

2 2SHB 1524 - S COMM AMD

3 By Committee on Agriculture & Agricultural Trade & Development

4

5 Strike everything after the enacting clause and insert the  
6 following:

7 "Sec. 1. RCW 19.94.010 and 1992 c 237 s 3 are each amended to read  
8 as follows:

9 (1) Unless the context clearly requires otherwise, the definitions  
10 in this section apply throughout this chapter and to any rules adopted  
11 pursuant to this chapter.

12 (a) "City" means a first class city with a population of over fifty  
13 thousand persons.

14 (b) "City sealer" means the person duly authorized by a city to  
15 enforce and administer the weights and measures program within such  
16 city and any duly appointed deputy sealer acting under the instructions  
17 and at the direction of the city sealer.

18 (c) "Commodity in package form" means a commodity put up or  
19 packaged in any manner in advance of sale in units suitable for either  
20 wholesale or retail sale, exclusive, however, of an auxiliary shipping  
21 container enclosing packages that individually conform to the  
22 requirements of this chapter. An individual item or lot of any  
23 commodity not in packaged form, but on which there is marked a selling  
24 price based on established price per unit of weight or of measure,  
25 shall be construed to be a commodity in package form.

26 (d) "Consumer package" or "package of consumer commodity" means a  
27 commodity in package form that is customarily produced or distributed  
28 for sale through retail sales agencies or instrumentalities for  
29 consumption by persons, or used by persons for the purpose of personal  
30 care or in the performance of services ordinarily rendered in or about  
31 a household or in connection with personal possessions.

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

35 (f) "Department" means the department of agriculture of the state  
36 of Washington.

1 (g) "Director" means the director of the department or duly  
2 authorized representative acting under the instructions and at the  
3 direction of the director.

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

7 (i) "Net weight" means the weight of a commodity excluding any  
8 materials, substances, or items not considered to be part of such  
9 commodity. Materials, substances, or items not considered to be part  
10 of a commodity shall include, but are not limited to, containers,  
11 conveyances, bags, wrappers, packaging materials, labels, individual  
12 piece coverings, decorative accompaniments, and coupons.

13 (j) "Nonconsumer package" or "package of nonconsumer commodity"  
14 means a commodity in package form other than a consumer package and  
15 particularly a package designed solely for industrial or institutional  
16 use or for wholesale distribution only.

17 (k) "Meat" means and shall include all animal flesh, carcasses, or  
18 parts of animals, and shall also include fish, shellfish, game,  
19 poultry, and meat food products of every kind and character, whether  
20 fresh, frozen, cooked, cured, or processed.

21 (l) "Official seal of approval" means the uniform seal or  
22 certificate issued by the director or city sealer which indicates that  
23 a weights and measures standard or a weighing or measuring instrument  
24 or device conforms with the specifications, tolerances, and other  
25 technical requirements adopted in RCW 19.94.195.

26 (m) "Person" means any individual, receiver, administrator,  
27 executor, assignee, trustee in bankruptcy, trust, estate, firm,  
28 copartnership, joint venture, club, company, business trust,  
29 corporation, association, society, or any group of individuals acting  
30 as a unit, whether mutual, cooperative, fraternal, nonprofit, or  
31 otherwise.

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

34 (o) "Service agent" means a person who for hire, award, commission,  
35 or any other payment of any kind, installs, tests, inspects, checks,  
36 adjusts, repairs, reconditions, or systematically standardizes the  
37 graduations of a weighing or measuring instrument or device.

38 (p) "Ton" means a unit of two thousand pounds avoirdupois weight.

39 (q) "Weighing or measuring instrument or device" means any

1 equipment or apparatus used commercially to establish the size,  
2 quantity, capacity, count, extent, area, heaviness, or measurement of  
3 quantities, things, produce, or articles for distribution or  
4 consumption, that are purchased, offered or submitted for sale, hire,  
5 or award on the basis of weight, measure or count, including any  
6 accessory attached to or used in connection with a weighing or  
7 measuring instrument or device when such accessory is so designed or  
8 installed that its operation affects, or may effect, the accuracy or  
9 indication of the device. This definition shall be strictly limited to  
10 those weighing or measuring instruments or devices governed by Handbook  
11 44 as adopted under RCW 19.94.195.

