

LEGISLATURE OF NEBRASKA
ONE HUNDRED SIXTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 201

Introduced by McCollister, 20.

Read first time January 11, 2019

Committee: Agriculture

- 1 A BILL FOR AN ACT relating to weights and measures; to amend section
- 2 89-197, Revised Statutes Cumulative Supplement, 2018; to prohibit
- 3 certain unlawful acts as prescribed; and to repeal the original
- 4 section.
- 5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 89-197, Revised Statutes Cumulative Supplement,
2 2018, is amended to read:

3 89-197 It shall be unlawful for any person to:

4 (1) Use in commerce any weighing and measuring device which is not
5 correct;

6 (2) Remove any tag, seal, or mark of a stop-use, stop-sale, hold, or
7 removal order issued by the department from any weighing and measuring
8 device or commodity without specific written authorization from the
9 department;

10 (3) Fail to report to the department when any tag, seal, or mark of
11 a stop-use, stop-sale, hold, or removal order issued by the department
12 has been removed from any weighing and measuring device or commodity
13 without specific written authorization from the department if such person
14 operates a weighing and measuring establishment and knows or has reason
15 to know the tag, seal, or mark has been removed;

16 (4) Hinder, obstruct, or refuse to assist the director in the
17 performance of his or her duties;

18 (5) Maintain or have in his or her possession any commercial
19 weighing and measuring device that has not been registered and inspected
20 in accordance with the provisions of the Weights and Measures Act;

21 (6) Sell or keep for sale less than the quantity he or she
22 represents of a commodity;

23 (7) Take more than the quantity he or she represents of a commodity
24 when, as buyer, he or she furnishes the weight or measure by means of
25 which the amount of the commodity is determined;

26 (8) Operate any weighing and measuring establishment without a valid
27 permit, while the permit is suspended, or after the permit has been
28 revoked if a permit is required by the act;

29 (9) Determine a gross weight and tare weight to arrive at a net
30 weight by the use in commerce of different weighing and measuring devices
31 that in combination will not meet the absolute value of maintenance

1 tolerance;

2 (10) Falsify in any manner, by any means, or by or through a
3 representative a recorded representation or documentation from any
4 weighing and measuring device or any representation or delivery ticket of
5 a commodity bought or sold by weight, measure, or count;

6 (11) Use any commercial weighing and measuring device in a
7 commercial application unless a Certificate of Conformance has been
8 issued for such device unless exempt in section 89-186.01;

9 (12) Sell any weighing and measuring device for use in a commercial
10 application unless a Certificate of Conformance has been issued for such
11 devices unless exempt in section 89-186.01;

12 (13) Use, add to, or modify a commercial weighing and measuring
13 device in any way which makes the device not correct unless such change
14 has been authorized by the director as provided for in the act;

15 (14) Misrepresent the price of any commodity kept for sale or sold
16 by weight, measure, or count or represent the price in any manner
17 calculated or tending to mislead or in any way deceive a person;

18 (15) Misrepresent the quantity of any commodity kept for sale or
19 sold or represent the quantity in any manner calculated or tending to
20 mislead or in any way deceive a person;

21 (16) Fail to pay all fees as prescribed by the act and the rules and
22 regulations adopted and promulgated pursuant to the act;

23 (17) Refuse to keep and make available for examination by the
24 department all books, papers, and other information necessary for the
25 enforcement of the act; or

26 (18) Use commercial weighing and measuring devices not in accordance
27 with rules and regulations adopted and promulgated by the director
28 pursuant to subdivision (3)(d) of section 89-187; -

29 (19) Sell an advertised blend of motor vehicle fuel which is an
30 automotive spark ignition engine fuel containing an ethanol blend of ten
31 percent or less by volume at a price other than the price advertised to

1 the consumer on any manual, digital, electronic, or any other form of
2 advertising medium. Any location utilizing multi-product motor vehicle
3 fuel dispensers with six or more fueling positions shall make such
4 advertised automotive spark ignition engine fuel available at every
5 fueling position. This subdivision does not apply to the sale of any
6 blend of motor vehicle fuel containing an ethanol content of greater than
7 ten percent by volume and does not prohibit discounts for cash payment,
8 self-service, customer loyalty, fleet programs, or other similar
9 discounts to the base price at each dispenser; or

10 (20) Offer the same grade of motor vehicle fuel at different prices
11 instead of at an identical base price at each retail dispenser from which
12 the motor vehicle fuel is offered for sale when such motor vehicle fuel
13 is from a single storage tank or from multiple storage tanks that are
14 joined in such a manner that the motor vehicle fuel is commingled while
15 still in the tanks. This subdivision does not prohibit discounts for cash
16 payment, self-service, customer loyalty, fleet programs, or other similar
17 discounts to the base price at each dispenser.

18 Sec. 2. Original section 89-197, Revised Statutes Cumulative
19 Supplement, 2018, is repealed.