

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 282

Session of  
1977

INTRODUCED BY REIBMAN, NOLAN, ROSS AND STAPLETON,  
FEBRUARY 8, 1977

AS REPORTED FROM COMMITTEE ON AGRICULTURE AND RURAL AFFAIRS,  
AS AMENDED SEPTEMBER 18, 1978

AN ACT

1 Amending the act of December 1, 1965 (P.L.988, No.368),  
2 entitled, as amended, "An act relating to weights and  
3 measures; regulating the use and sale, and providing for the  
4 inspection of weighing and measuring devices; regulating the  
5 sale and packaging of commodities; imposing duties and  
6 conferring powers upon the Attorney General and Department of  
7 Justice and certain local officials; and prescribing  
8 penalties," providing for the disposition of fines AND MAKING <—  
9 CERTAIN EXEMPTIONS.

10 The General Assembly of the Commonwealth of Pennsylvania  
11 hereby enacts as follows:

12 Section 1. ~~The~~ SUBSECTION (B) OF SECTION 21, act of December <—  
13 1, 1965 (P.L.988, No.368), known as the "Weights and Measures  
14 Act of 1965," is amended ~~by adding a section~~ AND THE SECTION IS <—  
15 AMENDED BY ADDING A SUBSECTION to read:

16 SECTION 21. METHOD OF SALE OF COMMODITIES.--\* \* \* <—

17 (B) THE PROVISIONS OF THIS SECTION SHALL NOT APPLY (I) TO  
18 COMMODITIES WHEN SOLD FOR IMMEDIATE CONSUMPTION ON THE PREMISES  
19 WHERE SOLD; (II) TO VEGETABLES WHEN SOLD BY THE HEAD OR BUNCH;  
20 (III) TO COMMODITIES IN CONTAINERS STANDARDIZED BY LAW OF THIS

1 STATE OR BY FEDERAL LAW; (IV) TO COMMODITIES IN PACKAGE FORM  
2 WHEN THERE EXISTS A GENERAL CONSUMER USAGE TO EXPRESS THE  
3 QUANTITY IN SOME OTHER MANNER; (V) TO CONCRETE AGGREGATES,  
4 CONCRETE MIXTURES AND LOOSE SOLID MATERIALS SUCH AS EARTH, SOIL,  
5 GRAVEL, CRUSHED STONE AND THE LIKE WHEN SOLD BY CUBIC MEASURE;  
6 [OR] (VI) TO UNPROCESSED VEGETABLE AND ANIMAL FERTILIZER WHEN  
7 SOLD BY CUBIC MEASURE; OR (VII) TO SOLID FUELS WHEN SOLD BY BTU  
8 VALUE.

9 \* \* \*

10 (D) THE WEIGHING OF SOLID FUELS BY A LICENSED WEIGHMASTER  
11 SHALL NOT BE REQUIRED PRIOR TO THE SALE, TRANSPORTATION OR  
12 DELIVERY OF SAID SOLID FUELS IN SUCH INSTANCES WHERE THE SOLID  
13 FUEL WILL BE WEIGHED AT THE POINT OF SALE OR DELIVERY.

14 SECTION 2. THE ACT IS AMENDED BY ADDING A SECTION TO READ:

15 Section 36.1. Disposition of Fines.--All fines under this  
16 act shall be paid to the unit of government responsible for  
17 bringing about the conviction. All fines imposed as a result of  
18 prosecutions filed by agents of the Pennsylvania Department of  
19 Agriculture shall be paid to the Secretary of Agriculture or his  
20 designated agent, and by him shall be paid into the State  
21 Treasury for the use of the Commonwealth.

22 SECTION 3. THE ACT OF JULY 19, 1935 (P.L.1356, NO.427), <—  
23 ENTITLED, AS AMENDED, "AN ACT TO REGULATE THE SALE AND DELIVERY  
24 OF SOLID FUEL, AS HEREIN DEFINED; PROVIDING FOR APPOINTMENT OF  
25 LICENSED WEIGHMASTERS; PRESCRIBING THEIR POWERS AND DUTIES;  
26 AUTHORIZING SUBSTITUTE LICENSED WEIGHMASTERS; IMPOSING CERTAIN  
27 DUTIES ON THE DEPARTMENT OF JUSTICE; AND PROVIDING PENALTIES,"  
28 IS REPEALED INSOFAR AS IT IS INCONSISTENT HEREWITH.

29 Section 2- 4. This act shall take effect in 60 days. <—