
SENATE BILL 6483

State of Washington 52nd Legislature 1992 Regular Session

By Senators Matson, Murray and Bluechel

Read first time 02/05/92. Referred to Committee on Commerce & Labor.

1 AN ACT Relating to weights and measures; amending RCW 19.94.010,
2 19.94.150, 19.94.160, 19.94.190, 19.94.220, 19.94.230, 19.94.240,
3 19.94.250, 19.94.260, 19.94.280, 19.94.310, 19.94.320, 19.94.330,
4 19.94.340, 19.94.350, 19.94.370, 19.94.440, 19.94.450, 19.94.460,
5 19.94.480, 19.94.490, 19.94.500, 19.94.505, 19.94.510, and 19.94.530;
6 amending 1991 sp.s. c 16 s 315 (uncodified); adding new sections to
7 chapter 19.94 RCW; repealing RCW 19.94.020, 19.94.030, 19.94.040,
8 19.94.050, 19.94.060, 19.94.070, 19.94.080, 19.94.090, 19.94.100,
9 19.94.110, 19.94.120, 19.94.130, 19.94.140, 19.94.170, 19.94.180,
10 19.94.200, 19.94.210, 19.94.215, 19.94.270, 19.94.290, 19.94.300, and
11 19.94.380; prescribing penalties; and providing an effective date.

12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

13 NEW SECTION. **Sec. 1.** The legislature finds:

1 (1) The accuracy of weighing and measuring instruments and devices
2 used in commerce in the state of Washington affects every consumer
3 throughout the state and is of vital importance to the public interest.

4 (2) Fair weights and measures are equally important to business and
5 the consumer.

6 (3) The provisions of this chapter are hereby enacted to safeguard
7 the consuming public and to ensure that businesses receive proper
8 compensation for the commodities they deliver.

9 **Sec. 2.** RCW 19.94.010 and 1969 c 67 s 1 are each amended to read
10 as follows:

11 (~~Terms used in this chapter shall have the meaning given to them~~
12 ~~in RCW 19.94.020 through 19.94.130 unless where used the context shall~~
13 ~~clearly indicate to the contrary.)) (1) Unless the context clearly
14 requires otherwise, the definitions in this section apply throughout
15 this chapter and to any rules adopted pursuant to this chapter.~~

16 (a) "Calibrator" means a person who for hire, award, commission, or
17 any other payment of any kind, installs, inspects, checks, adjusts,
18 repairs, reconditions, or systematically standardizes the graduations
19 of a weighing or measuring instrument or device.

20 (b) "City" means a city with a population of over fifty thousand
21 persons.

22 (c) "City sealer" means the person duly authorized by a city to
23 enforce and administer the weights and measures program within such
24 city and any duly appointed deputy sealer acting under the instructions
25 and at the direction of the city sealer.

26 (d) "Commodity in package form" means a commodity put up or
27 packaged in any manner in advance of sale in units suitable for either
28 wholesale or retail sale, exclusive, however, of an auxiliary shipping
29 container enclosing packages that individually conform to the

1 requirements of this chapter. An individual item or lot of any
2 commodity not in packaged form, but on which there is marked a selling
3 price based on established price per unit of weight or of measure,
4 shall be construed to be a commodity in package form.

5 (e) "Consumer package" or "package of consumer commodity" means a
6 commodity in package form that is customarily produced or distributed
7 for sale through retail sales agencies or instrumentalities for
8 consumption by persons, or used by persons for the purpose of personal
9 care or in the performance of services ordinarily rendered in or about
10 a household or in connection with personal possessions.

11 (f) "Cord" means the measurement of wood intended for fuel or pulp
12 purposes that is contained in a space of one hundred twenty-eight cubic
13 feet, when the wood is ranked and well stowed.

14 (g) "Department" means the department of agriculture of the state
15 of Washington.

16 (h) "Director" means the director of the department or duly
17 authorized representative acting under the instructions and at the
18 direction of the director.

19 (i) "Fish" means any waterbreathing animal, including shellfish,
20 such as, but not limited to, lobster, clam, crab, or other mollusca
21 that is prepared, processed, sold, or intended for sale.

22 (j) "Net weight" means the weight of a commodity excluding any
23 materials, substances, or items not considered to be part of such
24 commodity. Materials, substances, or items not considered to be part
25 of a commodity shall include, but are not limited to, containers,
26 conveyances, bags, wrappers, packaging materials, labels, individual
27 piece coverings, decorative accompaniments, and coupons.

28 (k) "Nonconsumer package" or "package of nonconsumer commodity"
29 means a commodity in package form other than a consumer package and

1 particularly a package designed solely for industrial or institutional
2 use or for wholesale distribution only.

3 (l) "Meat" means and shall include all animal flesh, carcasses, or
4 parts of animals, and shall also include fish, shellfish, game,
5 poultry, and meat food products of every kind and character, whether
6 fresh, frozen, cooked, cured, or processed.

7 (m) "Person" means any individual, receiver, administrator,
8 executor, assignee, trustee in bankruptcy, trust, estate, firm,
9 copartnership, joint venture, club, company, business trust,
10 corporation, association, society, or any group of individuals acting
11 as a unit, whether mutual, cooperative, fraternal, nonprofit, or
12 otherwise.

13 (n) "Poultry" means all fowl, domestic or wild, that is prepared,
14 processed, sold, or intended or offered for sale.

15 (o) "Ton" means a unit of two thousand avoirdupois weight.

16 (p) "Weighing or measuring instrument or device" means any
17 equipment or apparatus used commercially to establish the size,
18 quantity, capacity, count, extent, area, heaviness, or measurement of
19 quantities, things, produce, or articles for distribution or
20 consumption, that are purchased, offered or submitted for sale, hire,
21 or award on the basis of weight, measure or count, including any
22 accessory attached to or used in connection with a weighing or
23 measuring instrument or device when such accessory is so designed or
24 installed that its operation affects, or may effect, the accuracy or
25 indication of the device. This definition shall be limited to those
26 weighing or measuring instruments or devices governed by Handbook 44 as
27 adopted under section 13 of this act.

28 (q) "Weight" means net weight as defined in this section.

1 (r) "Weights and measures" means the recognized standards or units
2 of measure used to indicate the size, quantity, capacity, count,
3 extent, area, heaviness, or measurement of any consumable commodity.

4 (s) "Weights and measures standard" means any object used by a
5 calibrator that under specified conditions defines or represents a
6 recognized weight or measure during the inspection, adjustment,
7 testing, or systematic standardization of the graduations of any
8 weighing or measuring instrument or device.

9 (2) The director shall prescribe by rule other definitions as may
10 be necessary for the implementation of this chapter.