12 (r) "Weight" means net weight as defined in this section.

13 (s) "Weights and measures" means the recognized standards or units  
14 of measure used to indicate the size, quantity, capacity, count,  
15 extent, area, heaviness, or measurement of any consumable commodity.

16 (t) "Secondary weights and measures standard" means ~~((any object))~~  
17 the physical standards that are traceable to the primary standards  
18 through comparisons, used by the director, a city sealer, or a service  
19 agent that under specified conditions defines or represents a  
20 recognized weight or measure during the inspection, adjustment,  
21 testing, or systematic standardization of the graduations of any  
22 weighing or measuring instrument or device.

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

25 **Sec. 2.** RCW 19.94.160 and 1992 c 237 s 5 are each amended to read  
26 as follows:

27 Weights and measures standards that are in conformity with the  
28 standards of the United States as have been supplied to the state by  
29 the federal government or otherwise obtained by the state for use as  
30 state weights and measures standards, shall, when the same shall have  
31 been certified as such by the national institute of standards and  
32 technology or any successor organization, be the ~~((state))~~ primary  
33 standards of weight and measure. The state weights and measures  
34 standards shall be kept in a place designated by the director and shall  
35 ~~((not be removed from such designated place except for repairs or for~~  
36 ~~certification. These state weights and measures standards shall be~~  
37 ~~submitted at least once every ten years to the national institute of~~  
38 ~~standards and technology or any successor organization for~~

1 certification)) be maintained in such calibration as prescribed by the  
2 national institute of standards and technology or any successor  
3 organization.

4 **Sec. 3.** RCW 19.94.165 and 1992 c 237 s 6 are each amended to read  
5 as follows:

6 (1) ~~Unless otherwise provided by ((the department, all weighing or~~  
7 ~~measuring instruments or devices used for commercial purposes within~~  
8 ~~this state shall be inspected and tested for accuracy by the director~~  
9 ~~or city sealer at least once every two years)) law, the director or~~  
10 city sealer, shall have the power to inspect and test all weighing or  
11 measuring instruments or devices to ascertain if they are correct. It  
12 shall be the duty of the director or city sealer, as often as they deem  
13 necessary, to inspect and test for accuracy all weighing or measuring  
14 instruments or devices used for commercial purposes within this state  
15 and, if found to be correct, the director or city sealer shall issue an  
16 official seal of approval for each such instrument or device.

17 (2) ~~((Beginning fiscal year 1993, the schedule of inspection and~~  
18 ~~testing shall be staggered so as one half of the weighing or measuring~~  
19 ~~instruments or devices under the jurisdiction of the inspecting and~~  
20 ~~testing authority are approved in odd fiscal years and the remaining~~  
21 ~~one half are inspected and tested in even fiscal years.~~

22 ~~(3))~~ The department may provide, as needed, uniform, official  
23 seals of approval to city sealers for the purposes expressed in this  
24 section.

25 NEW SECTION. **Sec. 4.** A new section is added to chapter 19.94 RCW  
26 to read as follows:

27 (1) No person shall operate a weighing or measuring instrument or  
28 device for commercial purposes within this state without annually  
29 registering the instrument or device with the department unless the  
30 instrument or device is within a city that has a city sealer and a  
31 program for testing and inspecting weighing and measuring instruments  
32 and devices. If the commercial use is within a city having a city  
33 sealer and a program for testing and inspecting weighing or measuring  
34 instruments and devices, the instrument or device may be registered  
35 with the city.

36 (2) A city with such a sealer and program may establish an annual  
37 fee for registering the commercial use of such an instrument or device

1 with the city. The annual fee shall not exceed the fee established in  
2 RCW 19.94.175 for registering the use of a similar instrument or device  
3 with the department.

