
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1671 Session of
2017

INTRODUCED BY P. COSTA, D. COSTA, DeLUCA AND PASHINSKI,
JULY 21, 2017

REFERRED TO COMMITTEE ON AGRICULTURE AND RURAL AFFAIRS,
JULY 21, 2017

AN ACT

1 Amending Title 3 (Agriculture) of the Pennsylvania Consolidated
2 Statutes, in weights and measures, further providing for
3 definitions, for office and working standards and equipment,
4 for specific powers and duties of department and regulations,
5 for testing and inspections of standards, for general testing
6 and inspections, for registration and report of inspection
7 and testing of weighing and measuring devices used for
8 commercial purposes, for police powers, right of entry and
9 stoppage, for powers and duties of director and inspector,
10 for city and county sealers and deputy sealers of weights and
11 measures, appointment and powers and duties, for method of
12 sale of commodities, for butter, oleomargarine and margarine,
13 for fluid dairy products, for flour, cornmeal and hominy
14 grits, for licenses, for weighmasters' certificates, for
15 preparation of weighmaster's certificate, for scale
16 requirement, for disposition of copies of certificates, for
17 suspension of revocation of licenses, for sales by weight,
18 for meter required, for investigations and for disposition of
19 funds, providing for interim procedures and establishing the
20 Weights and Measures Restricted Account.

21 The General Assembly of the Commonwealth of Pennsylvania
22 hereby enacts as follows:

23 Section 1. The definition of "weights and measures" in
24 section 4102 of Title 3 of the Pennsylvania Consolidated
25 Statutes is amended to read:

26 § 4102. Definitions.

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

4 * * *

5 "Weights and measures." All weights and measures of every
6 kind, instruments and devices for weighing and measuring and any
7 appliances and accessories associated with any or all such
8 instruments and devices. The term shall include, but not be
9 limited to, the following: parking meters, postal scales and
10 other scales used to determine shipping charges, pill counters,
11 coin-operated person weighers, coin-operated air dispensers and
12 coin-operated axle and vehicle scales. The term shall also
13 include commercial Price Look Up (PLU) devices and Universal
14 Product Code (UPC) scanning systems in [food establishments
15 required to be licensed in accordance with the act of July 7,
16 1994 (P.L.421, No.70), known as the Food Act.] a retail food
17 facility required to be licensed or registered under Chapter 57
18 (relating to food protection). The term shall not be construed
19 to include portable scales used to determine compliance with 75
20 Pa.C.S. Ch. 49 (relating to size, weight and load), meters for
21 the measurement of electricity, gas, natural or manufactured,
22 steam, coolant or water or the counting or timing of telephone
23 calls when the same are operated in a public utility system or
24 taxi meters. Such portable scales, electricity, gas, steam,
25 coolant, water and telephone meters and taxi meters are hereby
26 specifically excluded from the purview of this chapter, and none
27 of the provisions of this chapter shall be construed to apply to
28 such meters or to any appliances or accessories associated
29 therewith.

30 Section 2. Sections 4107, 4110(a)(4), 4111, 4112(b) and (d),

1 4114, 4120, 4121 and 4122(b) of Title 3 are amended to read:

2 § 4107. Office and working standards and equipment.

3 In addition to the State standards provided for in section
4 4106 (relating to State standards of weight and measure), there
5 shall be supplied by the Commonwealth at least one complete set
6 of copies of the State standards to be kept in the office or
7 laboratory of the bureau and to be known as "office standards"
8 and also such "field standards" and such equipment as may be
9 found necessary to carry out the provisions of this chapter. The
10 office standards and field standards shall be verified upon
11 their initial receipt and[, at least once each year] thereafter,
12 in accordance with a verification schedule published by the
13 department as a notice in the Pennsylvania Bulletin, the office
14 standards by direct comparison with the State standards and the
15 field standards by comparison with the office standards.

16 § 4110. Specific powers and duties of department; regulations.

