

THE GENERAL ASSEMBLY OF PENNSYLVANIA

**HOUSE BILL**  
**No. 2799** Session of  
1980

INTRODUCED BY CHESS, SEVENTY, YAHNER, WILSON AND SCHMITT,  
JUNE 24, 1980

REFERRED TO COMMITTEE ON AGRICULTURE AND RURAL AFFAIRS,  
JUNE 24, 1980

AN ACT

1 Amending the act of May 11, 1911 (P.L.275, No.177), entitled "An  
2 act to provide for the appointment of county and city  
3 inspectors of weights and measures; providing for their  
4 compensation and expenses; prescribing their duties;  
5 prohibiting vendors from giving false or insufficient  
6 weights; and fixing the penalties for the violation of the  
7 provisions hereof," providing for full-time county sealers,  
8 establishing an appeal to the Director of the Bureau of  
9 Standard Weights and Measures, granting authority to  
10 department to prescribe standards for certification for  
11 sealers, changing inspectors to sealers, changing penalties  
12 and making a repeal.

13 The General Assembly of the Commonwealth of Pennsylvania  
14 hereby enacts as follows:

15 Section 1. The title and sections 1, 2 and 3, act of May 11,  
16 1911 (P.L.275, No.177), entitled "An act to provide for the  
17 appointment of county and city inspectors of weights and  
18 measures; providing for their compensation and expenses;  
19 prescribing their duties; prohibiting vendors from giving false  
20 or insufficient weights; and fixing the penalties for the  
21 violation of the provisions hereof," section 1 amended July 19,  
22 1917 (P.L.1102, No.368), section 2 amended May 14, 1929

1 (P.L.1757, No.568) and December 18, 1968 (P.L.1243, No.393),  
2 section 3 amended April 21, 1949 (P.L.683, No.161), are amended  
3 to read:

4 AN ACT

5 To provide for the appointment of county and city [inspectors]  
6 sealers of weights and measures; providing for their  
7 compensation and expenses; prescribing their duties;  
8 prohibiting vendors from giving false or insufficient  
9 weights; and fixing the penalties for the violation of the  
10 provisions hereof.

11 Section 1. Be it enacted, &c., That the mayors of cities of  
12 the second and third class, and the several boards of county  
13 commissioners, shall, respectively, appoint one or more  
14 competent persons as [inspectors] sealers of weights and  
15 measures, in the respective county or city, whose salary shall  
16 not be less than [one] seven thousand dollars per annum, to be  
17 paid out of the respective revenues of such county or city.[:  
18 Provided, however, That the payment of a minimum salary shall  
19 not apply to counties having a population of fifteen thousand or  
20 less.] Any county of the fifth, sixth, seventh or eighth class  
21 may join together with another county of the fifth, sixth,  
22 seventh or eighth class to employ one full-time sealer. In  
23 addition to the salary provided by law, the said county and city  
24 [inspectors] sealers shall be entitled to receive the actual  
25 expenses incurred by them personally in performing the duties of  
26 their office; such as transportation, hotel, livery, telephone,  
27 telegraph, and postal charges, to be paid by the boards of  
28 county commissioners of their respective counties and by the  
29 proper officers of their respective cities, in such proportion  
30 as may be agreed upon by said boards of county commissioners and