4 (3) Any person applying with the department for registration of an  
5 instrument or device used commercially shall make such application  
6 through the master licensing system. The application shall be  
7 accompanied by the fees established in RCW 19.94.175. A separate  
8 application must be submitted for each business location. Application  
9 for weighing or measuring device registration shall be made upon a form  
10 prescribed by the department and shall contain such information as the  
11 department may require. The fees required by RCW 19.94.175 are in  
12 addition to any other fee or license required by law.

13 (4) The registration fee that must accompany an application for a  
14 new license or annual renewal shall be based upon the number and type  
15 of weighing or measuring devices at each business location.

16 (5) Device registrations shall expire on the master license  
17 expiration date unless the registration is revoked or suspended prior  
18 to that date. The master license shall be displayed in a conspicuous  
19 place in the location for which it was issued.

20 (6) The department may, during normal business hours, compare the  
21 number of devices listed on the master license with the number of  
22 devices at the business location to determine that appropriate  
23 registration fees have been paid.

24 **Sec. 5.** RCW 19.94.175 and 1992 c 237 s 7 are each amended to read  
25 as follows:

26 ~~((1) The department shall establish reasonable, biennial~~  
27 ~~inspection and testing fees for each type or class of weighing or~~  
28 ~~measuring instrument or device required to be inspected and tested~~  
29 ~~under this chapter. These inspection and testing fees shall be~~  
30 ~~equitably prorated within each such type or class and shall be limited~~  
31 ~~to those amounts necessary for the department to cover, to the extent~~  
32 ~~possible, the direct costs associated with the inspection and testing~~  
33 ~~of each type or class of weighing or measuring instrument or device.~~

34 ~~(2) Prior to the establishment and each amendment of the fees~~  
35 ~~authorized under this chapter, a weights and measures fee task force~~  
36 ~~shall be convened under the direction of the department. The task~~  
37 ~~force shall be composed of a representative from the department who~~  
38 ~~shall serve as chair and one representative from each of the following:~~

1 City sealers, service agents, service stations, grocery stores,  
2 retailers, food processors/dealers, oil heat dealers, the agricultural  
3 community, and liquid propane dealers. The task force shall recommend  
4 the appropriate level of fees to be assessed by the department pursuant  
5 to subsection (1) of this section, based upon the level necessary to  
6 cover the direct costs of administering and enforcing the provisions of  
7 this chapter and to the extent possible be consistent with fees  
8 reasonably and customarily charged in the private sector for similar  
9 services.

10 (3) The fees authorized under this chapter may be billed only after  
11 the director or a city sealer has issued an official seal of approval  
12 for a weighing or measuring instrument or device or a weight or measure  
13 standard.

14 (4) All fees shall become due and payable thirty days after billing  
15 by the department or a city sealer. A late penalty of one and one half  
16 percent per month may be assessed on the unpaid balance more than  
17 thirty days in arrears.)) (1) The following annual registration fees  
18 shall be charged for weighing or measuring instruments or devices  
19 required to be inspected and tested under this chapter:

- 20 (a) Weighing devices:
  - 21 (i) Small scales "zero to four hundred pounds  
22 capacity" . . . . . \$ 5.00
  - 23 (ii) Intermediate scales "four hundred one pounds to  
24 five thousand pounds capacity" . . . . . \$ 20.00
  - 25 (iii) Large scales "over five thousand pounds  
26 capacity" . . . . . \$ 42.00
  - 27 (iv) Large scales with supplemental devices . . . . . \$ 50.00
  - 28 (v) Railroad track scales . . . . . \$800.00
- 29 (b) Liquid fuel metering devices:
  - 30 (i) Motor fuel meters with flows of less than twenty  
31 gallons per minute . . . . . \$ 5.00
  - 32 (ii) Motor fuel meters with flows of more than twenty  
33 but not more than one hundred fifty gallons per  
34 minute . . . . . \$ 16.00
  - 35 (iii) Motor fuel meters with flows over one hundred  
36 fifty gallons per minute . . . . . \$ 20.00
- 37 (c) Liquid petroleum gas meters:
  - 38 (i) With one inch diameter or smaller dispensers . . . \$ 20.00
  - 39 (ii) With greater than one inch diameter dispensers . . \$ 30.00