17 (a) Regulations.--The department shall issue from time to
18 time regulations for the enforcement and administration of this
19 subchapter, which regulations, upon being promulgated pursuant
20 to law, shall have the force and effect of law. These
21 regulations may include:

22 * * *

23 (4) Institution of a program containing standards
24 whereby individuals shall be department-certified as
25 Certified Examiners of Weights and Measures. Certification
26 under such program may be for a given category or categories
27 of measuring or weighing devices or for a particular type of
28 device [except for commercially used truck-mounted fuel oil
29 meters and retail motor fuel dispensers]. The department
30 shall certify only such individuals who:

1 (i) successfully complete the appropriate training
2 course or courses prescribed by the National Institute of
3 Standards and Technology for the type of certification
4 sought and who comply with departmental certification
5 standards promulgated under this paragraph; and

6 (ii) are not the owner or lessee of the devices
7 tested and inspected or an employee or agent of the owner
8 or lessee of the devices tested and inspected.

9 Any program instituted under this paragraph shall include
10 testing and inspection performance standards, reporting
11 procedures, random inspection and testing by inspectors of a
12 sample of devices inspected and tested by Certified Examiners
13 of Weights and Measures and any other type of standards or
14 procedures the department deems necessary to implement the
15 program. A Certified Examiner of Weights and Measures may not
16 conduct inspections of weights and measures that are subject
17 to inspection and enforcement by a local government unit
18 under a memorandum of understanding as described under
19 section 4125 (relating to division of responsibilities)
20 unless the memorandum of understanding so provides or the
21 Certified Examiner of Weights and Measures obtains the
22 written permission of the local government unit to conduct
23 the inspections.

24 * * *

25 § 4111. Testing and inspections of standards.

26 (a) City and county standards.--The State Metrology
27 Laboratory at least once every five years shall test the
28 standards of weight and measure procured by any city or county
29 for which a sealer of weights and measures has been appointed,
30 shall approve the same when found to be correct and shall

1 inspect such standards at least once every two years.

2 (b) Office standards, field standards and departmental
3 equipment.--The State Metrology Laboratory shall inspect and
4 certify the accuracy of the office standards and field standards
5 described under section 4107 (relating to office and working
6 standards and equipment) and of the equipment used by the
7 department to carry out the provisions of this chapter.

8 § 4112. General testing and inspections.

9 * * *

10 (b) Inspections.--Notwithstanding subsection (a), it shall
11 be the duty of the department at intervals not greater than 18
12 months, or less frequently if in accordance with a schedule
13 issued by the department or more frequently if deemed necessary,
14 to assure that all commercially used vehicle scales, truck-
15 mounted fuel oil meters, truck-mounted liquid petroleum gas
16 meters, compressed natural gas meters and retail motor fuel
17 dispensers are inspected and tested to ascertain if they are
18 correct. The department may accept reports of Certified
19 Examiners of Weights and Measures as sufficient to meet the
20 inspection and testing regulations promulgated under section
21 4110(a)(4) (relating to specific powers and duties of
22 department; regulations), provided such inspection and testing
23 is performed in accordance with all applicable standards and
24 procedures adopted under section 4110(a)(4), provided that
25 inspectors shall conduct inspection and testing of a sample of
26 devices inspected and tested by Certified Examiners of Weights
27 and Measures.

28 * * *

29 (d) [Interim procedures.--In order to facilitate the speedy
30 implementation of subsection (c), the department shall

1 promulgate, adopt and use guidelines to provide for the
2 certification of individuals to test and inspect all
3 commercially used Universal Product Code scanning systems and
4 Price Look Up devices. The guidelines shall be published in the
5 Pennsylvania Bulletin. The guidelines shall not be subject to
6 review pursuant to section 205 of the act of July 31, 1968
7 (P.L.769, No.240), referred to as the Commonwealth Documents
8 Law, and sections 204(b) and 301(10) of the act of October 15,
9 1980 (P.L.950, No.164), known as the Commonwealth Attorneys Act,
10 or the act of June 25, 1982 (P.L.633, No.181), known as the
11 Regulatory Review Act, and shall be effective for a period of
12 not more than two years. After the expiration of the two-year
13 period, the guidelines shall expire and shall be replaced by
14 regulations which shall be promulgated, adopted and published as
15 provided by law. Nothing in this chapter shall be construed to
16 relieve the department of the responsibility, prior to June 30,
17 1999, to conduct tests and inspections of all commercially used
18 Universal Product Code scanning systems and Price Look Up
19 devices on a periodic basis and in response to complaints and to
20 initiate appropriate enforcement actions.] (Reserved).