11 **Sec. 3.** RCW 19.94.150 and 1991 sp.s. c 23 s 4 are each amended to
12 read as follows:

13 The system of weights and measures in customary use in the United
14 States and the metric system of weights and measures are jointly
15 recognized, and either one or both of these systems shall be used for
16 all commercial purposes in this state. The definitions of basic units
17 of weight and measure and weights and measures equivalents, as
18 published by the national institute of standards and technology or any
19 successor organization, are recognized and shall govern weighing
20 ((and)) or measuring ((equipment and transactions in the)) instruments
21 or devices used in commercial activities within this state.

22 **Sec. 4.** RCW 19.94.160 and 1991 sp.s. c 23 s 5 are each amended to
23 read as follows:

24 Weights and measures standards that are in conformity with the
25 standards of the United States as have been supplied to the state by
26 the federal government or otherwise obtained by the state for use as
27 state weights and measures standards, shall, when the same shall have
28 been certified as such by the national institute of standards and

1 technology or any successor organization, be the state standards of
2 weight and measure. The state weights and measures standards shall be
3 kept in a place designated by the director and shall not be removed
4 from ~~((the said))~~ such designated place except for repairs or for
5 certification(~~(:— PROVIDED, That they)~~). These state weights and
6 measures standards shall be submitted at least once ~~((in))~~ every ten
7 years to the national institute of standards and technology or any
8 successor organization for certification.

9 NEW SECTION. Sec. 5. (1) Except as otherwise provided for in
10 this chapter or in any rule adopted under the authority of this
11 chapter, any person who operates or uses for commercial purposes within
12 this state a weighing or measuring instrument or device shall, at least
13 once every two years, have each such weighing or measuring instrument
14 or device inspected for accuracy and, if found to be correct, shall
15 have affixed to each instrument or device an official seal of approval.

16 (2) Any weighing or measuring instrument or device tested and
17 approved by the department after December 31, 1990, shall be deemed to
18 be in compliance with the provisions of this section for two years from
19 the date printed on the seal of approval affixed to such instrument or
20 device. All other weighing or measuring instruments or devices not
21 approved or approved prior to January 1, 1991, must be brought into
22 compliance with this section by March 31, 1993.

23 (3) The inspection and approval of all weighing or measuring
24 instruments or devices must be performed by the department, a city
25 sealer, or by a calibrator who has been licensed by the department
26 under this chapter to perform such services.

27 (4) The department shall provide, as needed, uniform, official
28 seals of approval to city sealers and to all calibrators licensed under
29 this chapter.

1 NEW SECTION. **Sec. 6.** (1) No person shall act, assume to act,
2 or advertise as a calibrator, except as authorized by this chapter,
3 without first having applied for and obtained a license from the
4 director.

5 (2) Nothing contained in this chapter shall be construed to require
6 a regular employee of a calibration business duly licensed under this
7 chapter to procure a calibrator's license.

8 (3) Any person who violates this section is guilty of a
9 misdemeanor, and upon conviction thereof shall be punished by a fine of
10 not more than one thousand dollars or by imprisonment in the county
11 jail for not more than one year, or both.

12 NEW SECTION. **Sec. 7.** (1) Prior to performing any of the
13 testing and approval services provided for in this chapter, each
14 calibrator must file an application for and receive a license from the
15 department and, to continue performing such services, shall biennially
16 thereafter submit a renewal application to the department.

17 (2) Each application for a license shall be in writing, under oath,
18 and on a form prescribed by the department and shall contain any
19 relevant information as the director may require, including but not
20 limited to the following:

21 (a) If the applicant is a firm or partnership, the name and address
22 of each partner. If the applicant is an individual proprietorship, the
23 owner's name and address. If the applicant is a corporation, the name
24 and address of all corporate officers and statutory agent, if any;

25 (b) The address of any branch office or location of any affiliate
26 of the applicant, if any;

27 (c) The applicant's tax registration number as required under RCW
28 82.32.030 or the uniform business identifier provided on a master
29 license issued under RCW 19.02.070; and

1 (d) The number of calibrators employed by the applicant at the time
2 the application is filed and the base of operation for each of those
3 employees.

4 (3) In order to maintain proper accuracy of calibration, all
5 weights and measures standards used by the applicant, or any agent or
6 employee of the applicant, shall be submitted to the department upon
7 initial application for a license, and every four years thereafter, for
8 inspection and, if found to be correct, shall have affixed to each such
9 weight or measure standard an official seal of approval.

10 (4) If a calibrator hires additional employees during any period
11 between applications, that calibrator must reapply for and pay any
12 additional licensing fees for those employees that have been hired
13 since the last date of application before those employees may act as
14 calibrators.

15 (5) The department shall provide suitable license forms for each
16 calibrator and each employee of a calibrator that has been duly
17 licensed under this chapter.

18 NEW SECTION. **Sec. 8.** (1) Each applicant, when submitting his
19 or her application, shall pay a licensing fee based upon the number of
20 calibrators the applicant employs and, at the intervals required by
21 this chapter, shall pay an additional weights and measures standards
22 testing fee for each weight or measure standard submitted for approval.
23 The department shall, by rule, set fees for such programs at a
24 sufficient level solely to defray the direct costs of administering and
25 enforcing this chapter. All such fees shall be fixed by rule adopted
26 by the director in accordance with the provisions of the administrative
27 procedure act, chapter 34.05 RCW.

28 (2) If an initial license application is denied or a renewal
29 application is not renewed, the department must notify the applicant in

1 writing of the reasons for such denial or nonrenewal and shall refund
2 to the applicant any fees paid in connection with such application.

3 NEW SECTION. **Sec. 9.** (1) The department shall have the power
4 to revoke, suspend, or refuse to renew the licence of any calibrator
5 for any of the following causes:

6 (a) Fraud or deceit in obtaining a license as a calibrator under
7 this chapter;

8 (b) Dishonesty, fraud, or negligence in installing, inspecting,
9 checking, adjusting, or systematically standardizing and approving the
10 graduations of any weighing and measuring instrument or device;

11 (c) A violation of any provision of this chapter;

12 (d) Conviction of a crime or an act constituting a crime under:

13 (i) The laws of this state;

14 (ii) The laws of another state, and which, if committed within this
15 state, would have constituted a crime under the laws of this state; or

16 (iii) Federal law;

17 (e) Failure to complete and submit any report required by the
18 department in its entirety and to report the accurate description of
19 parts replaced, adjusted, reconditioned, or other work performed;

20 (f) Failure to report in a contract or work agreement the actual
21 repairs required to repair a weighing or measuring instrument or
22 device;

23 (g) Making a false reporting to the department regarding
24 installation, inspection, service, maintenance, or repair of any
25 weighing or measuring instrument or device;

26 (2) Upon the department's revocation of, suspension of, or refusal
27 to renew a license, a calibrator shall immediately surrender all
28 official seals of approval in his or her possession or in the
29 possession of any of his or her agents or employees. Any calibrator

1 who fails to comply with this subsection will be subject to the
2 appropriate penalties prescribed in RCW 19.94.510.