1 proper officers of cities, on bills itemized and properly sworn  
2 to: Provided, however, That nothing in this act shall be  
3 construed to prevent [two or more counties, or] any county and  
4 city, or two or more counties of the fifth, sixth, seventh or  
5 eighth class from combining the whole or any part of their  
6 districts, as may be agreed upon by the board of county  
7 commissioners and mayors of cities, with one set of standards  
8 and one [inspector] sealer, upon the written consent of the  
9 [chief] Director of the Bureau of [standards] Standard Weights  
10 and Measures: Provided further, In cities of the first class the  
11 [inspectors] sealers shall be appointed by the county  
12 commissioners of the county in which the said city may be  
13 located. Any [inspector] sealer appointed in pursuance of an  
14 agreement for such combination shall, subject to the terms of  
15 his appointment, have the same authority and duties as if he had  
16 been appointed by each of the authorities who are parties to the  
17 agreement. The county and city [inspectors] sealers of weights  
18 and measures, as appointed by the respective counties and  
19 cities, shall hold their office during good behavior; and shall  
20 not be removed, discharged, or reduced in pay or position except  
21 for inefficiency, incapacity, conduct unbecoming employes, or  
22 other just cause, and until the said officials shall have been  
23 furnished with written statements of the reason for such  
24 removal, discharge, or reduction, and shall have been given  
25 reasonable time to make written answer thereto. Nor shall such  
26 removal, discharge, or reduction be made until the charge or  
27 charges shall have been examined into and found true in fact by  
28 the appointing power of such county or city, at a hearing, upon  
29 reasonable notice to the person charged, at which time he may be  
30 represented by counsel and offer testimony or witnesses in his

1 own behalf. Any sealer who was removed, discharged, demoted or  
2 reduced shall have an appeal to the Director of the Bureau of  
3 Standard Weights and Measures in the department. The said  
4 director shall have the authority to order reinstatement of any  
5 sealer with or without back pay as he deems appropriate. It  
6 shall be unlawful for any sealer or inspector of weights and  
7 measures, or any of his deputies, to perform clerical or other  
8 services for the county or city of their respective districts.  
9 The position of county sealer shall be full time with no other  
10 assigned duties.

11 Section 2. (a) That all county and city [inspectors]  
12 sealers so appointed shall be supplied, at the expense of their  
13 respective counties and cities, with standard tests of weights  
14 and measures, in conformity with those established by the  
15 Government of the United States or the Bureau of [Standards of  
16 the State] Standard Weights and Measures, and the laws of this  
17 Commonwealth; and to ensure the accuracy of these tests they  
18 shall be compared annually with the standard tests [to be  
19 purchased by the Attorney General,] in the possession of the  
20 Department of Agriculture, so compared and their correctness  
21 established, a certificate of accuracy shall be issued, said  
22 certificate to bear the date of examination and approval of the  
23 said weight or measure for which the certificate is issued, the  
24 signature of the examiner and the official stamp of the  
25 Department of [Justice] Agriculture.

26 (b) Each [inspector] sealer shall report in writing, at  
27 least once every month, to the [chief] Director of the State  
28 Bureau of [Standards] Standard Weights and Measures, upon blanks  
29 furnished by the [chief] director. Such report shall contain:  
30 (1) The number of tests made since the last preceding report;

1 (2) the number of weights, measures and balances found by such  
2 tests to be correct; (3) the number of weights, measures and  
3 balances found by such tests to be false; (4) the number of  
4 prosecutions instituted by such [inspector] sealer since the  
5 last preceding report, together with the name of the accused,  
6 the title of the court where the prosecution was instituted, and  
7 the result of such prosecution; (5) such other matters as the  
8 [chief] director may from time to time prescribe.

9 (c) The [inspector] sealer shall take charge of and safely  
10 keep the proper standards. They shall be furnished by the  
11 [chief] Director of the Bureau of [Standards] Standard Weights  
12 and Measures of this Commonwealth with full specifications of  
13 tolerance and allowance to be used by them in the performance of  
14 their duties. Each [inspector] sealer shall have power, within  
15 his respective jurisdiction, after being certified by the  
16 Director of the Bureau of Standard Weights and Measures, to test  
17 all instruments and devices used in weighing or measuring  
18 anything sold or to be sold, including instruments and devices  
19 for weighing at coal mines and including weighing machines and  
20 scales installed in places frequented by the public, which  
21 scales or weighing machines by whatever means purport to  
22 indicate the weight of any person or object placed thereon upon  
23 the deposit of a coin, and seal the same if found to be correct.  
24 Such test shall include all appliances connected or used with  
25 such instruments or devices. For the purpose of making such  
26 test, each [inspector] sealer, at any reasonable time and  
27 without formal warrant, may enter upon any premises; and may, on  
28 any public highway, stop any vendor or dealer, or the agent or  
29 servant of such vendor or dealer, or stop any vehicle used in  
30 delivering any commodity which is weighed or measured as