21 § 4114. Registration and report of inspection and testing of
22 weighing and measuring devices used for commercial
23 purposes.

24 (a) General rule.--The department shall establish, by
25 regulation, a program requiring the registration and reporting
26 of inspection and testing of weighing and measuring devices
27 which are required to be tested and inspected [on an annual
28 basis] in accordance with section 4112 (relating to general
29 testing and inspections). A food establishment shall register
30 its weighing and measuring devices at the same time it submits

1 its annual registration under [the act of July 7, 1994 (P.L.421,
2 No.70), known as the Food Act. A public eating and drinking
3 place shall register its weighing and measuring devices at the
4 same time it submits its annual license fee under the act of May
5 23, 1945 (P.L.926, No.369), referred to as the Public Eating and
6 Drinking Place Law.] Subchapter B of Chapter 57 (relating to
7 food safety). A retail food facility that is required to be
8 licensed under Subchapter A of Chapter 57 (relating to retail
9 food facility safety) shall register its weighing and measuring
10 devices at the same time that it submits its annual license fee.

11 A commercial feed facility shall register its weighing and
12 measuring devices at the same time it submits its annual license
13 fee under section 5103 (relating to licensing). The department
14 shall exempt from the registration requirement of this section
15 any establishment engaged in the retail sale of gasoline for use
16 in the fuel supply tanks of motor vehicles which is required to
17 obtain an annual liquid fuels permit from the Department of
18 Revenue in accordance with the act of May 21, 1931 (P.L.149,
19 No.105), known as The Liquid Fuels Tax Act. The department shall
20 enter into a memorandum of understanding with the Department of
21 Revenue which shall specify procedures for the collection of
22 data relating to establishments engaged in the retail sale of
23 gasoline. [Nothing in this section shall be construed to
24 authorize the department to impose a fee for the registration of
25 any weighing and measuring device.]

26 (b) Registration fees for certain weights and measures.--The
27 department may establish, by regulation, fees for the
28 registration of weighing and measuring devices described under
29 subsection (a). The regulation may exempt weighing and measuring
30 devices that are inspected by Certified Examiners of Weights and

1 Measures from all or part of the registration fee.

2 § 4120. [Police powers; right of entry and stoppage.

3 (a) Seizure without warrant.--With respect to the
4 enforcement of this chapter and any other acts dealing with
5 weights and measures, the department may seize for use as
6 evidence without formal warrant, incorrect or unsealed weights
7 and measures or amounts or packages of commodity found, prior to
8 seizure, to be used, retained, offered or exposed for sale or
9 sold in violation of law.

10 (b) Compliance.--In exercising its powers under section 4112
11 (relating to general testing and inspections) or 4116 (relating
12 to investigations), the department is authorized to enter and go
13 into or upon, without formal warrant, any structure, vehicle or
14 premises and to stop any person whosoever and to require him to
15 proceed with or without any vehicle of which he may be in charge
16 to the nearest available testing apparatus tested and approved
17 by the department, a city or a county.

18 (c) Method.--The department shall utilize the method of sale
19 of commodities as stated in the National Institute of Standards
20 and Technology Handbook 130, except insofar as specifically
21 modified, amended or rejected by a regulation issued by the
22 department.] (Reserved).

23 § 4121. Powers and duties of director and inspector.

24 (a) Powers and duties.--The powers and duties given to and
25 imposed upon the department by sections 4111 (relating to
26 testing and inspections of standards), 4112 (relating to general
27 testing and inspections), 4115 (relating to training program),
28 4116 (relating to investigations), 4117 (relating to inspection
29 of packages), 4118 (relating to stop-use, stop-removal and
30 removal orders), 4119 (relating to disposition of correct and

1 incorrect apparatus), [4120 (relating to police powers; right of
2 entry and stoppage),] 4124 (relating to concurrent jurisdiction)
3 and 4192 (relating to temporary or permanent injunctions) are
4 hereby given to and imposed upon the director and inspector also
5 when acting under the instructions and at the direction of the
6 department.