3 NEW SECTION. **Sec. 10.** In the case of the refusal, revocation,
4 or suspension of a licence under the provisions of this chapter, such
5 proceedings and any appeal therefrom shall be taken in accordance with
6 the administrative procedure act, chapter 34.05 RCW.

7 NEW SECTION. **Sec. 11.** Upon application in writing and after
8 hearing pursuant to notice, the department may:

9 (1) Reissue a license to a calibrator whose license has been
10 revoked or suspended; or

11 (2) Modify the suspension of or reissue any license which has been
12 revoked, suspended, or which the department has refused to issue or
13 renew.

14 **Sec. 12.** RCW 19.94.190 and 1991 sp.s. c 23 s 6 are each amended to
15 read as follows:

16 (1) The director and duly appointed city sealers shall enforce the
17 provisions of this chapter ~~((and))~~. The director shall adopt rules for
18 enforcing and carrying out the purposes of this chapter ~~((Such rules
19 shall have the effect of law and may include (1)))~~ including but not
20 limited to the following:

21 ~~((a) Establishing state standards of ((net)) weight, measure, or
22 count, and reasonable standards of fill for any commodity in package
23 form((,(2))))~~ i

24 ~~((b) The ((governing)) establishment of technical and reporting
25 procedures to be followed, ((and the)) any necessary report and record
26 forms, and marks of rejection to be used by the director and city~~

1 sealers in the discharge of their official enforcement duties(~~(, (3))~~)
2 as required by this chapter;

3 (c) The ((governing)) establishment of technical test procedures,
4 reporting procedures, and any necessary record and reporting forms to
5 be used by ((commercial firms)) the department, city sealers, and
6 licensed calibrators when installing, repairing ((or testing commercial
7 weights or measures, (4) the criteria that all weights and measures
8 used by commercial firms in repairing or servicing commercial weighing
9 and measuring devices shall be calibrated by the department and be
10 directly traceable to state standards and shall be submitted to the
11 department for calibration and certification as necessary and/or at
12 such reasonable intervals as may be established or required by the
13 director, (5)), inspecting, and approving the graduations of any
14 weighing or measuring instruments or devices;

15 (d) The establishment of exemptions from the inspection and sealing
16 ((or marking)) requirements of ((RCW 19.94.250)) section 5 of this act
17 with respect to ((weights and measures)) weighing or measuring
18 instruments or devices of such character or size that such sealing ((or
19 marking)) would be inappropriate, impracticable, or damaging to the
20 apparatus in question((, (6) provisions that allow the director to
21 establish fees for weighing, measuring, and providing calibration
22 services performed by the weights and measures laboratory, with all
23 money collected under this subsection paid to the director and
24 deposited in an account within the agricultural local fund to be used
25 for the repair and maintenance of weights and measures devices and
26 other related functions, (7))));

27 (e) The establishment of exemptions from the inspection and sealing
28 requirements of ((RCW 19.94.200 and 19.94.210 for testing,)) section 5
29 of this act with respect to classes of ((weights and measures))
30 weighing or measuring instruments or devices found to be of such

1 character that periodic retesting is unnecessary to ensure continued
2 accuracy(~~(-)~~);

3 (f) The establishment of inspection and approval techniques, if
4 any, to be used with respect to classes of weighing or measuring
5 instruments or devices that are designed specifically to be used
6 commercially only once and then discarded, or are uniformly
7 mass-produced by means of a mold or die and are not individually
8 adjustable; and

9 (g) The adoption of a biennial fee schedule listing all fees to be
10 charged by the department for the inspection and approval of any
11 weighing or measuring instrument or device completed at the request of
12 any person or those instruments or devices required to be inspected and
13 approved by the department under this chapter. This list of fees shall
14 also include any other fees granted to the department under this
15 chapter. Prior to each adoption of this fee schedule, the department
16 shall convene a representative, ten member task force of affected
17 industries that shall advise if such fees are consistent with fees
18 reasonably and customarily charged in the private sector for similar
19 services.

20 (2) These rules shall include specifications(~~(-)~~) and tolerances(~~(-~~
21 and rules)) for ((weights and measures of the character of those
22 specified in RCW 19.94.210~~(-)~~) the acceptable range of accuracy required
23 of weighing or measuring instruments or devices and shall be designed
24 to eliminate from use, without prejudice to ((apparatus)) weighing or
25 measuring instruments or devices that conform(~~(s)~~) as closely as
26 practicable to ((the)) official ((standards)) specifications and
27 tolerances, those (a) ((that are not accurate, ~~(b)~~)) that are of such
28 construction that they are faulty, that is, that are not reasonably
29 permanent in their adjustment or will not repeat their indications
30 correctly, or ((+e)) (b) that facilitate the perpetration of fraud.

1 ((The specifications, tolerances, and rules for commercial weighing and
2 measuring devices, together with amendments thereto, as recommended by
3 the most recent edition of Handbook 44 published by the national
4 institute of standards and technology shall be the specifications,
5 tolerances, and regulations for commercial weighing and/or measuring
6 devices of the state. To promote uniformity, any supplements or
7 amendments to Handbook 44 or any similar subsequent publication of the
8 national institute of standards and technology shall be deemed to have
9 been adopted under this section. The director may, however, within
10 thirty days of the publication or effective date of Handbook 44 or any
11 supplements, amendments, or similar publications give public notice
12 that a hearing will be held to determine if such publications should
13 not be applicable under this section. The hearing shall be conducted
14 under chapter 34.05 RCW. For the purpose of this chapter, apparatus
15 shall be deemed to be "correct" when it conforms to all applicable
16 requirements promulgated as specified in this section; all other
17 apparatus shall be deemed to be "incorrect".))

18 NEW SECTION. **Sec. 13.** (1) The department shall adopt the
19 specifications, tolerances, and other technical requirements for
20 commercial weighing or measuring instruments or devices, together with
21 amendments thereto, as recommended by the most recent edition of
22 Handbook 44 published by the national institute of standards and
23 technology or any successor organization as the specifications,
24 tolerances, and other technical requirements for commercial weighing or
25 measuring instruments or devices used in this state.

26 (2)(a) To promote uniformity, any supplements or amendments to
27 Handbook 44 or any similar subsequent publication of the national
28 institute of standards and technology or any successor organization
29 shall be deemed to have been adopted under this section.

1 (b) The director may, however, within thirty days of the
2 publication or effective date of Handbook 44 or any supplements,
3 amendments, or similar publications give public notice that a hearing
4 will be held to determine if such publications should not be applicable
5 under this section. Any such hearing shall be conducted under chapter
6 34.05 RCW.

7 NEW SECTION. **Sec. 14.** For the purposes of this chapter,
8 weighing or measuring instruments or devices and weights and measures
9 standards shall be deemed to be "correct" when they conform to all
10 applicable requirements of this chapter or the requirements of any rule
11 adopted by the department under the authority granted in this chapter;
12 all other weighing or measuring instruments or devices and weights and
13 measures standards shall be deemed to be "incorrect."

