

HOUSE SUBSTITUTE FOR
SENATE BILL NO. 685

A bill to amend 1964 PA 283, entitled
"Weights and measures act,"
by amending section 28c (MCL 290.628c), as amended by 2012 PA 254.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 28c. (1) Except as otherwise provided for in this
2 subsection, the method of sale of a commodity sold in ~~Michigan~~**THIS**
3 **STATE** shall conform to the "uniform regulation for the method of
4 sale of commodities" published in the ~~2012~~**2014** edition of the NIST
5 handbook 130, which is incorporated by reference, except as
6 otherwise provided in this section or where modified by rule.
7 Section 2.20.1 of the uniform regulation for the method of sale of
8 commodities is not adopted. The buying and selling of liquefied
9 petroleum gas may also be conducted by a flat rate price, if the

1 price rate is clearly and conspicuously posted for potential
2 customer viewing. ~~The requirements of this~~ **THIS** subsection ~~apply~~
3 **APPLIES** only to tanks of 100 pounds or less.

4 (2) The packaging and labeling requirements for commodities
5 sold in Michigan shall conform to the "uniform packaging and
6 labeling regulation" published in the ~~2012-2014~~ edition of the NIST
7 handbook 130, which is incorporated by reference, except for
8 section 13 of that publication or except as otherwise modified by
9 rule.

10 (3) A certificate of conformance for a type shall comply with
11 the requirements of NCWM publication 14, "national type evaluation
12 program technical policy, checklists and test procedures" and the
13 ~~2012-2014~~ edition of the NIST handbook 44, "specifications,
14 tolerances, and other technical requirements for weighing and
15 measuring devices", which is incorporated by reference.

16 (4) The determination for a uniform basis conformance for a
17 type shall comply with NCWM publication 14, "national type
18 evaluation program technical policy, checklists and test
19 procedures" and the ~~2012-2014~~ edition of the NIST handbook 44,
20 "specifications, tolerances, and other technical requirements for
21 weighing and measuring devices", which is incorporated by
22 reference.

23 (5) The specifications, tolerances, and regulations for
24 commercial weights and measures shall be in compliance with the
25 standards contained in the ~~2012-2014~~ edition of the NIST handbook
26 44, which is incorporated by reference.

27 (6) Registration for servicepersons and service agencies and

1 competency tests shall be in compliance with the standards
2 contained in the ~~2012~~—2014 edition of the NIST handbook 130,
3 "uniform regulation for the voluntary registration of
4 servicepersons and service agencies for commercial weighing and
5 measuring devices", which is incorporated by reference, and the
6 ~~2012~~—2014 edition of the NIST handbook 44, which is incorporated by
7 reference.

8 (7) For purposes of implementing the ~~2012~~—2014 edition of the
9 NIST handbook 44 and the ~~2012~~—2014 edition of the NIST handbook
10 130, "ton" means a weight of 2,000 pounds avoirdupois and "gross
11 ton" means a weight of 2,240 pounds avoirdupois.

12 (8) NOTWITHSTANDING ANY OTHER PROVISION OF THIS ACT, A MOTOR
13 VEHICLE REPAIR FACILITY REGISTERED UNDER THE MOTOR VEHICLE SERVICE
14 AND REPAIR ACT, 1974 PA 300, MCL 257.1301 TO 257.1340, IS SUBJECT
15 TO THE OVERSIGHT OF THE SECRETARY OF STATE UNDER THAT ACT. IF THE
16 SECRETARY OF STATE BELIEVES THAT THERE MAY BE A VIOLATION OF
17 SECTION 2.33, UNIFORM REGULATION FOR THE METHOD OF SALE OF
18 COMMODITIES, OF THE 2014 EDITION OF THE NIST HANDBOOK 130, WHICH IS
19 INCORPORATED BY REFERENCE, BY A MOTOR VEHICLE REPAIR FACILITY, THE
20 SECRETARY OF STATE MAY REFER THE MATTER TO THE DEPARTMENT. A MOTOR
21 VEHICLE REPAIR FACILITY IS NOT SUBJECT TO OVERSIGHT BY THE
22 DEPARTMENT UNDER THIS ACT FOR A VIOLATION OF SECTION 2.33, UNIFORM
23 REGULATION FOR THE METHOD OF SALE OF COMMODITIES, OF THE 2014
24 EDITION OF THE NIST HANDBOOK 130 UNLESS THE MATTER HAS BEEN
25 REFERRED TO THE DEPARTMENT BY THE SECRETARY OF STATE AS PROVIDED
26 FOR IN THIS SUBSECTION.