7 (b) Delegation of powers and duties.--

8 (1) The department may delegate to city and county
9 sealers appointed pursuant to the provisions of section 4122
10 (relating to city and county sealers and deputy sealers of
11 weights and measures; appointment, powers and duties) the
12 powers and duties, or any portion thereof, given to and
13 imposed upon it by sections 4112, 4116, 4117, 4118, 4119[,
14 4120] and 4192, provided that the division of inspection
15 responsibilities and other conditions of such delegation are
16 fully delineated as part of the memorandum of understanding
17 required pursuant to section 4125 (relating to division of
18 responsibilities). A city or county to which a delegation is
19 made may charge the owners of weights and measures delineated
20 in the memorandum of understanding reasonable registration
21 fees, license fees or inspection fees for the time during
22 which the delegation remains in effect.

23 (2) If an entity to which the department has delegated
24 powers and duties under paragraph (1) elects to surrender a
25 portion of the delegation, the entity shall do all of the
26 following:

27 (i) At least six months prior to the surrender date,
28 provide the department with advance written notice of the
29 surrender date and the specific powers and duties to be
30 surrendered as of that date.

1 (ii) At least two months prior to the surrender
2 date, provide the department with a comprehensive roster
3 of all the weights and measures with respect to which the
4 entity is surrendering powers and duties to the
5 department, containing the same information and in the
6 same format in which the surrendering jurisdiction
7 maintains these records or in another format that is
8 acceptable to both the department and the surrendering
9 jurisdiction.

10 (iii) Effective on or before the surrender date,
11 terminate the weights and measures registration fee,
12 license fee or inspection fee that the surrendering
13 jurisdiction charges with respect to weights and measures
14 identified in the roster described in subparagraph (ii).

15 (iv) Within 30 days following the surrender date,
16 pay the department a sum equal to the sum of any weights
17 and measures registration fee, license fee or inspection
18 fee received by or due to the surrendering jurisdiction
19 and covering any period that extends beyond the surrender
20 date, prorated so that the department receives that
21 portion of the fee that is applicable to the period
22 beyond the surrender date.

23 (v) Provide reasonable assistance to the department
24 as necessary to efficiently transfer the surrendered
25 powers and duties to the department.

26 (3) If an entity to which the department has delegated
27 powers and duties under paragraph (1) elects to surrender a
28 portion of that delegation and does not comply with all the
29 requirements of paragraph (2)(i), (ii), (iii), (iv) and (v),
30 the department shall not assume these powers and duties.

1 § 4122. City and county sealers and deputy sealers of weights
2 and measures; appointment, powers and duties.

3 * * *

4 (b) Powers and duties.--The sealer of a city or of a county
5 and his deputy sealers, when acting under his instructions and
6 at his direction, shall, but only to the extent delegated by the
7 department pursuant to section 4121 (relating to powers and
8 duties of director and inspector) and memorialized in a
9 memorandum of understanding executed pursuant to section 4125
10 (relating to division of responsibilities), have the same powers
11 and shall perform the same duties within the city or the county
12 for which appointed as are granted to and imposed upon the
13 director by sections 4112 (relating to general testing and
14 inspections), 4116 (relating to investigations), 4117 (relating
15 to inspection of packages), 4118 (relating to stop-use, stop-
16 removal and removal orders), 4119 (relating to disposition of
17 correct and incorrect apparatus)[, 4120 (relating to police
18 powers; right of entry and stoppage)] and 4192 (relating to
19 temporary or permanent injunctions).

20 Section 3. Section 4127 of Title 3 is amended by adding a
21 subsection to read:

22 § 4127. Method of sale of commodities.

23 * * *

24 (a.1) Method.--The department shall utilize the method of
25 sale of commodities as stated in the National Institute of
26 Standards and Technology Handbook 130, except insofar as
27 specifically modified, amended or rejected by this chapter or by
28 regulation issued by the department.

29 * * *

30 Section 4. Sections 4135, 4136, 4137, 4151(c) and (e), 4152,

1 4153, 4155, 4156, 4158, 4160, 4180(a), 4187.6(a) and 4193 of
2 Title 3 are amended to read:

3 § 4135. [Butter, oleomargarine and margarine.

