

Act No. 464
Public Acts of 2016
Approved by the Governor
January 4, 2017
Filed with the Secretary of State
January 5, 2017
EFFECTIVE DATE: April 5, 2017

**STATE OF MICHIGAN
98TH LEGISLATURE
REGULAR SESSION OF 2016**

Introduced by Senators Green and Booher

ENROLLED SENATE BILL No. 506

AN ACT to amend 1964 PA 283, entitled “An act to regulate and provide standards for weights and measures, and the packaging and advertising of certain commodities; to provide for a state director and other officials and to prescribe their powers and duties; to provide a fee system for certain inspections and tests; to provide penalties for fraud and deception in the use of false weights and measures and other violations; and to repeal certain acts and parts of acts,” by amending section 28c (MCL 290.628c), as amended by 2012 PA 254.

The People of the State of Michigan enact:

Sec. 28c. (1) Except as otherwise provided for in this subsection, the method of sale of a commodity sold in this state shall conform to the “uniform regulation for the method of sale of commodities” published in the 2014 edition of the NIST handbook 130, which is incorporated by reference, except as otherwise provided in this section or where modified by rule. Section 2.20.1 of the uniform regulation for the method of sale of commodities is not adopted. The buying and selling of liquefied petroleum gas may also be conducted by a flat rate price, if the price rate is clearly and conspicuously posted for potential customer viewing. This subsection applies only to tanks of 100 pounds or less.

(2) The packaging and labeling requirements for commodities sold in this state shall conform to the “uniform packaging and labeling regulation” published in the 2014 edition of the NIST handbook 130, which is incorporated by reference, except for section 13 of that publication or except as otherwise modified by rule.

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

(4) The determination for a uniform basis conformance for a type shall comply with NCWM publication 14, “national type evaluation program technical policy, checklists and test procedures” and the 2014 edition of the NIST handbook 44, “specifications, tolerances, and other technical requirements for weighing and measuring devices”, which is incorporated by reference.

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

(6) Registration for servicepersons and service agencies and competency tests shall be in compliance with the standards contained in the 2014 edition of the NIST handbook 130, “uniform regulation for the voluntary registration of servicepersons and service agencies for commercial weighing and measuring devices”, which is incorporated by reference, and the 2014 edition of the NIST handbook 44, which is incorporated by reference.

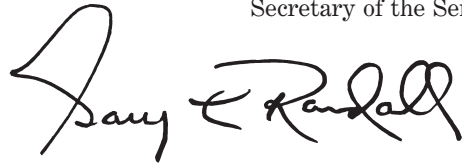
(7) For purposes of implementing the 2014 edition of the NIST handbook 44 and the 2014 edition of the NIST handbook 130, “ton” means a weight of 2,000 pounds avoirdupois and “gross ton” means a weight of 2,240 pounds avoirdupois.

(8) Notwithstanding any other provision of this act, a motor vehicle repair facility registered under the motor vehicle service and repair act, 1974 PA 300, MCL 257.1301 to 257.1340, is subject to the oversight of the secretary of state under that act. If the secretary of state believes that a motor vehicle repair facility may have violated section 2.33, uniform regulation for the method of sale of commodities, of the 2014 edition of the NIST handbook 130, which is incorporated by reference, the secretary of state may refer the matter to the department. A motor vehicle repair facility is not subject to oversight by the department under this act for a violation of section 2.33, uniform regulation for the method of sale of commodities, of the 2014 edition of the NIST handbook 130 unless the matter has been referred to the department by the secretary of state as provided for in this subsection.

Enacting section 1. This amendatory act takes effect 90 days after the date it is enacted into law.



Secretary of the Senate



Clerk of the House of Representatives

Approved

.....
Governor