
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1484 Session of
2010

INTRODUCED BY TOMLINSON, GORDNER, RAFFERTY, BAKER AND KASUNIC,
OCTOBER 8, 2010

REFERRED TO CONSUMER PROTECTION AND PROFESSIONAL LICENSURE,
OCTOBER 8, 2010

AN ACT

1 Amending Title 3 (Agriculture) of the Pennsylvania Consolidated
2 Statutes, further providing for definitions, for specific
3 powers and duties of department and regulations, for general
4 testing and inspections and for prohibited acts; abrogating
5 regulations; and making an inconsistent repeal.

6 The General Assembly of the Commonwealth of Pennsylvania
7 hereby enacts as follows:

8 Section 1. The definition of "Certified Examiner of Weights
9 and Measures" in section 4102 of Title 3 of the Pennsylvania
10 Consolidated Statutes is amended to read:

11 § 4102. Definitions.

12 The following words and phrases when used in this chapter
13 shall have the meanings given to them in this section unless the
14 context clearly indicates otherwise:

15 * * *

16 ["Certified Examiner of Weights and Measures." An individual
17 who has successfully completed the training course or courses
18 prescribed by the National Institute of Standards and Technology
19 and who complies with certification standards promulgated under

1 section 4110(a)(4) (relating to specific powers and duties of
2 department; regulations).]

3 * * *

4 Section 2. Sections 4110(a)(4) and (d) and 4112(b) of Title
5 3 are amended to read:

6 § 4110. Specific powers and duties of department; regulations.

7 (a) Regulations.--The department shall issue from time to
8 time regulations for the enforcement and administration of this
9 subchapter, which regulations, upon being promulgated pursuant
10 to law, shall have the force and effect of law. These
11 regulations may include:

12 * * *

13 [(4) Institution of a program containing standards
14 whereby individuals shall be department-certified as
15 Certified Examiners of Weights and Measures. Certification
16 under such program may be for a given category or categories
17 of measuring or weighing devices or for a particular type of
18 device. The department shall certify only such individuals
19 who successfully complete the appropriate training course or
20 courses prescribed by the National Institute of Standards and
21 Technology for the type of certification sought and who
22 comply with departmental certification standards promulgated
23 under this paragraph. Any program instituted under this
24 paragraph shall include testing and inspection performance
25 standards, reporting procedures, random inspection and
26 testing by State inspectors of weights and measures of a
27 sample of devices inspected and tested by Certified Examiners
28 of Weights and Measures and any other type of standards or
29 procedures the department deems necessary to implement the
30 program.]

1 * * *

2 (d) Reports.--On or before March 1 of each year after the
3 effective date of this subsection, the department shall submit a
4 report to the Agriculture and Rural Affairs Committee of the
5 Senate and the Agriculture and Rural Affairs Committee of the
6 House of Representatives which shall describe all relevant
7 activities of State inspectors of weights and measures[,
8 Certified Examiners of Weights and Measures] and city and county
9 sealers of weights and measures for the preceding calendar year.
10 The report shall contain, at a minimum, the following:

11 (1) An identification of the regions of this
12 Commonwealth served by State inspectors and city and county
13 sealers of weights and measures and the number of such
14 inspectors and city and county sealers of weights and
15 measures in each region.

16 (2) The number of inspections made by each State
17 inspector[, Certified Examiners of Weights and Measures] and
18 city and county sealers of weights and measures.

19 (3) The number and nature of enforcement actions
20 initiated by each State inspector and city and county sealers
21 of weights and measures.

22 (4) The disposition of each enforcement action,
23 including the number and nature of warnings issued by each
24 State inspector and city and county sealers of weights and
25 measures.

26 § 4112. General testing and inspections.

27 * * *

28 (b) Annual inspections.--Notwithstanding subsection (a), it
29 shall be the duty of the department at least once within a 12-
30 month period, or more frequently if deemed necessary, to assure

1 that all commercially used small capacity retail computing
2 scales, retail package shipping scales, vehicle scales, small
3 platform scales which weigh items to 1,000 pounds, truck-mounted
4 fuel oil meters, truck-mounted liquid petroleum gas meters,
5 compressed natural gas meters and retail motor fuel dispensers
6 are inspected and tested to ascertain if they are correct. [The
7 department may accept reports of Certified Examiners of Weights
8 and Measures as sufficient to meet the inspection and testing
9 requirements of this subsection, provided such inspection and
10 testing is performed in accordance with all applicable standards
11 and procedures adopted under section 4110(a)(4) (relating to
12 specific powers and duties of department; regulations), provided
13 that State inspectors of weights and measures shall conduct
14 inspection and testing of a sample of devices inspected and
15 tested by Certified Examiners of Weights and Measures.]

16 * * *

17 Section 3. Section 4142 of Title 3 is amended by adding a
18 subsection to read:

19 § 4142. Prohibited acts.

20 * * *

21 (c) Contracting.--Except for inspections conducted under 70
22 Pa. Code Ch. 5 (relating to UPC scanning systems and PLU
23 devices), the Commonwealth shall not contract with a
24 nongovernmental entity to fulfill its obligations under this
25 chapter.

26 Section 4. The provisions of 70 Pa. Code Ch. 4 (relating to
27 certified examiners of weights and measures) are abrogated.

28 Section 5. All acts and parts of acts are repealed insofar
29 as they are inconsistent with this act.

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