4 Butter, oleomargarine and margarine shall be offered and
5 exposed for sale and sold by weight and only in units of one-
6 quarter pound, one-half pound or one pound. Butter may be sold
7 in multiples of one pound. Tub butter packaged on the premises
8 where sold and in advance of sale may be sold in random
9 weights.] (Reserved).

10 § 4136. [Fluid dairy products.

11 (a) Quantities.--All fluid dairy products, including, but
12 not limited to, whole milk, skimmed milk, cultured milk, sweet
13 cream, sour cream and buttermilk, shall be packaged for retail
14 sale only in units of one gill, one-half liquid pint, ten fluid
15 ounces, 12 fluid ounces, one liquid pint, one-third liquid
16 quart, one liquid quart or multiples of one liquid quart, one-
17 half gallon, one gallon or multiples of one gallon.

18 (b) Small packages.--Packages in units of less than one gill
19 shall be permitted.

20 (c) Metric.--Metric equivalent packages of fluid dairy
21 products shall only be units of 125 milliliters, 250
22 milliliters, 500 milliliters, 1 liter or multiples of 1 liter.]
23 (Reserved).

24 § 4137. [Flour, cornmeal and hominy grits.

25 (a) Increments of weight.--When in package form and when
26 packed, kept, offered or exposed for sale or sold, wheat flour,
27 whole wheat flour, graham flour, self-rising wheat flour,
28 phosphated wheat flour, bromated flour, enriched flour, enriched
29 self-rising flour, enriched bromated flour, corn flour, cornmeal
30 and hominy grits shall be packaged only in units of 3, 5, 10,

1 25, 50 or 100 pounds of avoirdupois weight.

2 (b) Small packages.--Packages in units of less than three
3 pounds or more than 100 pounds shall be permitted.] (Reserved).

4 § 4151. Licenses.

5 * * *

6 (c) Fee.--The applicant shall pay to the department a
7 license fee of \$60[, which] or a greater fee amount established
8 by the department through notice published in the Pennsylvania
9 Bulletin. The notice shall be published at intervals of no less
10 than two years. License fees shall be remitted to the State
11 Treasurer through the Department of Revenue for deposit in the
12 Weights and Measures Restricted Account. The license shall be
13 for a period of two years from the date of issue. A license may
14 be renewed at the discretion of the department for successive
15 periods of not more than two years upon payment to the
16 department of a license fee of \$60, which shall be remitted to
17 the State Treasurer through the Department of Revenue, for
18 deposit in the Weights and Measures Restricted Account.

19 * * *

20 (e) Suspension or revocation.--After [a hearing and upon due
21 notice to the licensee] providing the licensee with notice and
22 an opportunity for a hearing, a license may be suspended or
23 revoked by the department for dishonesty, incompetency,
24 inaccuracy or failure to notify the department of any change of
25 name or address stated in the application, and a license may be
26 revoked by the department without hearing if the licensed
27 weighmaster has been found guilty of any violation of the
28 provisions of this subchapter or if the licensed weighmaster has
29 ceased to be employed at the places of weighing for which the
30 license has been issued.

1 * * *

2 § 4152. Weighmasters' certificates.

3 The original weighmaster's certificate shall be typewritten
4 or made out in ink or indelible pencil, and the original and
5 each copy of the certificate shall show all of the following:

6 (1) The kind and size of the commodity.

7 (2) The name and address of the seller or a vendor
8 number or other unique identifier by which the weighmaster
9 can identify the name and address of the seller.

10 (3) The name and address of the purchaser or a vendor
11 number or other unique identifier by which the weighmaster
12 can identify the name and address of the purchaser.

13 (4) The license number of the vehicle and trailer or
14 other means of permanent identification.

15 (5) The signature and license number of the licensed
16 weighmaster who weighed the commodity and who issued the
17 weighmaster's certificate.

18 (6) The date and hour when weighed.

19 (7) The gross weight in avoirdupois pounds of the
20 vehicle and the load, the tare weight and net weight of the
21 commodity, and, where the load is divided into lots, the net
22 weight of each lot. All the information under the paragraph
23 must be determined by the same weighmaster in accordance with
24 the rules and regulations of the department.

25 (8) A sequential serial number.

26 § 4153. Preparation of weighmaster's certificate.