- 1       (d)     Fabric meters . . . . . \$ 5.00
- 2       (e)     Cordage meters . . . . . \$ 5.00
- 3       (f)     Mass flow meters . . . . . \$ 14.00
- 4       (g)     Taxi meters . . . . . \$ 5.00

5       ~~((5))~~ (2) Fees upon weighing or measuring instruments or devices  
6 within the jurisdiction of the city that are collected under this  
7 section by city sealers shall be deposited into the general fund, or  
8 other account, of the city as directed by the governing body of the  
9 city. ~~((On the thirtieth day of each month, city sealers shall,~~  
10 ~~pursuant to procedures established and upon forms provided by the~~  
11 ~~director, remit to the department for administrative costs ten percent~~  
12 ~~of the total fees collected.~~

13       ~~(6))~~ (3) With the exception of subsection ~~((7))~~ (4) of this  
14 section and section 6 of this act, no person shall be required to pay  
15 more than the established ~~((inspection and testing))~~ annual  
16 registration fee adopted under this section for any weighing or  
17 measuring instrument or device ~~((in any two year period))~~ when the same  
18 has been found to be correct.

19       ~~((7) Whenever a special request is made by the owner for the~~  
20 ~~inspection and testing of a weighing or measuring instrument or device,~~  
21 ~~the fee prescribed by the director for such a weighing or measuring~~  
22 ~~instrument or device shall be paid by the owner.))~~

23       (4) The department or a city sealer may establish reasonable  
24 inspection and testing fees for each type or class of weighing or  
25 measuring instrument or device specially requested to be inspected or  
26 tested by the device owner. These inspection and testing fees shall be  
27 limited to those amounts necessary for the department or city sealer to  
28 cover the direct costs associated with such inspection and testing.  
29 The fees established under this subsection shall not be set so as to  
30 compete with service agents normally engaged in such services.

31       NEW SECTION. Sec. 6. A new section is added to chapter 19.94 RCW  
32 to read as follows:

33       (1) The department or a city sealer may charge the reinspection and  
34 testing fees listed in subsection (2) of this section for each type or  
35 class of weighing or measuring instrument or device required to be  
36 inspected and tested under this chapter when such a device has been  
37 found to be incorrect. Investigations for cause shall not be construed  
38 as reinspections under this section.

1	(2)(a) Weighing devices:	
2	(i) Small scales "zero to four hundred pounds	
3	capacity" . . . . .	\$ 10.00
4	(ii) Intermediate scales "four hundred one pounds to	
5	five thousand pounds capacity" . . . . .	\$ 20.00
6	(iii) Large scales "over five thousand pounds	
7	capacity" . . . . .	\$42.00
8	(iv) Large scales with supplemental devices . . . . .	\$100.00
9	(v) Railroad track scales . . . . .	\$800.00
10	(b) Liquid fuel metering devices:	
11	(i) Motor fuel meters with flows of less than twenty	
12	gallons per minute . . . . .	\$ 10.00
13	(ii) Motor fuel meters with flows of more than twenty	
14	but not more than one hundred fifty gallons per	
15	minute . . . . .	\$ 32.00
16	(iii) Motor fuel meters with flows over one hundred	
17	fifty gallons per minute . . . . .	\$ 40.00
18	(c) Liquid petroleum gas meters:	
19	(i) With one inch diameter or smaller dispensers . . .	\$ 40.00
20	(ii) With greater than one inch diameter	
21	dispensers . . . . .	\$ 60.00
22	(d) Fabric meters . . . . .	\$ 10.00
23	(e) Cordage meters . . . . .	\$ 10.00
24	(f) Mass flow meters . . . . .	\$ 28.00
25	(g) Taxi meters . . . . .	\$ 10.00

26 (3) Any fees assessed under this section and RCW 19.94.175(4) shall  
27 become due and payable thirty days after billing by the department or  
28 a city sealer. A late penalty of one and one-half percent per month  
29 may be assessed on the unpaid balance more than thirty days in arrears.