14 NEW SECTION. **Sec. 15.** The department shall be required to:

15 (1) Test the weights and measures standards of any city for which
16 the appointment of a city sealer is provided by this chapter, at least
17 once every four years, and shall place a seal of approval upon same
18 when found to be correct;

19 (2) Biennially test any weighing or measuring instruments or
20 devices used in an agency or institution to which moneys are
21 appropriated by the legislature and shall report any findings in
22 writing to the executive officer of the agency or institution
23 concerned; and

24 (3) Biennially test and, if correct, place a seal of approval upon
25 classes of weighing or measuring instruments or devices found to be few
26 in number, highly complex, and of such character that testing is not
27 provided by any calibrator licensed under this chapter including, but
28 not limited to, railroad track scales. The department shall collect a

1 reasonable fee, to be set by rule, for testing any such weighing and
2 measuring instruments or devices. This fee shall not be unduly
3 burdensome and shall cover, to the extent possible, the direct costs of
4 performing such service.

5 NEW SECTION. **Sec. 16.** (1) Upon the request of a person who
6 operates a weighing or measuring instrument or device within this
7 state, the department shall provide inspection of and, if correct,
8 affix a seal of approval upon any such instrument or device.

9 (2) The department shall establish by rule reasonable and customary
10 fees for its performance of inspection and approval services upon any
11 weighing or measuring instrument or device under this section. These
12 fees shall cover, to the extent possible, the direct costs of the
13 department's performance of such services.

14 NEW SECTION. **Sec. 17.** A new section is added to chapter 19.94 RCW
15 to read as follows:

16 (1) The director or a city sealer may, from time to time, inspect
17 any weighing or measuring instrument or device to determine that such
18 device has been properly inspected and sealed in accordance with
19 section 5 of this act.

20 (2) If a violation of section 5 of this act is discovered during
21 such inspection, the director or city sealer may issue upon the person
22 operating such weighing or measuring instrument or device a civil fine
23 of no more than one thousand dollars for each such instrument or device
24 found to be in violation.

25 (3) The civil penalty allowed under this section shall be
26 commensurate with the class of weighing or measuring instrument or
27 device in question.

1 **Sec. 18.** RCW 19.94.220 and 1991 sp.s. c 23 s 8 are each amended to
2 read as follows:

3 In promoting the general objective of ensuring accuracy of weighing
4 or measuring instruments or devices and the proper representation of
5 weights and measures in commercial transactions, the director or a city
6 sealer shall, upon his or her own initiative and as he or she deems
7 appropriate and advisable, investigate complaints made concerning
8 violations of the provisions of this chapter~~((, and shall, upon his or~~
9 ~~her own initiative, conduct such investigations as deemed appropriate~~
10 ~~and advisable to develop information on prevailing procedures in~~
11 ~~commercial quantity determination and on possible violations of the~~
12 ~~provisions of this chapter and to promote the general objective of~~
13 ~~accuracy in the determination and representation of quantity in~~
14 ~~commercial transactions))~~.

15 **Sec. 19.** RCW 19.94.230 and 1969 c 67 s 23 are each amended to read
16 as follows:

17 (1) The director ~~((shall))~~ or a city sealer may, from time to time,
18 ~~((weigh or measure and))~~ inspect and test packages or amounts of
19 commodities kept, offered, exposed for sale, sold, or in the process of
20 delivery to determine whether the same contain the amounts represented
21 and whether they ~~((be))~~ are kept, offered, exposed for sale or sold in
22 accordance with law~~((; and))~~. When such packages or amounts of
23 commodities are found not to contain the amounts represented or are
24 found to be kept, offered, or exposed for sale or sold in violation of
25 law, the director or city sealer may order them off sale and may mark,
26 tag, or stamp them in a manner prescribed by ~~((him))~~ the department.
27 In carrying out the provisions of this section, the director or city
28 sealer may employ recognized sampling procedures under which the
29 compliance of a given lot of packages will be determined on the basis

1 of a result obtained on a sample selected from and representative of
2 such lot.

3 (2) No person shall ~~((1))~~ (a) sell, keep, offer, or expose for
4 sale any package or amount of commodity that has been ordered off sale
5 as provided in this section unless and until such package or amount of
6 commodity has been brought into full compliance with legal requirements
7 or ~~((2))~~ (b) dispose of any package or amount of commodity that has
8 been ordered off sale and that has not been brought into compliance
9 with legal requirements in any manner except with the specific written
10 approval of the director or city sealer who issued such off sale order.

11 **Sec. 20.** RCW 19.94.240 and 1991 sp.s. c 23 s 9 are each amended to
12 read as follows:

13 (1) The director or a city sealer shall have the power to issue
14 stop-use orders, stop-removal orders, and removal orders with respect
15 to ~~((weights and measures))~~ weighing or measuring devices being, or
16 susceptible of being, commercially used~~((, and to))~~ within this state.

17 (2) The director or a city sealer shall also have the power to
18 issue stop-removal orders and removal orders with respect to packages
19 or amounts of commodities kept, offered, exposed for sale, sold, or in
20 process of delivery~~((,))~~.

21 (3) The director or a city sealer shall issue such orders whenever
22 in the course of his or her enforcement of the provisions of this
23 chapter or rules adopted hereunder he or she deems it necessary or
24 expedient to issue such orders.

25 (4) No person shall use, remove from the premises specified, or
26 fail to remove from any premises specified any ~~((weight, measure, or~~
27 package)) weighing or measuring instrument or device, commodity in
28 packaged form, or amount of commodity contrary to the terms of a stop-

1 use order, stop-removal order or removal order, issued under the
2 authority of this section.

3 **Sec. 21.** RCW 19.94.250 and 1991 sp.s. c 23 s 10 are each amended
4 to read as follows:

5 (1) The director or a city sealer shall ((reject and mark or tag as
6 "rejected" such weights and measures as he or she finds upon inspection
7 or test to be "incorrect" as defined in RCW 19.94.190, but which in his
8 or her best judgment are susceptible of satisfactory repair: PROVIDED,
9 That such sealing or marking shall not be required with respect to such
10 weights and measures as may be exempted therefrom by rule of the
11 director issued under the authority of RCW 19.94.190)), from time to
12 time, inspect any weighing or measuring instrument or device, except
13 those weighing or measuring instruments or devices exempted under the
14 authority of RCW 19.94.190, to determine if it is correct. If the
15 director or a city sealer discovers upon inspection that a weighing or
16 measuring instrument or device is "incorrect," but in his or her best
17 judgment is susceptible of satisfactory repair, he or she shall reject
18 and mark or tag as rejected any such weighing or measuring instrument
19 or device.

