

WEIGHTS AND MEASURES ACT (EXCERPT)
Act 283 of 1964

***** 290.628c.amended THIS AMENDED SECTION IS EFFECTIVE MARCH 29, 2023 *****

290.628c.amended Commodity sale; method; packaging and labeling requirements; cottage food operation; certificate of conformance; compliance standards; registration for servicepersons and agencies; "ton" and "gross ton" defined; motor vehicle repair facility.

Sec. 28c. (1) Except as otherwise provided for in this subsection, the method of sale of a commodity sold in this state must conform to the "uniform regulation for the method of sale of commodities" published in the 2023 edition of the NIST handbook 130, which is incorporated by reference, except as otherwise provided in this section or where modified by rule. Section 2.21 of the "uniform regulation for the method of sale of commodities" published in the 2023 edition of the NIST handbook 130 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) Except as otherwise provided in this subsection, the packaging and labeling requirements for commodities sold in this state must conform to the "uniform packaging and labeling regulation" published in the 2023 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. A cottage food operation does not have to include the address of the cottage food operation on a label if both of the following conditions are met:

(a) The cottage food product is produced in accordance with section 4102 of the food law, 2000 PA 92, MCL 289.4102.

(b) The cottage food operation is registered with and is issued a registration number by the MSU Product Center in accordance with section 4102(8) of the food law, 2000 PA 92, MCL 289.4102.

(3) A certificate of conformance for a type must comply with the requirements of NCWM publication 14, "national type evaluation program technical policy, checklists and test procedures", and the 2023 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 must comply with NCWM publication 14, "national type evaluation program technical policy, checklists and test procedures", and the 2023 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 must be in compliance with the standards contained in the 2023 edition of the NIST handbook 44, which is incorporated by reference.

(6) Registration for servicepersons and service agencies and competency tests must be in compliance with the standards contained in the 2023 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 2023 edition of the NIST handbook 44, which is incorporated by reference.

(7) For purposes of implementing the 2023 edition of the NIST handbook 44 and the 2023 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, "Oil", of the "uniform regulation for the method of sale of commodities", of the 2023 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, "Oil", of the "uniform regulation for the method of sale of commodities", of the 2023 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.

History: Add. 2002, Act 208, Imd. Eff. Apr. 29, 2002;—Am. 2003, Act 189, Imd. Eff. Oct. 31, 2003;—Am. 2008, Act 351, Imd. Eff. Dec. 23, 2008;—Am. 2012, Act 254, Imd. Eff. July 2, 2012;—Am. 2016, Act 464, Eff. Apr. 5, 2017;—Am. 2022, Act 273, Eff. Mar. 29, 2023.