30 **Sec. 7.** RCW 19.94.190 and 1992 c 237 s 9 are each amended to read  
31 as follows:

32 (1) The director and duly appointed city sealers shall enforce the  
33 provisions of this chapter. The director shall adopt rules for  
34 enforcing and carrying out the purposes of this chapter including but  
35 not limited to the following:

36 (a) Establishing state standards of weight, measure, or count, and  
37 reasonable standards of fill for any commodity in package form;

38 (b) The establishment of technical and reporting procedures to be



1 followed, any necessary report and record forms, and marks of rejection  
2 to be used by the director and city sealers in the discharge of their  
3 official duties as required by this chapter;

4 (c) The establishment of technical test procedures, reporting  
5 procedures, and any necessary record and reporting forms to be used by  
6 service agents when installing, repairing, inspecting, or standardizing  
7 the graduations of any weighing or measuring instruments or devices;

8 ~~(d) ((The establishment of fee payment and reporting procedures and  
9 any necessary report and record forms to be used by city sealers when  
10 remitting the percentage of total fees collected as required under this  
11 chapter;~~

12 ~~(e))~~ The establishment of exemptions from the sealing or marking  
13 inspection and testing requirements of RCW 19.94.250 with respect to  
14 weighing or measuring instruments or devices of such character or size  
15 that such sealing or marking would be inappropriate, impracticable, or  
16 damaging to the apparatus in question;

17 ~~((f))~~ (e) The establishment of exemptions from the inspection and  
18 testing requirements of RCW 19.94.165 with respect to classes of  
19 weighing or measuring instruments or devices found to be of such  
20 character that periodic inspection and testing is unnecessary to ensure  
21 continued accuracy; and

22 ~~((g))~~ (f) The establishment of inspection and approval  
23 techniques, if any, to be used with respect to classes of weighing or  
24 measuring instruments or devices that are designed specifically to be  
25 used commercially only once and then discarded, or are uniformly  
26 mass-produced by means of a mold or die and are not individually  
27 adjustable.

28 (2) These rules shall also include specifications and tolerances  
29 for the acceptable range of accuracy required of weighing or measuring  
30 instruments or devices and shall be designed to eliminate from use,  
31 without prejudice to weighing or measuring instruments or devices that  
32 conform as closely as practicable to official specifications and  
33 tolerances, those (a) that are of such construction that they are  
34 faulty, that is, that are not reasonably permanent in their adjustment  
35 or will not repeat their indications correctly, or (b) that facilitate  
36 the perpetration of fraud.

37 **Sec. 8.** RCW 19.94.216 and 1992 c 237 s 12 are each amended to read  
38 as follows:

1 The department shall:

2 (1) Biennially inspect and test the secondary weights and measures  
3 standards of any city for which the appointment of a city sealer is  
4 provided by this chapter and shall issue an official seal of approval  
5 for same when found to be correct. The department shall, by rule,  
6 establish a reasonable fee for ~~((such))~~ this and any other inspection  
7 and testing services performed by the department's metrology  
8 laboratory.

9 (2) ~~((Biennially))~~ Inspect, test, and, if found to be correct,  
10 issue an official seal of approval for any weighing or measuring  
11 instrument or device used in an agency or institution to which moneys  
12 are appropriated by the legislature or of the federal government and  
13 shall report any findings in writing to the executive officer of the  
14 agency or institution concerned. The department shall collect a  
15 reasonable fee, to be set by rule, for testing any such weighing or  
16 measuring instrument or device.