1 delivered. He may condemn and mark as condemned, or may seize  
2 any false or illegal instrument or device used, or intended to  
3 be used, in weighing or measuring. If he shall seize any such  
4 instrument or device, he shall retain possession thereof until  
5 it shall have been used as evidence in any prosecution under the  
6 laws of this Commonwealth relating to weights and measures or to  
7 the sale of commodities. After the determination of such  
8 prosecution, the false or illegal instrument or device shall be  
9 destroyed, unless otherwise ordered by the proper court.

10 (d) The Bureau of Standard Weights and Measures shall have  
11 the authority to require training and certification of all  
12 inspectors and sealers in as many areas as determined by the  
13 director. This may be accomplished by use of standardized tests  
14 approved by the Bureau of Standard Weights and Measures and the  
15 department.

16 Section 3. [Each person who shall, directly or indirectly,  
17 or by his servant or agent, or as the servant or agent of  
18 another, violate any of the provisions of this act, or give or  
19 offer to give any false or insufficient weight or measure, or  
20 use any weighing or measuring device after it shall have been  
21 condemned and before it shall have been adjusted and sealed, or  
22 obstruct or attempt to obstruct any inspector in the performance  
23 of his duty, shall, upon conviction thereof in a summary  
24 proceeding before any alderman, magistrate, or justice of the  
25 peace of the proper city or county, for the first offense, be  
26 sentenced to pay a fine of not less than twenty-five dollars  
27 (\$25.00), or more than fifty dollars (\$50.00) and costs of  
28 prosecution, and in default of payment thereof shall undergo  
29 imprisonment for ten (10) days; for the second offense be  
30 sentenced to pay a fine of not less than fifty dollars (\$50.00),

1 or more than one hundred dollars (\$100.00) and costs of  
2 prosecution, and in default of payment thereof shall undergo  
3 imprisonment for twenty (20) days; for the third offense be  
4 sentenced to pay a fine of not less than one hundred dollars  
5 (\$100.00), or more than two hundred dollars (\$200.00) and costs  
6 of prosecution, and in default of payment thereof shall undergo  
7 imprisonment for thirty (30) days; and for a fourth or  
8 subsequent offense shall be guilty of a misdemeanor, and upon a  
9 conviction thereof shall be sentenced to pay a fine of not less  
10 than two hundred dollars (\$200.00), or more than three hundred  
11 dollars (\$300.00), or suffer imprisonment for not less than six  
12 (6) months or both. All such fines shall be paid to the  
13 treasurer of the respective city or county in which the offense  
14 was committed.]

15 It shall be unlawful for any [inspector] sealer to use any  
16 tests or standards, or to attempt to use the same, in  
17 ascertaining the correctness or accuracy of weights and  
18 measures, until such comparisons are made and their accuracy  
19 established and a certificate of accuracy issued therefor as  
20 provided by this act. It shall be unlawful for any [inspector]  
21 sealer to manufacture, sell, or offer to sell any weighing or  
22 measuring device used in the sale of commodities, or to repair  
23 or offer to repair any weighing or measuring device other than  
24 such adjustments as he may find necessary in the performance of  
25 his official duties, for which no fees shall be collected. Any  
26 [inspector] sealer violating the provisions of this act shall be  
27 guilty of a misdemeanor, and, upon conviction therefor, shall be  
28 fined not exceeding one thousand (\$1,000) dollars, or undergo  
29 imprisonment for a period not exceeding one year, or both or  
30 either, at the discretion of the court.

1       Section 2. The act of June 26, 1895 (P.L.386, No.272),  
2   entitled "An act to provide for the appointment of inspectors by  
3   the Governor for the cities of the first and second class of  
4   this Commonwealth to inspect scales, weights and measures and  
5   providing for their compensation," is repealed.

6       Section 3. This act shall take effect in 60 days.