20 (2) The director or a city sealer may ((reject or)) seize any
21 ((weights and measures)) weighing or measuring instrument or device
22 found to be incorrect that, in his or her best judgment, ((are)) is not
23 susceptible of satisfactory repair. ((Weights and measures))

24 (3) Weighing or measuring instruments or devices that have been
25 rejected under subsection (1) of this section may be confiscated and
26 may be destroyed by the director or a city sealer if not corrected as
27 required by RCW 19.94.330 or if used or disposed of contrary to the
28 requirements of ((said)) that section.

1 **Sec. 22.** RCW 19.94.260 and 1991 sp.s. c 23 s 11 are each amended
2 to read as follows:

3 (1) With respect to the enforcement of this chapter and any other
4 acts dealing with weights and measures that he or she is, or may be
5 empowered to enforce, the director ~~((is authorized to))~~ or a city
6 sealer may seize for use as evidence incorrect ~~((or unsealed weights~~
7 ~~and measures or amounts))~~ weighing or measuring instruments or devices
8 or packages of commodities to be used, retained, offered, exposed for
9 sale, or sold in violation of the law.

10 (2) In the performance of his or her official duties conferred
11 under this chapter, the director or a city sealer is authorized at
12 reasonable times during the normal business hours of the person using
13 ~~((the weights and measures))~~ a weighing or measuring instrument or
14 device to enter into or upon any structure or premises where ~~((weights~~
15 ~~and measures are))~~ such weighing or measuring instrument or device is
16 used or kept for commercial purposes. ~~((Should))~~ If the director
17 ~~((be))~~ or a city sealer is denied access to any premises or
18 establishment where such access was sought for the purposes set forth
19 in this ~~((section))~~ chapter, the director or a city sealer may apply to
20 any court of competent jurisdiction for a search warrant authorizing
21 access to such premises or establishment for ~~((said))~~ such purposes.
22 The court may, upon such application, issue the search warrant for the
23 purposes requested.

24 **Sec. 23.** RCW 19.94.280 and 1969 c 67 s 28 are each amended to read
25 as follows:

26 (1) There shall be a city sealer ~~((of weights and measures))~~ in
27 every city and such deputies as may be required by ordinance of each
28 such city ~~((governed by this chapter. Such sealer and such deputies~~
29 ~~shall in any such city be appointed by, and they shall hold office~~

1 ~~subject to applicable local civil service laws and regulations;~~
2 ~~otherwise they shall be appointed by the mayor, or other chief~~
3 ~~executive officer of such city, by and with the advice and consent of~~
4 ~~the governing body of such city, and they may be removed for cause in~~
5 ~~the same manner))~~ to administer and enforce the provisions of this
6 chapter.

7 (2) Each city required to have a city sealer shall adopt rules for
8 the appointment and removal of the city sealer and any deputies
9 required by local ordinance. The rules for appointment of a city
10 sealer and any deputies must include provisions for the advice and
11 consent of the local governing body of such city and, as necessary, any
12 provisions for local civil service laws and regulations.

13 (3) Upon the request of a person who operates a weighing or
14 measuring instrument or device within a city that has an appointed city
15 sealer, the city sealer shall provide inspection of and, if correct,
16 affix a seal of approval upon any such instrument or device.

17 (4) Each city with an appointed city sealer shall establish
18 reasonable and customary fees for its performance of inspection and
19 approval services upon any weighing or measuring instrument or device
20 under this section. These fees shall cover, to the extent possible,
21 the direct costs of a city sealer's performance of such services.

22 **Sec. 24.** RCW 19.94.310 and 1969 c 67 s 31 are each amended to read
23 as follows:

24 (1) The ((council or other)) governing body of each city for which
25 a city sealer has been appointed as provided for by RCW 19.94.280 shall
26 ((+1)):

27 (a) Procure at the expense of the city ((such standards of weight
28 and measure and such additional equipment, to be used)) the official
29 weights and measures standards and any field weights and measures

1 standards necessary for the enforcement of the provisions of this
2 chapter in such city(~~(, as)~~) or that may be prescribed by the director;
3 (~~(+2)~~)

4 (b) Provide a suitable office for the city sealer and any deputies
5 that have been duly appointed; (~~(and -3)~~)

6 (c) Make provision for the necessary clerical services, supplies,
7 transportation and for defraying contingent expenses incidental to the
8 official activities of the city sealer and his or her deputies in
9 carrying out the provisions of this chapter; and

10 (d) Adequately fund the city sealer and his or her deputies
11 necessary for proper enforcement and administration of this chapter.

12 (2) When the (~~(standards of weight and measure)~~) acquisition of the
13 official weights and measures standards required (~~(by this)~~) under
14 subsection (1)(a) of this section (~~(to be provided by a city shall)~~)
15 have been made and such weights and measures have been examined and
16 approved by the director, they shall be the official weights and
17 measures standards for such city. (~~(It shall be the duty of)~~)

18 (3) In order to maintain field weights and measure standards in
19 accurate condition, the city sealer (~~(to make, or to arrange to have~~
20 made, at least as frequently as once a year, comparisons between his
21 field standards and appropriate standards of a higher order belonging
22 to his city or to the state, in order to maintain such field standards
23 in accurate condition)) shall, at least once every two years, compare
24 the field weights and measures standards used within his or her city to
25 the official weights and measures standards of such city or to the
26 official weights and measures standards of this state.

27 **Sec. 25.** RCW 19.94.320 and 1969 c 67 s 32 are each amended to read
28 as follows:

1 ~~(1) In cities for which city sealers ((of weights and measures))~~
2 have been appointed as provided for in this chapter, the director shall
3 have general supervisory powers over such city sealers and may, when he
4 or she deems it reasonably necessary, exercise concurrent authority to
5 carry out the provisions of this chapter.

6 (2) When the director elects to exercise concurrent authority
7 within a city with a duly appointed city sealer, the director's powers
8 and duties relative to ~~((weights and measures contained in))~~ this
9 chapter shall be in addition to the powers granted ~~((to))~~ in any such
10 city by law or charter.

11 **Sec. 26.** RCW 19.94.330 and 1991 sp.s. c 23 s 14 are each amended
12 to read as follows:

13 ~~((Weights and measures))~~ (1) Weighing or measuring instruments or
14 devices that have been rejected under the authority of the director or
15 a city sealer shall remain subject to the control of the rejecting
16 authority until such time as suitable repair or disposition thereof has
17 been made as required by this section.

18 (2) The owners of ((such rejected weights and measures)) any
19 weighing or measuring instrument or device that has been marked or
20 tagged as rejected by the director or a city sealer shall cause the
21 same to be made correct within thirty days or such longer period as may
22 be authorized by the rejecting authority~~((; or,))~~. In lieu of
23 ~~((this,))~~ correction, the owner of such weighing and measuring
24 instrument or device may dispose of the same, but only in ((such a))
25 the manner ((as is)) specifically authorized by the rejecting
26 authority. ~~((Weights and measures))~~

27 (3) Weighing and measuring instruments or devices that have been
28 rejected shall not again be used commercially until they have been
29 officially reexamined ~~((or until standardized corrective measures have~~

1 ~~been instituted as prescribed by rule as adopted by the department)~~
2 and approved by the rejecting authority or that have been certified as
3 correct by a calibrator licensed under this chapter.