17 (3) Inspect, test, and, if found to be correct, issue a seal of  
18 approval for classes of weighing or measuring instruments or devices  
19 found to be few in number, highly complex, and of such character that  
20 differential inspection and testing frequency is necessary including,  
21 but not limited to, railroad track scales and grain elevator scales.  
22 The department shall develop rules regarding the inspection and testing  
23 procedures to be used for such weighing or measuring instruments or  
24 devices which shall include requirements for the provision,  
25 maintenance, and transport of any weight or measure standard necessary  
26 for inspection and testing at no expense to the state. ~~((The  
27 department may collect a reasonable fee, to be set by rule, for  
28 inspecting and testing any such weighing and measuring instruments or  
29 devices. This fee shall not be unduly burdensome and shall cover, to  
30 the extent possible, the direct costs of performing such service.))~~

31 **Sec. 9.** RCW 19.94.255 and 1992 c 237 s 17 are each amended to read  
32 as follows:

33 (1) Weighing or measuring instruments or devices that have been  
34 rejected under the authority of the director or a city sealer shall  
35 remain subject to the control of the rejecting authority until such  
36 time as suitable repair or disposition thereof has been made as  
37 required by this section.

38 (2) The owner of any weighing or measuring instrument or device

1 that has been marked or tagged as rejected by the director or a city  
2 sealer shall cause the same to be made correct within thirty days or  
3 such longer period as may be authorized by the rejecting authority. In  
4 lieu of correction, the owner of such weighing and measuring instrument  
5 or device may dispose of the same, but only in the manner specifically  
6 authorized by the rejecting authority.

7 ~~((3) Weighing and measuring instruments or devices that have been  
8 rejected shall not again be used commercially until they have been  
9 officially reexamined and, if found to be correct, had an official seal  
10 of approval placed upon or issued for such weighing or measuring  
11 instrument or device by the rejecting authority.))~~

12 **Sec. 10.** RCW 19.94.280 and 1992 c 237 s 20 are each amended to  
13 read as follows:

14 (1) There may be a city sealer in every city and such deputies as  
15 may be required by ordinance of each such city to administer and  
16 enforce the provisions of this chapter.

17 (2) Each city electing to have a city sealer shall adopt rules for  
18 the appointment and removal of the city sealer and any deputies  
19 required by local ordinance. The rules for appointment of a city  
20 sealer and any deputies must include provisions for the advice and  
21 consent of the local governing body of such city and, as necessary, any  
22 provisions for local civil service laws and regulations.

23 (3) A city sealer ~~((shall))~~ may adopt the fee amounts established  
24 ~~((by the director pursuant to RCW 19.94.165))~~ under section 6 of this  
25 act. However, no city shall adopt or charge an inspection, testing,  
26 reinspection, retesting, or licensing fee or any other fee upon a  
27 weighing or measuring instrument or device that is in excess of the fee  
28 amounts ((adopted under RCW 19.94.165)) established by the department  
29 under the provisions of this chapter for substantially similar  
30 services.

31 (4) A city sealer shall keep a complete and accurate record of all  
32 official acts performed under the authority of this chapter and shall  
33 submit an annual report to the governing body of his or her city and  
34 shall make any reports as may be required by the director.

35 **Sec. 11.** RCW 19.94.320 and 1992 c 237 s 22 are each amended to  
36 read as follows:

37 (1) In cities for which city sealers have been appointed as

1 provided for in this chapter, the director shall have general  
2 (~~supervisory powers over such~~) oversight of city (~~sealers~~) weights  
3 and measures programs and may, when he or she deems it reasonably  
4 necessary, exercise concurrent authority to carry out the provisions of  
5 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 this chapter shall be in addition to the powers  
9 granted in any such city by law or charter.

10 **Sec. 12.** RCW 19.94.360 and 1969 c 67 s 36 are each amended to read  
11 as follows:

12 In addition to the declarations required by RCW 19.94.350, any  
13 commodity in package form, the package being one of a lot containing  
14 random weights, measures or counts of the same commodity (~~and bearing~~  
15 ~~the total selling price of the package~~) at the time it is exposed for  
16 sale at retail, shall bear on the outside of the package a plain and  
17 conspicuous declaration of the price per single unit of weight,  
18 measure, or count and the total selling price of the package.