27 (a) General rule.--A licensed public weighmaster shall not
28 enter on a weighmaster's certificate issued by the weighmaster
29 any weight values which the weighmaster has not personally
30 determined, and the weighmaster shall make no entries on a

1 weighmaster's certificate issued by another person. A
2 weighmaster's certificate shall be so prepared as to show
3 clearly what weight or weights were actually determined. If the
4 certificate form provides for the entry of gross, tare and net
5 weights in any case in which only the gross, the tare or the net
6 weight is determined by the weighmaster, he shall strike through
7 or otherwise cancel the printed entries for the weights not
8 determined or computed. If gross and tare weights are shown on a
9 weighmaster's certificate and both of these were not determined
10 on the same scale and on the day for which the certificate is
11 dated, the weighmaster shall identify on the certificate the
12 scale used for determining each weight and the date of each
13 determination.

14 (b) Weight values.--For purposes of subsection (a), weight
15 values entered on a weighmaster's certificate are personally
16 determined by the licensed public weighmaster if the licensed
17 public weighmaster:

18 (1) is physically present at the weighing or is viewing
19 the weighing in real time by electronic means;

20 (2) can view the referenced weight values on the scale
21 or weighing device during the weighing; and

22 (3) can prevent the electronic issuance of the
23 weighmaster's certificate if the weighmaster's certificate is
24 generated by electronic means.

25 § 4155. Scale requirement.

26 A licensed public weighmaster [shall not use a scale to weigh
27 a load which exceeds the normal or rated capacity of the scale,
28 nor shall the public weighmaster engage in multiple-draft
29 weighing where the vehicle exceeds the length of the scale.] may
30 not:

1 (1) use a scale to weigh a load which exceeds the normal
2 or rated capacity of the scale; or

3 (2) engage in multiple-draft weighing where the vehicle
4 exceeds the length of the scale, unless the multiple-draft
5 weighing is allowed as an exception under the National
6 Institute of Standards and Technology Handbook 44.

7 § 4156. Disposition of copies of certificates.

8 The original copy of a weighmaster's certificate shall be
9 delivered to the purchaser of the commodity specified in the
10 certificate at the time of delivery. One copy of the certificate
11 shall be retained at the place of weighing, and one copy may be
12 retained by the business selling or delivering the commodity.

13 Copies of weighmasters' certificates in possession of licensed
14 weighmasters shall be retained for a period of two years and,
15 during business hours, shall be subject to inspection or
16 subpoena for use as evidence by any State, county or city
17 inspector of weights and measures. A licensed public weighmaster
18 may retain weighmasters' certificates in electronic format if
19 the licensed public weighmaster can immediately produce the
20 certificates in paper format for the referenced inspection.

21 § 4158. Suspension or revocation of licenses.

22 [(a) Authorization.--]The department is authorized to
23 suspend or revoke the license of any licensed public
24 weighmaster:

25 (1) when it is satisfied, after [a hearing, upon ten
26 days' notice to the licensee,] providing the licensee with
27 notice and an opportunity for a hearing, that the licensee
28 has violated any provision of this subchapter or of any valid
29 regulation of the department affecting licensed public
30 weighmasters; or

1 (2) when a licensed public weighmaster has been
2 convicted in any court of competent jurisdiction of violating
3 any provision of this subchapter or any regulation issued
4 under authority of this subchapter.

5 [(b) Petition for hearing de novo.--Any licensee whose
6 license is suspended or revoked may, within 30 days after notice
7 of the suspension or revocation, file a petition in the
8 Commonwealth Court for a hearing de novo to determine whether
9 the action of the department is lawful and reasonable. The court
10 shall hear the petition and may make any appropriate order or
11 decree.]

12 § 4160. Sales by weight.

13 Any commodity that is weighed for commercial purposes shall
14 be duly weighed by a licensed weighmaster of this Commonwealth
15 on accurate scales which are suitable for weighing the tare and
16 gross weight of the vehicle or vehicle and trailer transporting
17 the commodity and which are located in this Commonwealth and
18 have been tested and approved by an official empowered by law to
19 test the scales. Weighing shall be done by a licensed
20 weighmaster at the time of sale or delivery.

21 § 4180. Meter required.