4 **Sec. 27.** RCW 19.94.340 and 1991 sp.s. c 23 s 15 are each amended
5 to read as follows:

6 (1) Except as provided in subsection (2) of this section,
7 commodities in liquid form shall be sold only by liquid measure or by
8 weight, and, except as otherwise provided in this chapter, commodities
9 not in liquid form shall be sold only by weight, by measure of length
10 or area, or by count~~((:—PROVIDED, That))~~.

11 (2) Liquid commodities may be sold by weight and commodities not in
12 liquid form may be sold by count only if such methods ~~((give))~~ provide
13 accurate information as to the quantity of commodity sold~~((:—AND~~
14 ~~PROVIDED FURTHER, That))~~.

15 (3) The provisions of this section shall not apply ~~((+1))~~ to:

16 (a) Commodities ~~((when))~~ that are sold for immediate consumption on
17 the premises where sold~~((, (2) to))~~;

18 (b) Vegetables when sold by the head or bunch~~((, (3) to))~~;

19 (c) Commodities in containers standardized by a law of this state
20 or by federal law~~((, (4) to))~~;

21 (d) Commodities in package form when there exists a general
22 consumer usage to express the quantity in some other manner~~((, (5)~~
23 ~~to))~~;

24 ~~(e) Concrete aggregates, concrete mixtures, and loose solid~~
25 ~~materials such as earth, soil, gravel, crushed stone, and the like,~~
26 ~~when sold by cubic measure~~~~((, or (6) to))~~; or

27 (f) Unprocessed vegetable and animal fertilizer when sold by cubic
28 measure.

1 (4) The director may issue such reasonable rules as are necessary
2 to assure that amounts of commodity sold are determined in accordance
3 with good commercial practice and are so determined and represented to
4 be accurate and informative to all interested parties.

5 **Sec. 28.** RCW 19.94.350 and 1991 sp.s. c 23 s 16 are each amended
6 to read as follows:

7 (1) Except as otherwise provided in this chapter, any commodity in
8 package form introduced or delivered for introduction into or received
9 in intrastate commerce, kept for the purpose of sale, offered or
10 exposed for sale or sold in intrastate commerce, shall bear on the
11 outside of the package such definite, plain, and conspicuous
12 declaration of ~~((+1))~~:

13 (a) The identity of the commodity ~~((in))~~ contained within the
14 package unless the same can easily be identified through the ~~((wrapper~~
15 ~~or container))~~ package; ~~((+2))~~

16 (b) The net quantity of the contents in terms of weight, measure or
17 count; and ~~((+3))~~

18 (c) In the case of any package not sold on the premises where
19 packed, the name and place of business of the manufacturer, packer, or
20 distributor, as may be prescribed by rule issued by the director~~((:~~
21 ~~PROVIDED, That))~~.

22 (2) In connection with the declaration required under subsection
23 ~~((+2))~~ (1)(b) of this section, neither the qualifying term "when
24 packed" or any words of similar import, nor any term qualifying a unit
25 of weight, measure, or count (for example, "jumbo", "giant", "full",
26 "or over", and the like) that tends to exaggerate the amount of
27 commodity in a package, shall be used~~((:~~ ~~AND PROVIDED FURTHER, That))~~.

28 (3) With respect to the declaration required under subsection
29 ~~((+2))~~ (1)(b) of this section the director shall by rule establish:

1 (a) Reasonable variations to be allowed, (b) exemptions as to small
2 packages, and (c) exemptions as to commodities put up in variable
3 weights or sizes for sale to the consumer intact and either customarily
4 not sold as individual units or customarily weighed or measured at time
5 of sale to the consumer.

6 **Sec. 29.** RCW 19.94.370 and 1969 c 67 s 37 are each amended to read
7 as follows:

8 No commodity in package form shall be so wrapped, nor shall it be
9 in a container so made, formed or filled as to mislead the purchaser as
10 to the quantity of the contents of the package, and the contents of a
11 container shall not fall below such reasonable standards of fill as may
12 have been prescribed by the director for the commodity in question (~~by~~
13 ~~the director~~)).

14 **Sec. 30.** RCW 19.94.440 and 1991 sp.s. c 23 s 18 are each amended
15 to read as follows:

16 (1) When a vehicle delivers to an individual purchaser a commodity
17 in bulk, and the commodity is sold in terms of weight units, the
18 delivery (~~shall~~) must be accompanied by a duplicate delivery ticket
19 with the following information clearly stated, in ink or other
20 indelible marking equipment and, in clarity, equal to type or printing:
21 ~~((1))~~

22 (a) The name and address of the vendor(~~(1-2))~~)i

23 (b) The name and address of the purchaser(~~(1)~~)i and ~~((3))~~

24 (c) The ~~((net))~~ weight of the delivery expressed in pounds, and, if
25 the net weight is derived from determinations of gross and tare
26 weights, such gross and tare weights also (~~shall~~) must be stated in
27 terms of pounds.

1 (2) One of ~~((these))~~ the delivery tickets shall be retained by the
2 vendor, and the other shall be delivered to the purchaser at the time
3 of delivery of the commodity, or shall be surrendered on demand to the
4 director ~~((or the deputy director or the inspector,))~~ or the city
5 sealer ~~((or deputy sealer,))~~ who, if he or she ~~((desires))~~ elects to
6 retain it as evidence, shall issue a weight slip in lieu thereof for
7 delivery to the purchaser~~((:—PROVIDED, That))~~.

8 (3) If the purchaser himself or herself carries away the purchase,
9 the vendor shall be required only to give the purchaser at the time of
10 sale a delivery ticket stating the number of pounds of commodity
11 delivered ~~((to the purchaser))~~.

12 **Sec. 31.** RCW 19.94.450 and 1991 sp.s. c 23 s 19 are each amended
13 to read as follows:

14 (1) Except as provided in subsection (2) of this section, all solid
15 fuels such as, but not limited to, coal, coke, charcoal, broiler chips,
16 pressed fuels and briquets shall be sold by weight~~((:—PROVIDED,~~
17 ~~That))~~.

18 (2) All solid fuels such as hogged fuel, sawdust and similar
19 industrial fuels may be sold or purchased by cubic measure.