19 **Sec. 13.** RCW 19.94.390 and 1969 c 67 s 39 are each amended to read  
20 as follows:

21 (1) Whenever any commodity or service is sold, or is offered,  
22 exposed, or advertised for sale, by weight, measure, or count, the  
23 price shall not be misrepresented, nor shall the price be represented  
24 in any manner calculated or tending to mislead or deceive an actual or  
25 prospective purchaser. Whenever an advertised, poster or labeled price  
26 per unit of weight, measure, or count includes a fraction of a cent,  
27 all elements of the fraction shall be prominently displayed and the  
28 numeral or numerals expressing the fraction shall be immediately  
29 adjacent to, of the same general design and style as, and at least one-  
30 half the height and one-half the width of the numerals representing the  
31 whole cents.

32 (2) The examination procedure recommended for price verification by  
33 the price verification working group of the laws and regulations  
34 committee of the national conference on weights and measures (as  
35 reflected in the fourth draft, dated November 1, 1994) for devices such  
36 as electronic scanners shall govern such examinations conducted under  
37 this chapter. The procedure shall be deemed to be adopted under this

1 chapter. However, the department may revise the procedure as follows:  
2 The department shall provide notice of and conduct a public hearing  
3 pursuant to chapter 34.05 RCW to determine whether any revisions to  
4 this procedure made by the national institute of standards and  
5 technology or its successor organization for incorporating the  
6 examination procedure into an official handbook of the institute or its  
7 successor, or any subsequent revisions of the handbook regarding such  
8 procedures shall also be adopted under this chapter. If the department  
9 determines that the procedure should be so revised, it may adopt the  
10 revisions. Violations of this section regarding the use of devices  
11 such as electronic scanners may be found only as provided by the  
12 examination procedures adopted by or under this subsection.

13 (3) Electronic scanner screens installed after January 1, 1996, and  
14 used in retail establishments must be visible to the consumer at the  
15 checkout line.

16 (4) For three working days from the date of the examination  
17 conducted pursuant to subsection (2) of this section, the department  
18 shall not disclose to the public the results of the examination.

19 **Sec. 14.** RCW 19.94.410 and 1988 c 63 s 1 are each amended to read  
20 as follows:

21 ~~((1) Except as provided in subsection (2) of this section,))~~  
22 Butter, oleomargarine and margarine shall be offered and exposed for  
23 sale and sold by weight ((and only in units of one-quarter pound, one-  
24 half pound, one pound or multiples of one pound, avoirdupois weight.

25 ~~(2) The director of agriculture may allow the sale of butter~~  
26 ~~speciality products in nonstandard units of weight if the purpose~~  
27 ~~achieved by using such nonstandard units is decorative in nature and~~  
28 ~~the products are clearly labeled as to weight and price per pound)).~~

29 NEW SECTION. Sec. 15. (1) Sections 1 through 3 and 6 through 14  
30 of this act are necessary for the immediate preservation of the public  
31 peace, health, or safety, or support of the state government and its  
32 existing public institutions, and shall take effect June 1, 1995.

33 (2) Sections 4 and 5 of this act shall take effect January 1,  
34 1996."

1 **2SHB 1524** - S COMM AMD

2 By Committee on Agriculture & Agricultural Trade & Development

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4 On page 1, line 1 of the title, after "measures;" strike the  
5 remainder of the title and insert "amending RCW 19.94.010, 19.94.160,  
6 19.94.165, 19.94.175, 19.94.190, 19.94.216, 19.94.255, 19.94.280,  
7 19.94.320, 19.94.360, 19.94.390, and 19.94.410; adding new sections to  
8 chapter 19.94 RCW; providing effective dates; and declaring an  
9 emergency."

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