22 (a) Metered vehicle.--No person shall deliver light fuel
23 oils to any domestic consumer unless the vehicle by which such
24 light fuel oils are delivered is equipped with a meter of a type
25 capable of furnishing a printed delivery ticket approved under
26 provisions of Subchapter D (relating to device type approval).
27 Each meter-printed delivery ticket shall bear a printed
28 nonrepetitive serial number. All deliveries of light fuel oil to
29 such consumers shall be made by the use of a meter and a meter-
30 printed delivery ticket rendered the customer at the time of

1 delivery or [with the invoice] as otherwise specified in writing
2 by the customer. The seller or deliverer shall maintain the
3 receipts for two years in an orderly and retrievable manner.

4 * * *

5 § 4187.6. Investigations.

6 (a) General rule.--The department may conduct investigations
7 to determine compliance with this subchapter. Investigations
8 shall be conducted in accordance with [sections] section 4116
9 (relating to investigations) [and 4120 (relating to police
10 powers; right of entry and stoppage)]. Inspections may be
11 performed during normal business hours and may include the
12 collection and removal of samples for laboratory testing if the
13 quality or reliability of the automotive fuel is questioned.

14 * * *

15 § 4193. [Disposition of funds] Weights and Measures Restricted
16 Account and disposition and appropriation of funds.

17 [(a) Deposit in State Treasury.--When the proceeding is
18 instituted by the department, moneys received from fines and
19 civil penalties shall be paid into the State Treasury and shall
20 be credited to the general government appropriations of the
21 Department of Agriculture for administering the provisions of
22 this chapter.]

23 (a) Weights and Measures Restricted Account.--

24 (1) The Weights and Measures Restricted Account is
25 established.

26 (2) All money paid into the State Treasury under the
27 provisions of this chapter shall be paid into the account.

28 (3) Any interest accrued on the money in the account
29 shall be credited to the account for the purpose of meeting
30 the requirements under this chapter.

1 (a.1) Appropriation.--The General Assembly shall appropriate
2 as much money and interest from the account as necessary to pay
3 all or part of the costs associated with the following:

4 (1) The salaries of the employees of the department in
5 administering the duties under this chapter.

6 (2) The expenses of the secretary and the department,
7 including equipment and training expenses, in administering
8 the duties under this chapter.

9 (a.2) Deposit in account.--When the proceeding is instituted
10 by the department, money received from fines and civil penalties
11 shall be paid into the account for the use of the department in
12 administering the provisions under this chapter.

13 (b) Local share.--Notwithstanding subsection [(a)] (a.2), if
14 the proceeding is instituted by a city or county which has
15 entered into a memorandum of understanding with the department
16 to enforce the provisions of this chapter, moneys received from
17 fines and civil penalties shall be paid to the city or county.

18 (c) Department of General Services.--[Moneys] Money received
19 from fees imposed and collected by the Department of General
20 Services for inspection and testing services provided by the
21 State Metrology Laboratory shall be paid into the State Treasury
22 and shall be credited to the general government appropriations
23 of the Department of General Services for the operation and
24 maintenance of the State Metrology Laboratory.

25 (d) Definitions.--As used in this section, the following
26 words and phrases shall have the meanings given to them in this
27 subsection unless the context clearly indicates otherwise:

28 "Account." The Weights and Measures Restricted Account
29 established under subsection (a).

30 Section 5. Title 3 is amended by adding a section to read:

1 § 4195. Interim procedures.

2 The department may promulgate, adopt and use guidelines to
3 facilitate the speedy implementation of the provisions under
4 this chapter. The guidelines:

5 (1) Shall be published in the Pennsylvania Bulletin.

6 (2) Shall not be subject to review under any of the
7 following:

8 (i) Section 205 of the act of July 31, 1968
9 (P.L.769, No.240), referred to as the Commonwealth
10 Documents Law.

11 (ii) Section 204(b) or 301(10) of the act of October
12 15, 1980 (P.L.250, No.164), known as the Commonwealth
13 Attorneys Act.

14 (iii) The act of June 25, 1982 (P.L.633, No.181),
15 known as the Regulatory Review Act.

16 (3) Shall be effective for a period of not more than two
17 years. After the expiration of the two-year period, the
18 guidelines shall expire and be replaced by regulations which
19 shall be promulgated, adopted and published as provided by
20 law.

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