20 (3) Unless ~~((the))~~ a fuel is delivered to the purchaser in package
21 form, each delivery of ~~((coal, coke, or charcoal))~~ such fuel to an
22 individual purchaser ~~((shall))~~ must be accompanied by a duplicate
23 delivery ticket~~((s on which))~~ with the following information clearly
24 stated, in ink or other indelible ~~((substance, there shall be clearly~~
25 ~~stated—(1))~~) marking equipment and, in clarity equal to type or
26 printing:

27 (a) The name and address of the vendor; ~~((+2))~~

28 (b) The name and address of the purchaser; and ~~((+3))~~

1 (c) The ~~((net))~~ weight of the delivery and the gross and tare
2 weights from which the ~~((net))~~ weight is computed, each expressed in
3 pounds.

4 (4) One of ~~((these))~~ the delivery tickets shall be retained by the
5 vendor and the other shall be delivered to the purchaser at the time of
6 delivery of the fuel, or shall be surrendered, on demand, to the
7 director ~~((or his or her deputy or inspector or a))~~ or the city sealer
8 ~~((or deputy sealer))~~ who, if he or she ~~((desires))~~ elects to retain it
9 as evidence, shall issue a weight slip in lieu thereof for delivery to
10 the purchaser ~~((:—PROVIDED, That))~~.

11 (5) If the purchaser himself or herself carries away the purchase,
12 the vendor shall be required only to give to the purchaser at the time
13 of sale a delivery ticket stating the number of pounds of fuel
14 delivered ~~((to the purchaser))~~.

15 **Sec. 32.** RCW 19.94.460 and 1969 c 67 s 46 are each amended to read
16 as follows:

17 (1) All stove and furnace oil shall be sold by liquid measure or by
18 ~~((net))~~ weight in accordance with the provisions of RCW 19.94.340.
19 ~~((In the case of each delivery of such liquid fuel not))~~

20 (2) Unless such fuel is delivered to the purchaser in package form,
21 ~~((and))~~ each delivery of such fuel in an amount greater than ten
22 gallons in the case of sale by liquid measure or one hundred pounds in
23 the case of sale by weight ~~((, there shall be rendered to the purchaser,~~
24 ~~either (a) at the time of delivery or (b) within a period mutually~~
25 ~~agreed upon in writing or otherwise between the vendor and the~~
26 ~~purchaser,))~~ must be accompanied by a delivery ticket or a written
27 statement on which, in ink or other indelible substance, there shall be
28 clearly and legibly stated ((+1)):

29 (a) The name and address of the vendor; ~~((+2))~~

1 (b) The name and address of the purchaser; ~~((+3))~~

2 (c) The identity of the type of fuel comprising the delivery;
3 ~~((+4))~~

4 (d) The unit price (that is, price per gallon or per pound, as the
5 case may be), of the fuel delivered; ~~((+5))~~

6 (e) In the case of sale by liquid measure, the liquid volume of the
7 delivery together with any meter readings from which such liquid volume
8 has been computed, expressed in terms of the gallon and its binary or
9 decimal subdivisions; and ~~((+6))~~

10 (f) In the case of sale by weight, the net weight of the delivery,
11 together with any weighing scale readings from which such net weight
12 has been computed, expressed in terms of tons or pounds avoirdupois.

13 (3) The delivery ticket required under this section must be
14 delivered at the time of delivery unless an agreement, written or
15 otherwise, between the vendor and the purchaser has been reached
16 regarding the delivery of such delivery ticket.

17 **Sec. 33.** RCW 19.94.480 and 1969 c 67 s 48 are each amended to read
18 as follows:

19 Fractional parts of any unit of weight or measure shall mean like
20 fractional parts of the value of such unit as prescribed ~~((or defined))~~
21 in RCW ~~((19.94.070, 19.94.090 and))~~ 19.94.150~~((, and all contracts~~
22 ~~concerning the sale of commodities and services shall be construed in~~
23 ~~accordance with this requirement))~~.

24 NEW SECTION. **Sec. 34.** All contracts concerning the sale of
25 commodities and services by weight, measure, or count, will be
26 construed in accordance with the weights and measures standards adopted
27 under this chapter.

1 **Sec. 35.** RCW 19.94.490 and 1969 c 67 s 49 are each amended to read
2 as follows:

3 Any person who shall hinder or obstruct in any way the
4 director(~~(,)~~) or a city sealer (~~(or deputy sealer,)~~) in the performance
5 of his or her official duties(~~(, shall be)~~) under this chapter is
6 guilty of a misdemeanor, and upon conviction thereof shall be punished
7 by a fine of not (~~(less)~~) more than (~~(twenty)~~) five hundred dollars
8 (~~(or more than two hundred dollars)~~), or by imprisonment in the county
9 jail for not more than three months, or by both such fine and
10 imprisonment.

11 **Sec. 36.** RCW 19.94.500 and 1969 c 67 s 50 are each amended to read
12 as follows:

13 Any person who shall impersonate in any way the director, (~~(or)~~) a
14 city sealer or a (~~(deputy sealer)~~) calibrator who has been licensed
15 under this chapter, by (~~(the use of his)~~) using an official seal of
16 approval without specific authorization to do so or by using a
17 counterfeit (~~(of his)~~) seal of approval, or in any other manner,
18 (~~(shall be)~~) is guilty of a misdemeanor, and upon conviction thereof
19 shall be punished by a fine of not (~~(less than one hundred dollars or)~~)
20 more than (~~(five hundred)~~) one thousand dollars or by imprisonment in
21 the county jail for not more than one year, or by both such fine and
22 imprisonment.

23 **Sec. 37.** RCW 19.94.505 and 1984 c 61 s 1 are each amended to read
24 as follows:

25 It is unlawful for any dealer or service station, as both are
26 defined in RCW 82.36.010, to sell ethanol and/or methanol at one
27 percent, by volume, or greater in gasoline for use as motor vehicle

1 fuel unless the dispensing device has a label stating the type and
2 maximum percentage of alcohol contained in the motor vehicle fuel.

3 ~~((Violation of))~~ Any person who violates this section is guilty of
4 a misdemeanor.

5 **Sec. 38.** RCW 19.94.510 and 1969 c 67 s 51 are each amended to read
6 as follows:

7 Any person who, by himself or herself, by his or her servant or
8 agent, or as the servant or agent of another person, performs any one
9 of the acts enumerated in subsections (1) through ~~((9) below))~~ (11) of
10 this section, shall be guilty of a misdemeanor and upon a second or
11 subsequent conviction thereof ~~((he))~~ such person shall be guilty of a
12 gross misdemeanor.

13 (1) Use or have in possession for the purpose of using for any
14 commercial purpose ~~((specified in RCW 19.94.210,))~~ a weighing or
15 measuring instrument or device that is intentionally calculated to
16 falsify any weight, measure, or count of any commodity, or to sell,
17 offer, expose for sale or hire or have in possession for the purpose of
18 selling or hiring an incorrect ~~((weight or measure or any device or~~
19 ~~instrument used or))~~ weighing or measuring instrument or device or any
20 weighing or measuring instrument or device calculated to falsify any
21 weight or measure.

