581.330, 581.340, 581.350, 581.360, 581.370, 581.380,  
21 581.390, 581.400, 581.405, 581.410, 581.420, 581.430, 581.440, 581.450,  
22 581.460, 582.010, 582.050, 582.060, 582.080, 582.090, 582.100, 582.105,  
23 582.110, 582.120, 582.130, 582.140, 582.150, 582.160, 582.170 and  
24 582.180 are hereby repealed.

25 **Sec. 69.** Any regulations adopted by an officer or agency whose  
26 responsibilities have been transferred pursuant to the provisions of this act  
27 to another officer or agency remain in force until amended by the officer or  
28 agency to which the responsibility for the adoption of the regulations is  
29 transferred.

30 **Sec. 70.** 1. This act becomes effective upon passage and approval  
31 for the purpose of adopting regulations necessary to carry out the  
32 provisions of this act and on January 1, 2004, for all other purposes.

33 2. Sections 34, 60, 61 and 63 of this act expire by limitation on the  
34 date on which the provisions of 42 U.S.C. § 666 requiring each state to  
35 establish procedures under which the state has authority to withhold or  
36 suspend, or to restrict the use of, professional, occupational and  
37 recreational licenses of persons who:

38 (a) Have failed to comply with a subpoena or warrant relating to a  
39 procedure to determine the paternity of a child or to establish or enforce an  
40 obligation for the support of a child; or

41 (b) Are in arrears in the payment for the support of one or more  
42 children,

43 are repealed by the Congress of the United States.

For consistency and clarity, all references to the Director are changed to the State Sealer of Weights and Measures.

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LEADLINES OF REPEALED SECTIONS

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- 581.004 "Council" defined.
- 581.005 "Incorrect" defined.
- 581.055 Enforcement of chapter by State Sealer of Weights and Measures: Regulations; administrative fines; order requiring correction of violation of chapter; investigation or filing of criminal complaint by district attorney.
- 581.060 Records.
- 581.070 Powers and duties of State Sealer of Weights and Measures.
- 581.080 Sealing or marking of weights, measures and weighing or measuring devices.
- 581.090 Seizure and condemnation of incorrect weights; destruction; repair; unlawful acts.
- 581.104 Authorization of certain persons to test and repair or adjust devices used only to weigh or measure propane; notice to State Sealer of Weights and Measures of sealing or marking of device and compliance of device with regulations.
- 581.105 Notice of purchase, installation or use of weight, measure or device for commercial purposes; penalty.
- 581.110 State Standards: Approval by National Bureau of Standards; custody; safekeeping.
- 581.120 Office and Field Standards: State to supply equipment necessary to carry out provisions of chapter; verification.
- 581.140 Standard units of weights and measures.
- 581.150 Avoirdupois and troy weights are basis for other standards of weight.
- 581.160 Divisions and multiples of avoirdupois pound.
- 581.170 Divisions of troy pound.
- 581.180 Divisions of apothecary's pound.
- 581.190 Sale of commodity sold by ton or fraction thereof: Duty of seller to give full weight; rate of pounds to ton.
- 581.200 Standard gallon is unit of capacity for liquids; divisions of standard gallon.
- 581.210 Barrel; hogshead.
- 581.220 Standard half bushel is unit of capacity for substances other than liquids; divisions of standard half bushel.
- 581.230 Standard weights of grain per bushel.
- 581.240 Standard yard is basic measure of extension.
- 581.250 Divisions of yard.

- 581.260 Rod; pole; perch; mile; chain; link.
- 581.270 Acre of land to be measured horizontally; divisions of acre and square mile.
- 581.280 Standard cord of firewood.
- 581.290 Standard units or metric system of weights and measures must be used to designate weight, length and liquid measure.
- 581.300 Packaging of commodity or article of merchandise without designation of correct weight, measure or numerical count unlawful; exception.
- 581.303 Declaration of price per single unit of weight, measure or count required on certain packages of commodities.
- 581.307 Declaration of basic quantity or net quantity of contents required when price advertised; contents of declaration.
- 581.310 Box or carton used for shipping not required to bear weight or measure of contents.
- 581.330 Net weights of containers for flour, cornmeal and hominy.
- 581.340 Deceptive construction prohibited.
- 581.350 Exemption upon compliance with federal law or regulation.
- 581.360 Unavoidable discrepancy between actual weight and weight marked on container does not constitute violation of chapter.
- 581.370 Standard loaf of bread; standard weights of loaves.
- 581.380 Butter and oleomargarine: Sales by weight; standard sizes.
- 581.390 Sale of fish, meat or dressed poultry in manner other than by weight unlawful; exception.
- 581.400 Sale of berries or small fruits in manner other than by weight or container unlawful.
- 581.405 Use of volume correction factor tables or temperature compensating meters by vendors; regulations; penalties.
- 581.410 Making or giving false or short weight or measure.
- 581.420 Misrepresentation of merchandise.
- 581.430 Hindering or obstructing State Sealer of Weights and Measures, deputies or inspectors.
- 581.440 Omission or failure of officer, agent or employee of corporation or association deemed omission or failure of corporation or association.
- 581.450 Criminal penalties; recovery of costs of criminal proceedings.
- 581.460 Prosecution of violations by district attorney.
- 582.010 "Net weight" defined.
- 582.050 Suspension or revocation of certificate of appointment: Grounds; return of seal and certificates.

**582.060 Bond of public weighmaster; automatic suspension of certificate of appointment when bond cancelled.**

**582.080 Certificate of weights and measures.**

**582.090 Fees of public weighmasters and Department of Motor Vehicles.**

**582.100 Books of certificates of weight: Compilation; issuance; cost.**

**582.105 Forms for certificates of weight remain state property while in custody of weighmaster; return of unused forms upon termination of appointment.**

**582.110 Deputy public weighmaster: Designation; employment; responsibility of public weighmaster; condition upon issuance of certificate of weight by weighmaster or deputy based on information recorded by another.**

**582.120 Records of public weighmaster: Contents; inspection; preservation.**

**582.130 Weight of commodity sold subject to weighmaster's weight must be true net weight.**

**582.140 Disputes concerning correctness of weight: Procedure for reweighing; payment of costs.**

**582.150 Liability of corporation or association for act of officer, agent or employee.**

**582.160 Unlawful issuance or possession of certificate of weight.**

**582.170 Encouraging false weighing or issuance of false certificate of weight and giving false information unlawful.**

**582.180 Penalty.**

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