

LEGISLATURE OF NEBRASKA
ONE HUNDRED SIXTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 229

Introduced by Groene, 42.

Read first time January 14, 2019

Committee:

- 1 A BILL FOR AN ACT relating to weights and measures; to amend section
- 2 89-197, Revised Statutes Cumulative Supplement, 2018; to prohibit
- 3 certain unlawful acts as prescribed; and to repeal the original
- 4 section.
- 5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 89-197, Revised Statutes Cumulative Supplement,
2 2018, is amended to read:

3 89-197 It shall be unlawful for any person to:

4 (1) Use in commerce any weighing and measuring device which is not
5 correct;

6 (2) Remove any tag, seal, or mark of a stop-use, stop-sale, hold, or
7 removal order issued by the department from any weighing and measuring
8 device or commodity without specific written authorization from the
9 department;

10 (3) Fail to report to the department when any tag, seal, or mark of
11 a stop-use, stop-sale, hold, or removal order issued by the department
12 has been removed from any weighing and measuring device or commodity
13 without specific written authorization from the department if such person
14 operates a weighing and measuring establishment and knows or has reason
15 to know the tag, seal, or mark has been removed;

16 (4) Hinder, obstruct, or refuse to assist the director in the
17 performance of his or her duties;

18 (5) Maintain or have in his or her possession any commercial
19 weighing and measuring device that has not been registered and inspected
20 in accordance with the provisions of the Weights and Measures Act;

21 (6) Sell or keep for sale less than the quantity he or she
22 represents of a commodity;

23 (7) Take more than the quantity he or she represents of a commodity
24 when, as buyer, he or she furnishes the weight or measure by means of
25 which the amount of the commodity is determined;

26 (8) Operate any weighing and measuring establishment without a valid
27 permit, while the permit is suspended, or after the permit has been
28 revoked if a permit is required by the act;

29 (9) Determine a gross weight and tare weight to arrive at a net
30 weight by the use in commerce of different weighing and measuring devices
31 that in combination will not meet the absolute value of maintenance

1 tolerance;

2 (10) Falsify in any manner, by any means, or by or through a
3 representative a recorded representation or documentation from any
4 weighing and measuring device or any representation or delivery ticket of
5 a commodity bought or sold by weight, measure, or count;

6 (11) Use any commercial weighing and measuring device in a
7 commercial application unless a Certificate of Conformance has been
8 issued for such device unless exempt in section 89-186.01;

9 (12) Sell any weighing and measuring device for use in a commercial
10 application unless a Certificate of Conformance has been issued for such
11 devices unless exempt in section 89-186.01;

12 (13) Use, add to, or modify a commercial weighing and measuring
13 device in any way which makes the device not correct unless such change
14 has been authorized by the director as provided for in the act;

15 (14) Misrepresent the price of any commodity kept for sale or sold
16 by weight, measure, or count or represent the price in any manner
17 calculated or tending to mislead or in any way deceive a person;

18 (15) Misrepresent the quantity of any commodity kept for sale or
19 sold or represent the quantity in any manner calculated or tending to
20 mislead or in any way deceive a person;

21 (16) Fail to pay all fees as prescribed by the act and the rules and
22 regulations adopted and promulgated pursuant to the act;

23 (17) Refuse to keep and make available for examination by the
24 department all books, papers, and other information necessary for the
25 enforcement of the act;~~or~~

26 (18) Use commercial weighing and measuring devices not in accordance
27 with rules and regulations adopted and promulgated by the director
28 pursuant to subdivision (3)(d) of section 89-187; or -

29 (19) Advertise an automotive spark ignition engine fuel that is not
30 available at all fueling positions without showing the price and fueling
31 position where such fuel is available in equal time and in equal size,

1 letter type, and wattage on any signs of the fueling station where such
2 fuel is available. Each fueling position shall be clearly marked and
3 identified to match the advertised information.

4 Sec. 2. Original section 89-197, Revised Statutes Cumulative
5 Supplement, 2018, is repealed.