22 (2) Use or have in possession for current use in the buying or
23 selling of any commodity or thing, for hire or award, or in the
24 computation of any basic charge or payment for services rendered on the
25 basis of weight ~~((or))~~ measurement, or count, or in the determination
26 of weight ~~((or))~~ measurement or count, when a charge is made for such
27 determination, any incorrect ~~((weight or measure))~~ weighing or
28 measuring instrument or device.

1 (3) Dispose of any rejected (~~or condemned weight or measure~~)
2 weighing or measuring instrument or device in a manner contrary to law
3 or (~~regulation~~) rule.

4 (4) Remove from any (~~weight or measure~~) weighing or measuring
5 instrument or device, contrary to law or (~~regulation~~) rule, any tag,
6 seal, stamp or mark placed thereon by the director, (~~or~~) a city
7 sealer (~~or deputy sealer~~), or a calibrator licensed under this
8 chapter.

9 (5) Sell, offer or expose for sale less than the quantity he or she
10 represents of any commodity, thing or service.

11 (6) Take more than the quantity he or she represents of any
12 commodity, thing, or service when, as buyer, he or she furnishes the
13 weight (~~or~~), measure, or count by means of which the amount of the
14 commodity, thing or service is determined.

15 (7) Keep for the purpose of sale, advertise, offer or expose for
16 sale or sell any commodity, thing or service in a condition or manner
17 contrary to law or (~~regulation~~) rule.

18 (8) Use in retail trade, except in the preparation of packages put
19 up in advance of sale and of medical prescriptions, a (~~weight or~~
20 ~~measure~~) weighing or measuring instrument or device that is not so
21 positioned that its indications may be accurately read and the weighing
22 or measuring operation (~~observed~~) observable from some position which
23 may reasonably be assumed by a customer.

24 (9) Upon the revocation, suspension, or nonrenewal of a
25 calibrator's license, fail to surrender all official seals of approval
26 in his or her possession or in the possession of any of his or her
27 agents or employees.

28 (10) Knowingly approve or place an official seal of approval upon
29 any weighing or measuring instrument or device known to be incorrect.

1 (11) Violate any other provision of this chapter or of the rules
2 (~~and/or regulations promulgated~~) adopted under the provisions of this
3 chapter for which a specific penalty has not been prescribed.

4 **Sec. 39.** RCW 19.94.530 and 1969 c 67 s 53 are each amended to read
5 as follows:

6 For the purposes of this chapter, proof of the existence of a
7 (~~weight or measure or a~~) weighing or measuring instrument or device
8 in or about any building, enclosure, stand, or vehicle in which or from
9 which it is shown that buying or selling is commonly carried on, shall,
10 in the absence of conclusive evidence to the contrary, be presumptive
11 proof of the regular use of such (~~weight or measure or~~) weighing or
12 measuring instrument or device for commercial purposes and of such use
13 by the person in charge of such building, enclosure, stand or vehicle.

14 NEW SECTION. **Sec. 40.** All moneys collected under this chapter
15 shall be placed in the weights and measures account hereby established
16 in the state treasury. Moneys deposited in this account may only be
17 spent following appropriation by law and shall be used solely for the
18 purpose of carrying out the provisions of this chapter and the rules
19 adopted under this chapter.

20 NEW SECTION. **Sec. 41.** The following acts or parts of acts are
21 each repealed:

22 (1) RCW 19.94.020 and 1969 c 67 s 2;

23 (2) RCW 19.94.030 and 1969 c 67 s 3;

24 (3) RCW 19.94.040 and 1969 c 67 s 4;

25 (4) RCW 19.94.050 and 1969 c 67 s 5;

26 (5) RCW 19.94.060 and 1969 c 67 s 6;

27 (6) RCW 19.94.070 and 1969 c 67 s 7;

- 1 (7) RCW 19.94.080 and 1969 c 67 s 8;
- 2 (8) RCW 19.94.090 and 1969 c 67 s 9;
- 3 (9) RCW 19.94.100 and 1969 c 67 s 10;
- 4 (10) RCW 19.94.110 and 1969 c 67 s 11;
- 5 (11) RCW 19.94.120 and 1969 c 67 s 12;
- 6 (12) RCW 19.94.130 and 1969 c 67 s 13;
- 7 (13) RCW 19.94.140 and 1969 c 67 s 14;
- 8 (14) RCW 19.94.170 and 1969 c 67 s 17;
- 9 (15) RCW 19.94.180 and 1969 c 67 s 18;
- 10 (16) RCW 19.94.200 and 1991 sp.s. c 23 s 7 & 1969 c 67 s 20;
- 11 (17) RCW 19.94.210 and 1969 c 67 s 21;
- 12 (18) RCW 19.94.215 and 1990 c 27 s 1;
- 13 (19) RCW 19.94.270 and 1969 c 67 s 27;
- 14 (20) RCW 19.94.290 and 1991 sp.s. c 23 s 12 & 1969 c 67 s 29;
- 15 (21) RCW 19.94.300 and 1991 sp.s. c 23 s 13 & 1969 c 67 s 30; and
- 16 (22) RCW 19.94.380 and 1969 c 67 s 38.

17 **Sec. 42.** 1991 sp.s. c 16 s 315 (uncodified) is amended to read as
 18 follows:

19 **FOR THE DEPARTMENT OF AGRICULTURE**

20 General Fund State Appropriation	\$	19,680,000
21 General Fund Federal Appropriation	\$	1,226,000
22 State Toxics Control Account Appropriation	\$	1,109,000
23 <u>Weights and Measures Account Appropriation</u>	<u>\$</u>	<u>212,500</u>
24 TOTAL APPROPRIATION	\$ ((22,015,000))	
25		<u>22,227,500</u>

26 The appropriations in this section are subject to the following
 27 conditions and limitations:

1 (1) Within the appropriations provided in this section, the
2 department shall collect and provide information to growers on minor
3 use crop pesticides.

4 (2) \$100,000 of the general fund--state appropriation is provided
5 solely to implement the Puget Sound water quality management plan.

6 (3) \$872,000 of the general fund--state appropriation is provided
7 solely for the state noxious weed program. Of this amount \$524,000 is
8 provided solely for noxious weed control grants.

9 (4) The appropriations in this section are based on an assumption
10 that the IMPACT program will establish fees pursuant to RCW 28B.30.541.

11 (5) \$97,000 of the general fund--state appropriation is provided
12 solely to implement chapter 280, Laws of 1991 (Engrossed Second
13 Substitute Senate Bill No. 5096, adverse impacts on agriculture).

14 (6) \$202,500 of the general fund--state appropriation is provided
15 solely for the weights and measures program under chapter 19.94 RCW.

16 NEW SECTION. Sec. 43. Sections 1, 5 through 11, 13 through 16,
17 34, and 40 of this act are each added to chapter 19.94 RCW.

18 NEW SECTION. Sec. 44. This act shall take effect January 1,
19 1993.